

TOWN OF PROVOST
LAND USE BYLAW



BYLAW NO. 07/2010
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1.0 – GENERAL

1.1 TITLE

This Bylaw may be cited as "The Town of Provost Land Use Bylaw."

1.2 SCOPE

No development shall be permitted within the boundaries of the Town of Provost except in conformity with the provisions of this Bylaw.

1.3 PURPOSE

The purpose of this Bylaw is, amongst other things:

- (1) to divide the municipality into Districts;
- (2) to prescribe and regulate for each District the purposes for which land and buildings may be used;
- (3) to establish the Development Authority for the municipality;
- (4) to establish a method of making decisions on applications for development permits, including the issuing of development permits;
- (5) to provide the manner in which notice of the issuance of a development permit is to be given;
- (6) to establish the number of dwelling units permitted on a parcel of land;
- (7) to implement the policies of the statutory plan(s) of the Town of Provost;
- (8) to establish supplementary regulations governing specific land uses; and
- (9) to establish procedure for making amendments to this Bylaw.

1.4 INTERPRETATION

- (1) In this Land Use Bylaw:
 - (1) **ACCESSORY**, when used to describe a use or building, means a use or building which, in the opinion of the Development Authority, is naturally and normally incidental, subordinate and exclusively devoted to the principal use or building and located on the same lot or parcel;
 - (2) **ACCESSORY BUILDING** means a building which, in the opinion of the Development Authority, is separate and subordinate to the principal building, and is located on the same lot or parcel on which the principal building is situated.

Accessory buildings include, but are not limited to, garages, greenhouses, sheds, playhouses, treehouses, and sea cans;

- (3) ACCESSORY USE means a use which, in the opinion of the Development authority, is customarily incidental and subordinate to the principal use on the same lot or parcel on which the principal use takes place;
- (4) ACT means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;
- (5) AIRPORT means
 - (a) any area of land or water, including the frozen surfaces thereof, or other supporting surface used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and
 - (b) includes any building, installation or equipment in connection therewith;
- (6) ALCOHOL RETAIL SALES means an establishment or that part of an establishment which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods;
- (7) ANIMAL HOSPITALS means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalization for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include animal breeding facilities or animal boarding facilities;
- (8) ANIMAL BOARDING FACILITY means a commercial facility used for feeding, grooming, housing, exercising and/or training of domestic animals not owned by the occupant of the premises and for which the occupant of the premises receives remuneration;
- (9) ANIMAL BREEDING FACILITY means an establishment for the keeping, breeding and raising of three (3) or more domestic animals for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic or an animal hospital for the purpose of observation and/or recovery necessary to veterinary treatment;
- (10) APARTMENT means a dwelling consisting of four (4) or more dwelling units with shared exterior entranceways which is not a fourplex;
- (11) AREA OF A SIGN means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprising individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area;

- (12) AUCTIONEERING ESTABLISHMENT means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- (13) AUTO BODY SHOP means an establishment where vehicle bodies are repaired. Typical activities include frame straightening, welding, painting, upholstering, and undercoating vehicles. This definition includes establishments where automobiles are painted;
- (14) AUTOMOBILE AND EQUIPMENT REPAIR SHOP means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automobile and equipment repair shops include transmission shops, muffler shops, tire shops, automobile glass shops, and upholstery shops, but not auto body shops;
- (15) AUTOMOBILE, SMALL TRUCK, AND RECREATIONAL VEHICLE SALES/RENTALS ESTABLISHMENT means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automobile, small truck, and recreational vehicle sales/rental establishments include automobile and truck dealerships, recreational vehicle dealerships, car rental agencies and motorcycle dealerships, but do not include dealerships for the sale of trucks with a gross vehicle weight rating greater than 4000 kg (8818.5 lbs);
- (16) BASEMENT means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (17) BAY, in a manufactured home park, means the area of land reserved for the placement of a Type B single family dwelling and for the exclusive use of its occupant(s);
- (18) BED AND BREAKFAST ESTABLISHMENT means a development within a single family dwelling where temporary sleeping accommodations for periods of fourteen (14) days or less, in two (2) or fewer guest bedrooms, with or without meals, are provided for compensation to members of the public;
- (19) BILLBOARD means a primarily self-supporting sign, on which the advertising is not necessarily related to the use or ownership of the property on which the sign is located;
- (20) BOARDING/LODGING HOUSE means a building other than a hotel where lodging and meals for four (4) or more persons may be provided for compensation, but where private cooking facilities are not provided;

- (21) **BOULEVARD** means the portion of a road or highway right-of-way that lies between the curb and the property line;
- (22) **BUILDING** includes anything constructed or placed on, in, over or under land but does not include a highway or a road or a bridge that forms part of a highway or road;

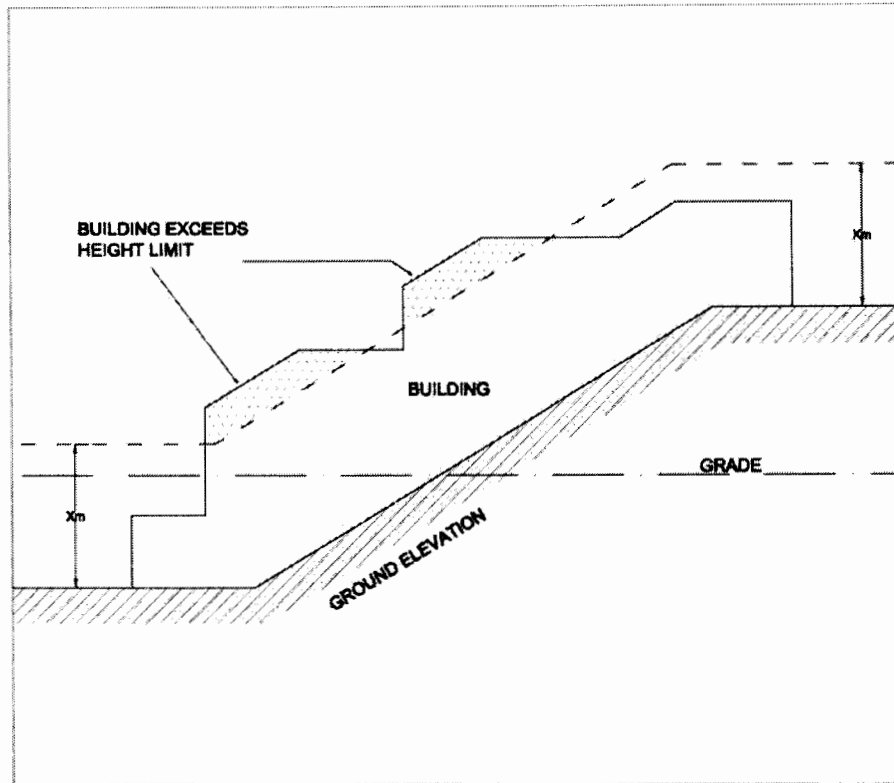


Figure 1: Building Height

- (23) **BUILDING HEIGHT** means the vertical distance between grade of the parcel and the highest point of a building, excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building (see Figure 1);
- (24) **BUSINESS SUPPORT SERVICE ESTABLISHMENT** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;

- (25) CANOPY means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (26) CAR WASHING ESTABLISHMENT means a public garage or other establishment for washing or cleaning motor vehicles for compensation;
- (27) CARPORT means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (28) CHATTEL means a movable item of personal property;
- (29) CHILD CARE FACILITY means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for seven (7) or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, and drop-in centres;
- (30) COMMERCIAL SCHOOL means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- (31) COMMUNITY HALL means a development comprising a building where members of a community may gather for group activities, social support, public information, and other purposes. Community halls are often open for the whole community or may be open for a specialized group within the greater community;
- (32) CONVENIENCE STORE means an establishment which does not exceed 275 m² (2960 ft.²) where goods required by area residents or employees on a day to day basis are sold. Typical uses include small food stores, drug stores and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware and/or printed matter;
- (33) CORNER PARCEL means a parcel at an intersection of two or more roads or highways, or a road and a highway;
- (34) COUNCIL means the Council of the Town of Provost;
- (35) DAY HOME means a child care operation within a dwelling unit that service not more than six (6) children and is operated either under contract with a Family Day Home Agency or independently as a private babysitting facility;
- (36) DECK means a platform attached to a building having a height of more than 0.6 meters (2 ft.) above grade and thereby requiring stairs and/or railings as outlined in regulations under the Safety Codes Act;

- (37) DENSITY means the number of dwelling units per parcel area after the area of interior and access roads is deducted from the total parcel area;
- (38) DEVELOPER means the owner of lands on which development is proposed, or any other person applying for a development permit;
- (39) DEVELOPMENT means development as defined in the Act, and includes the following:
- (c) an excavation or stockpile and the creation of either of them, or
 - (d) a building or an addition to or replacement or repair of a building and the construction of placing of any of them in, on, over or under land, or
 - (e) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (f) a change in the intensity of use of land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- and includes:
- (e) any increase in the number of households occupying and living in any building or on any parcel, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any parcel, including any increase in the number of dwelling units in a building or on a parcel; or
 - (f) the placing of refuse or waste material on any land; or
 - (g) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
 - (h) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
 - (i) the demolition or removal of a building; or
 - (j) the placement of an already constructed or a partially constructed building on a parcel of land; or
 - (k) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
 - (l) the removal of topsoil.
- (40) DEVELOPMENT AUTHORITY means the Development Authority of the municipality as established by this Bylaw and appointed by Council;
- (41) DEVELOPMENT AUTHORITY OFFICER means the Development Authority Officer established by this Bylaw and appointed by Council;
- (42) DEVELOPMENT PERMIT means a document authorizing a development and issued pursuant to this Land Use Bylaw;
- (43) DISCONTINUED means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;

- (44) **DISCRETIONARY USE** means those uses which are considered on their individual merits and circumstances by the Development Authority and which may be allowed on a specific parcel within a District, at the discretion of the Development Authority;
- (45) **DOMESTIC PET** means an animal which is normally kept inside a dwelling. Domestic pets includes, dogs, cats, parrots, and similar-sized animals, but does not include livestock;
- (46) **DOUBLE FRONTING PARCEL** means a parcel which abuts two roads (not including a lane), which are parallel or nearly parallel at the point where they abut the parcel, but does not include a corner parcel (Figure 2);

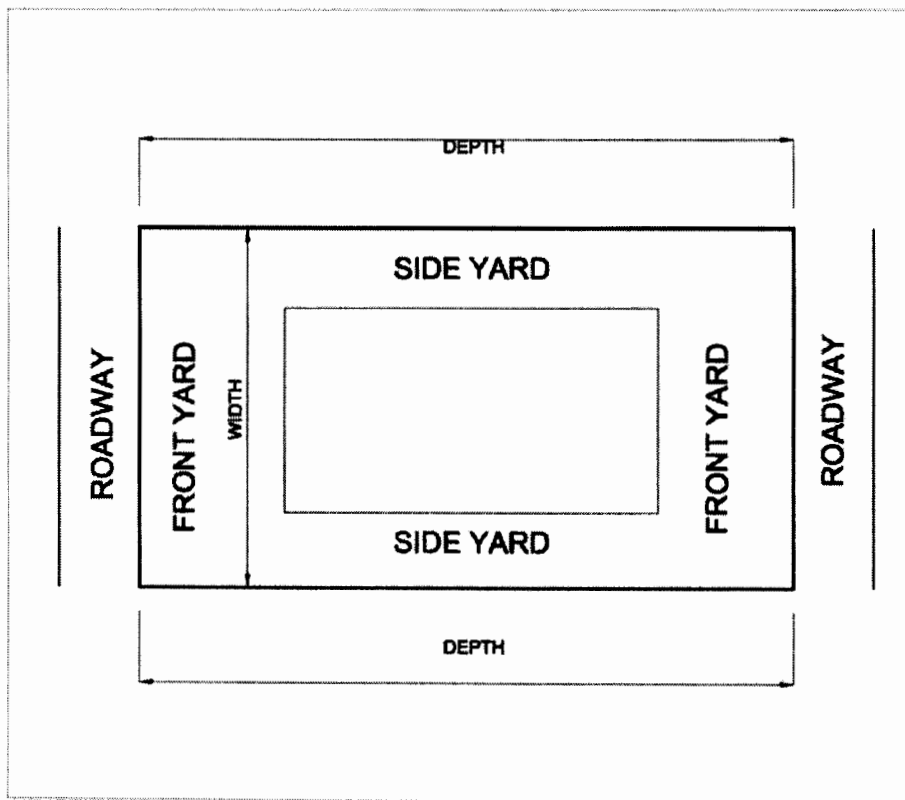


Figure 2: Double Fronting Parcel

- (47) **DRIVE-IN BUSINESS** means a development which serves customers travelling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (48) **DRIVE-IN RESTAURANT** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants typically offer a limited

menu, and food produced in a manner that allows rapid customer service, and which may include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle;

- (49) DUPLEX means a dwelling containing two dwelling units that either share a common wall and are located side by side, or which are located one above the other, or both;
- (50) DWELLING means any building used exclusively for human habitation. This definition includes Type A and Type B single family dwellings, duplexes, triplexes, fourplexes, rowhouses, apartments, boarding/lodging houses, modular homes and manufactured homes;
- (51) DWELLING, SINGLE FAMILY means a dwelling containing only one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single family dwelling may be site-built, modular or manufactured;
- (52) DWELLING, TYPE A SINGLE FAMILY means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is less than 3:1, the roof pitch is equal to or greater than 1:4, and the depth of eaves is equal to or greater than 30 cm (1.0 ft.). A Type A single family dwelling must be constructed on a permanent foundation. According to this definition, both modular and site built homes may be considered Type A single family dwellings;
- (53) DWELLING, TYPE B SINGLE FAMILY means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is more than 3:1, the roof pitch is less than 1:4, or the depth of eaves is less than 30 cm (1.0 ft.). According to this definition, both modular and site built homes may be considered Type B single family dwellings;
- (54) DWELLING UNIT means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separate or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate or self-contained set or suite of rooms. A dwelling unit does not contain more than one room, which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;
- (55) EATING AND DRINKING ESTABLISHMENT means a development where foods and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the parcel, or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an

entertainment establishment unless otherwise provided for in an approved development permit;

- (56) ENTERTAINMENT ESTABLISHMENT means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment or a hotel may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
- (57) EQUIPMENT RENTAL ESTABLISHMENT means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;
- (58) EXCAVATION means any breaking of ground, except common household gardening and ground care;
- (59) EXHIBITION AND CONVENTION FACILITY means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;
- (60) EXTENDED MEDICAL TREATMENT FACILITY means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- (61) EXTERIOR WALL means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- (62) FAMILY CARE FACILITY means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disable, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This definition may include boarding homes for children, group homes and family homes;
- (63) FENCE means a vertical physical barrier constructed for visual screening, sound abatement, or security;
- (64) FLEET SERVICES means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance

services, taxi services, bus lines, messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight equal to or more than 3000 kg (6613.9 lbs.);

- (65) FLOOR AREA means the total of the floor areas of every room and passage way contained in a building, but not including the area of the basement, walls, attached garages, sheds, open porches or breezeways;
- (66) FOUNDATION means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (67) FOURPLEX means a single dwelling containing four dwelling units. It may consist of either two units above and two below or four corner units grouped in a square or rectangle;
- (68) FRONT LINE means the property line separating a parcel from an abutting highway or road other than a lane. In the case of a corner parcel, the front line is the shorter of the property lines abutting a highway or road other than a lane;
- (69) FUNERAL SERVICES means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services includes funeral homes and undertaking establishments;
- (70) GARAGE means a building or portion of a building designed or used for the storage of vehicles and which is erected and used as an accessory to a dwelling;
- (71) GARAGE SHELTER means an accessory building, commonly consisting of a metal frame covered by canvas and erected on a temporary foundation, which is used primarily for the storage of motor vehicles;
- (72) GAS BAR means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- (73) GENERAL CONTRACTOR SERVICE means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- (74) GENERAL RETAIL ESTABLISHMENT means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented,

and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments includes convenience stores but does not include warehouse sales, or developments where alcohol, gasoline, new or used motor vehicles, heavy agricultural and/or industrial equipment are sold or rented;

- (75) GOVERNMENT SERVICES means a development where municipal, provincial, or federal government services are provided directly to the public. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices; however, government services do not include those uses which are separately defined in this Bylaw;
- (76) GRADE means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (77) GREENHOUSE AND PLANT NURSERY means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;
- (78) GROSS FLOOR AREA means the total of all the floor areas of all buildings on a parcel, including accessory buildings, but not including the floor areas of basements, except that dwelling units in an apartment shall be included in the gross floor area;
- (79) GROUP CARE FACILITY means a residence which is licensed or funded under federal or provincial legislation to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. This category includes but is not limited to supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and boarding homes;
- (80) GROUP HOME means a residence which is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. This category includes but is not limited to supervised uses such as group homes (all ages), resident schools and resident facilities, but shall not include halfway houses;
- (81) HEALTH SERVICES means development used for the provision of physical and mental health services on an out patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services, but does not include an extended medical treatment facility ;

- (82) **HEAVY TRUCK SALES/RENTALS ESTABLISHMENT** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8818.5 lbs) or greater are sold or rented, together with incidental maintenance services and sale of parts. Heavy truck sales/rental establishments include truck dealerships and may include refuelling and/or washing facilities as an integral part of the operation;
- (83) **HOME OCCUPATION** means any occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof, or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.2 m² (2.2 ft.²). For the purposes of this Bylaw, home occupations are divided into two sub-classifications – major home occupations and minor home occupations – with specific regulations for each as indicated in Section 7.1 of this Bylaw. Home occupations do not include day homes, bed and breakfast establishments, or animal breeding and/or boarding establishments;
- (84) **HOTEL** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, and convenience stores, but shall not include any entertainment establishment or any dance floor larger than 5 sq. m (55 sq. ft.) unless specifically approved by the Development Authority;
- (85) **HOUSEHOLD** means
- (a) a person, or
 - (b) two (2) or more persons related by blood, marriage, or adoption, or
 - (c) a group of not more than three (3) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants;
- (86) **HOUSEHOLD REPAIR SERVICE** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;
- (87) **INDUSTRIAL AND AGRICULTURAL VEHICLE AND EQUIPMENT SALES/RENTALS ESTABLISHMENT** means a development where new or used vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial and agricultural vehicle and equipment sales/rental establishments do not include heavy truck sales/rental establishments or automobile, light truck and recreational vehicles sales/rental establishments;

- (88) **INDUSTRY, HEAVY** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which may, in the sole opinion of the Development Authority, emit noise, smoke, odour, dust, or vibration or anything offensive beyond the boundaries of the parcel on which the heavy industry is located. For the purpose of this Bylaw, dust refers to that which is produced as a result of the land use of the parcel, rather than that which is produced as a result of travelling to and from the parcel. A heavy industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main heavy industrial use (see Figure 3);
- (89) **INDUSTRY, LIGHT** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which is wholly contained within an enclosed building and thus does not emit undue noise, smoke, odour, dust, or vibration or anything offensive beyond the boundaries of the building in which the light industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the parcel, rather than that which is produced as a result of travelling to and from the parcel. A light industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main light industrial use (see Figure 3);
- (90) **INDUSTRY, MEDIUM** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which does not emit undue noise, smoke, odour, dust, or vibration or anything offensive beyond the boundaries of the parcel on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the parcel, rather than that which is produced as a result of travelling to and from the parcel. A medium industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main medium industrial use (Figure 5);

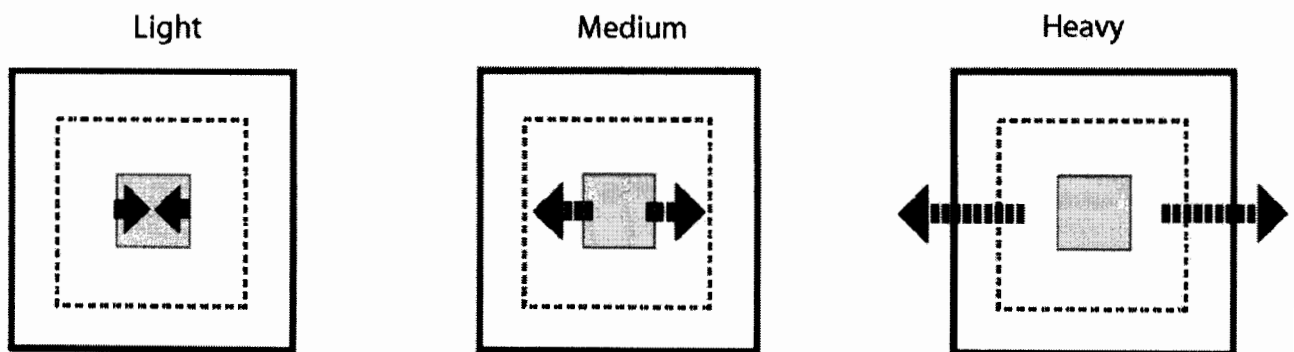


Figure 3: Illustration of Light, Medium and Heavy Industrial Uses

- (91) **LANDSCAPING** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;

- (92) **LANE** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width, or an alley as defined in the Traffic Safety Act, R.S.A. 2000, as amended;
- (93) **LIMITED CONTRACTOR SERVICE** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- (94) **LIVESTOCK** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- (95) **LOADING ZONE** means an open area used to provide free access for vehicles to a loading door, platform or area;
- (96) **LOT** means
- (a) a quarter section, or
 - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
 - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (97) **MAINTENANCE** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- (98) **MANUFACTURED HOME** means a single family dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;
- (99) **MANUFACTURED HOME PARK** means a parcel comprehensively designed, developed, operated and maintained to provide bays and facilities for the placement and occupancy of Type B single family dwellings on a long term basis;
- (100) **MANUFACTURED HOME SUBDIVISION** means an area subdivided by registered plan, containing parcels for freehold tenure and used for Type B single family dwellings;

- (101) **MINOR REPAIR SHOP** means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
- (102) **MOBILE HOME** means a single family dwelling comprised of one or more large factory-built sections. It may be manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with the Alberta Building Code (ABC). For the most part, a mobile home will refer to a modular home that was constructed prior to 1991; however, some modular homes constructed prior to 1991 will be considered to be manufactured homes by virtue of their satisfying the Alberta Building Code;
- (103) **MODULAR HOME** means a dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction, and includes both manufactured and mobile homes;
- (104) **MOTEL** means a group of attached or detached buildings, containing either sleeping or accommodation units, or a combination of both, occupied and equipped to be occupied as a temporary abode for tourists or transients, with parking spaces convenient to each unit, and which may also contain a general kitchen and dining room;
- (105) **MUNICIPALITY** means the Town of Provost;
- (106) **MUNICIPAL PLANNING COMMISSION** means a municipal planning commission established by Council pursuant to the Act;
- (107) **NON-CONFORMING BUILDING** means a building
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereto affecting the building or land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (108) **NON-CONFORMING USE** means a lawful specific use
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw or any amendment thereto affecting the land or building becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (109) **NUISANCE** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- (110) **OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons or property;

- (111) **OFFENSIVE** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the sole opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which may adversely affect the amenities of the neighbourhood, or which interferes with or which may interfere with the normal enjoyment of any land or building;
- (112) **OUTDOOR STORAGE** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building either permanently, on a continuous basis, or from time to time;
- (113) **OWNER** means the person shown as the owner of land on the assessment roll prepared under the Act;
- (114) **PARCEL** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office;
- (115) **PARCEL AREA** means the total area of a parcel;
- (116) **PARCEL BOUNDARIES** means the boundaries of a parcel which enclose the parcel at its perimeter;
- (117) **PARCEL COVERAGE** means the percentage of a parcel which is covered by principal and accessory buildings;
- (118) **PARCEL DEPTH** means the average horizontal distance between the front and rear lines of a parcel measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- (119) **PARCEL LINE** means the legally defined limits of any parcel;
- (120) **PARCEL WIDTH**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the parcel width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (121) **PARK** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the

public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;

(122) **PARK MODEL** is a type of recreational vehicle. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry. Park models are not considered to be dwellings for the purpose of this Bylaw.

(a) **Park Model Trailer 102** (Figure 4) is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are **not** fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area normally does not exceed 37.2 m² (400 ft.²). It conforms to the **CSA Z-240** Standard for recreational vehicles.

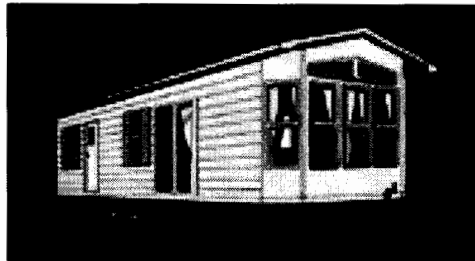


Figure 4: Park Model Trailer 102

(b) **Park Model Recreational Unit** (Figure 5) is a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a gross floor area, including lofts, not exceeding 50 m² (540 ft.²) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model recreational units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the **CSA Z-241** Standard for recreational vehicles.

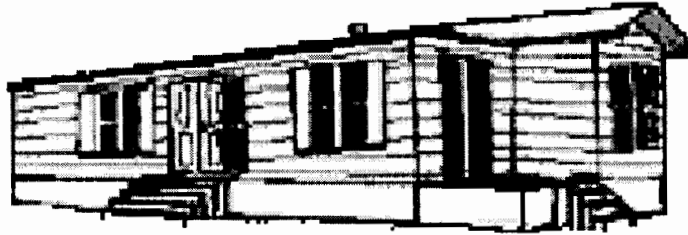


Figure 5: Park Model Recreational Unit

- (123) **PARKING AREA (OR LOT)** means an open area of land, other than a highway, road, lane or a building, designed and used for the parking of a number of vehicles;
- (124) **PARKING SPACE** means an area set aside for the parking of one (1) vehicle;
- (125) **PATIO** means a paved, wooden or hard-surfaced area adjacent to or adjoining a building at grade or above grade to a maximum of 0.6 m (2 ft.);
- (126) **PERMITTED USE** means the use of the land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, (if it satisfies the Land Use Bylaw regulations) upon an application having been made;
- (127) **PERSONAL SERVICE SHOPS** means establishments where personal services- which are related to the care and appearance of the body, or the cleaning and repairs of personal effects are provided to individuals. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- (128) **PLACE OF WORSHIP** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (129) **PRINCIPAL BUILDING** means a building which, in the opinion of the Development Authority,
 - (a) occupies the major or central portion of a parcel,
 - (b) is the chief or main building on a parcel, or
 - (c) constitutes, by reasons of its use, the primary purpose of which the parcel is used;
- (130) **PRINCIPAL USE** means the main purpose which, in the opinion of the Development Authority, for which a building or parcel is used;
- (131) **PRIVATE CLUB** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor

hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;

- (132) PROFESSIONAL, FINANCIAL, AND OFFICE SUPPORT SERVICES means establishments where professional, management, administrative, consulting and financial services are provided. Typical uses include offices, banks, and business support services and stores;
- (133) PROJECT when used as a noun means a development comprising one or more multi-family dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building;
- (134) PROJECTION means an extension beyond the exterior wall of a building;
- (135) PROTECTIVE AND EMERGENCY SERVICES means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;
- (136) PUBLIC EDUCATION FACILITY means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities;
- (137) PUBLIC UTILITY means a public utility, as defined in the Act;
- (138) PUBLIC UTILITY BUILDING means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;
- (139) REAR LINE means the property line of a parcel which is furthest from and opposite the front line;
- (140) RECREATION ESTABLISHMENT, INDOOR means a development providing recreational facilities with table games and/or electronic games, played by patrons for entertainment. Indoor recreation establishments include billiard parlours and electronic games arcades with tables and/or games, bowling alleys, health and fitness clubs, and racquet clubs;
- (141) RECREATION ESTABLISHMENT, OUTDOOR means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and

miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;

- (142) **RECREATIONAL FACILITY** means a development for sports and active recreation within an enclosed building. Recreational facilities include but are not limited to bowling alleys, ice arenas, gymnasiums, curling rinks, and swimming pools;
- (143) **RECREATIONAL TRAILER PARK** means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle;
- (144) **RECYCLING DEPOT** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- (145) **RENOVATION** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (146) **RENTABLE UNIT** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- (147) **ROAD** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane;
- (148) **ROOF** means the top enclosure, above or within the vertical walls of a building;
- (149) **ROWHOUSE** means a dwelling containing three (3) or more dwelling units in a row that share common walls extending from ground to roof, and in which there are no other dwelling units, either above or below. Each dwelling unit has direct access to the outside grade;
- (150) **SEA CAN** means a container which is used as a storage vault and includes sea/land/rail shipping containers;
- (151) **SECONDARY SUITE** means a self-contained additional dwelling unit within a single family dwelling or within an accessory structure that is located on a parcel in a Residential District. A secondary suite may be located in a basement;
- (152) **SELF-SERVICE STORAGE FACILITY** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer's goods or wares. The maximum height of lockers shall be 3.0 m (9.8 ft.). Self-service storage facilities do not include any outdoor storage;

- (153) **SERVICE STATION** means an establishment or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and/or for the sale of fuels, oils and accessories for motor vehicles. This use shall include a gas bar but shall not include an auto body shop;
- (154) **SETBACK** means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall of a building on the parcel (Figure 9);

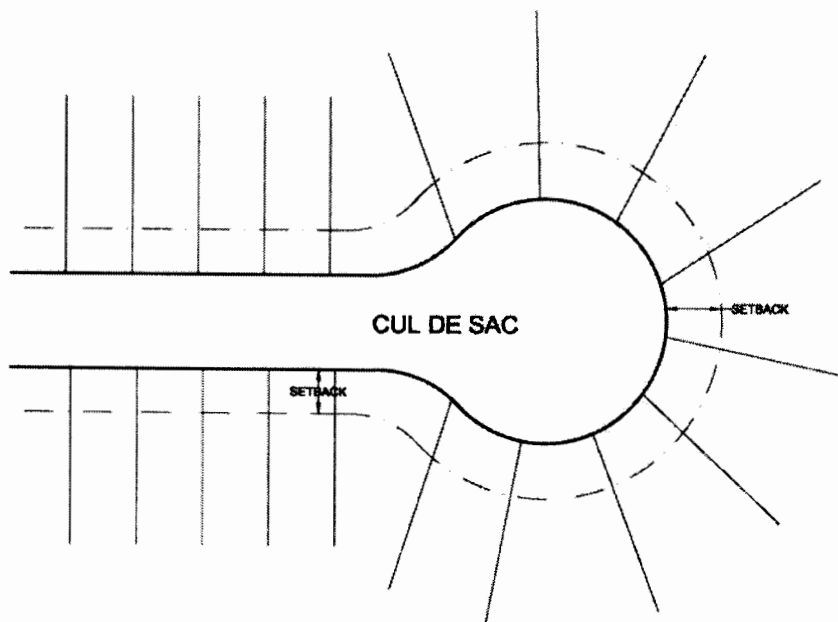
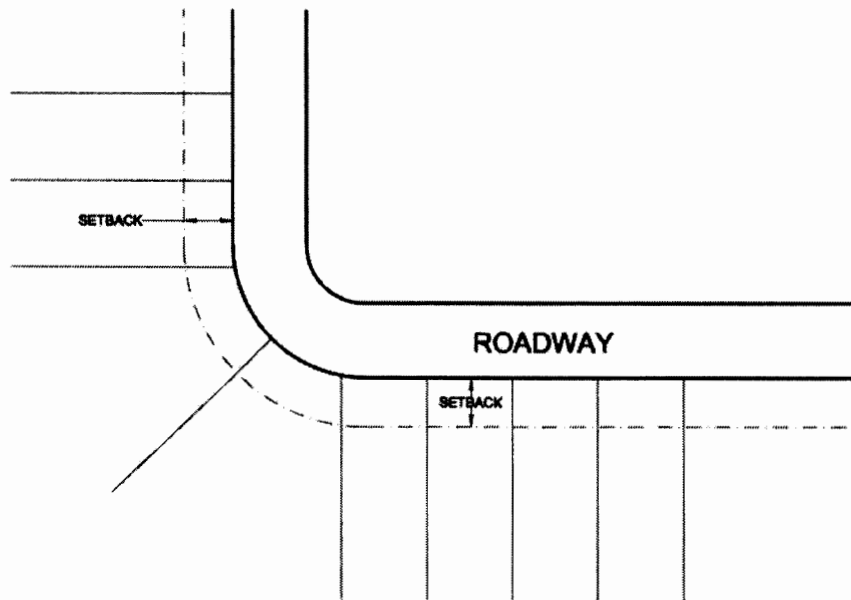


Figure 6: Setbacks

- (155) **SHOPPING CENTRE** means a development which is planned and managed as a single operation. Tenancy is mixed and includes but is not limited to: general retail establishments, personal service shops, eating and drinking establishments, and professional financial, and office support services;
- (156) **SHOW HOME** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other parcels or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;
- (157) **SIDE LINE** means the property lines of a parcel other than the front line or the rear line;
- (158) **SIGN** means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold maintain, support or sustain a sign is construed as part of the sign and, except as hereinafter provided, is part to all regulations governing signs. Without restricting the generality of the foregoing, sign includes posters, notices, panels, boarding and banners;
- (159) **SIGN, PORTABLE** means a sign supported by one or more uprights, braces or pylons and which stands independently of buildings, which is capable of being transported from one place to the other by being carried or by being towed by a vehicle (see Figure 7);

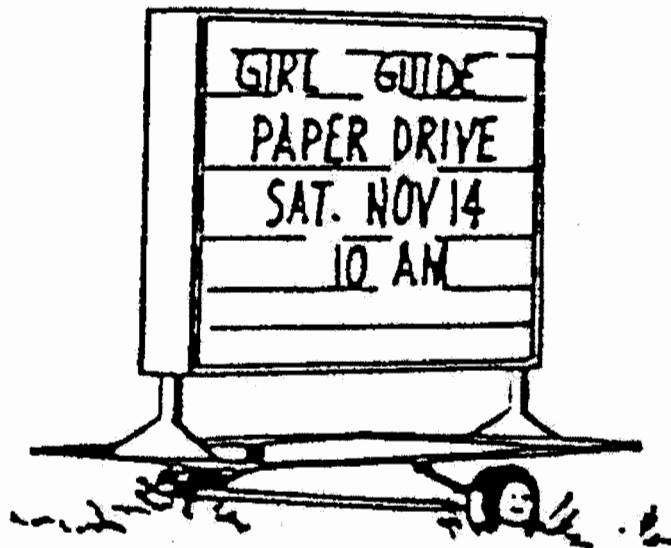


Figure 7: Portable Sign

- (160) **SITE** means any parcel of land as defined in the Act;

- (161) **SITE BUILT** means a building that is constructed primarily on its site. Although some components may be prefabricated, the building is erected, framed, and finished by workers on location using stock materials;
- (162) **STOREY** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey;
- (163) **STRUCTURAL ALTERATIONS** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (164) **SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means a subdivision and development appeal board established by Council pursuant to the Act;
- (165) **SURVEILLANCE SUITE** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development;
- (166) **TEMPORARY** means such time limit as set by the Development Authority in a development permit, and does not refer to a type of building or use;
- (167) **TRIPLEX** means a dwelling consisting of three (3) dwelling units. The dwelling units may have individual or shared exterior entranceways;
- (168) **TRUCKING AND CARTAGE ESTABLISHMENT** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight equal to or more than 3000 kg (6613.9 lbs.);
- (169) **USE** means the purpose or activity for which a site or a parcel and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- (170) **VEHICLE, RECREATIONAL** means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include but are not limited to vehicles commonly referred to as travel trailers, 5th wheels, tent trailers, camping trailers, truck campers, park models, and motor homes;
- (171) **VETERINARY CLINIC** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;

- (172) **WORK CAMP** means a short-term accommodation and related ancillary facilities usually designed to accommodate labourers in the oil and gas sector;
- (173) **WORKSHOP** means a development used by a skilled trade wherein the trade business is undertaken and minor manufacturing and/or storage of materials may take place. Tradespersons may include, but are not limited to, woodworkers, cabinet makers, carpenters, decorators, electricians, gas fitters, metal workers, painters, plumbers, printers, pipe fitters, upholsterers;
- (174) **YARD** means a part of a parcel upon or over which no building or structure other than a boundary fence is to be erected, unless hereinafter permitted (see Figure 8).
- (175) **YARD, FRONT** means a yard extending across the full width of a parcel from the front line of the parcel to the nearest exterior wall of the principal building situated on the parcel, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve;
- (176) **YARD, REAR** means a yard extending across the full width of a parcel from the rear line of the parcel to the nearest exterior wall of the principal building situated on the parcel, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve;

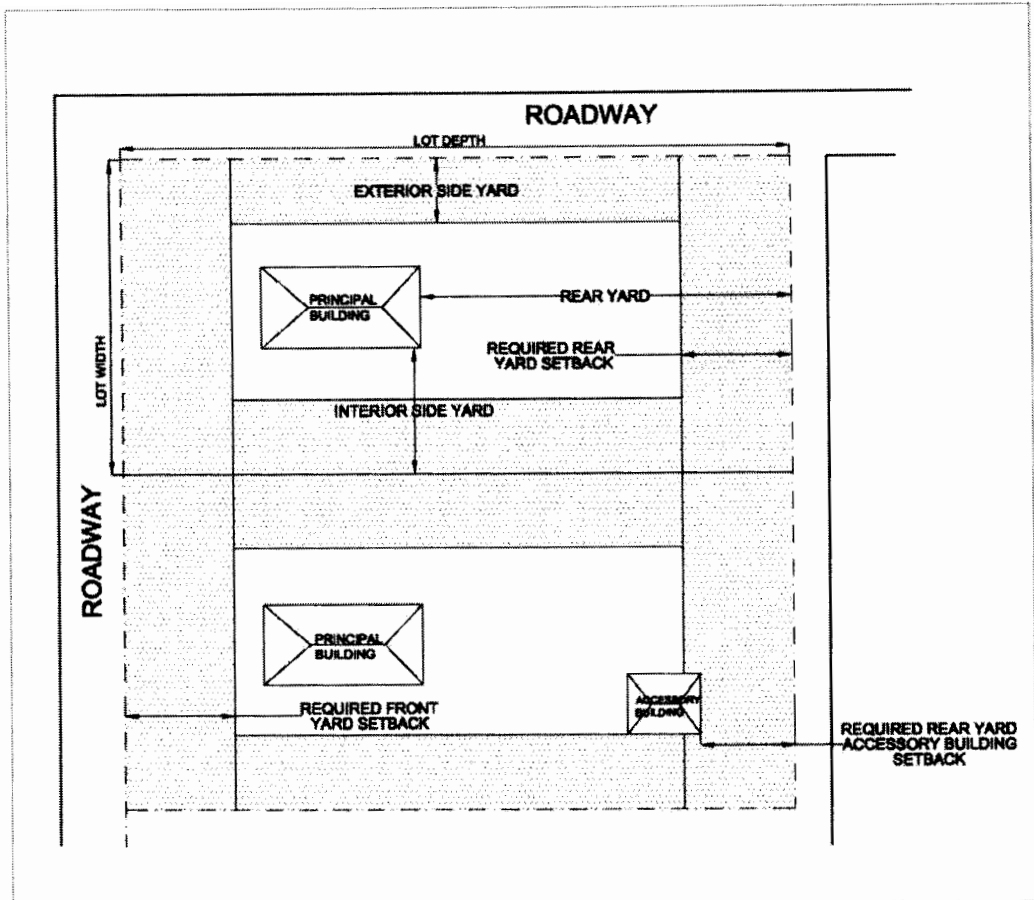


Figure 8: Yards

(177) YARD, SIDE means a yard extending from the side lines to the nearest exterior wall of the principal building situated on a parcel and lying between the front and rear yards on the parcel, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve;

- (2) All other words and expressions have the meaning respectively assigned to them in the Act, in the Interpretations Act, or in common law.
- (3) Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximations and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

1.5 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw, the Town Provost is divided into the following Districts:

R1	Low Density Residential District
R1A	Large Dwelling Residential District

R2	Medium Density Residential District
R3	Special Medium Density Residential District
R4	High Density Residential District
RMH1	Residential Manufactured Home Subdivision District
RMH2	Residential Manufactured Home Park District
RMH3	Manufactured Home/Detached Dwelling District
C1	Mainstreet Commercial District
C2	Secondary Commercial District
C3	Highway Commercial District
C4	Special Commercial District
M	Industrial District
P	Community District
I	Institutional District
UR	Urban Reserve District
DC	Direct Control District

- (2) For the purposes of this Bylaw, the R1, R1A, R2, R3, R4, RMH1, RMH2, and RMH3 Districts shall be considered to be Residential Districts, and the C1, C2, C3, and C4 Districts shall be considered to be Commercial Districts.
- (3) The boundaries of the Districts listed in Section 1.3(1) are as delineated on the Land Use District Map, being Schedule A attached hereto.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
- Rule 1 Where a boundary is shown as following a highway, road, lane or stream, it shall be deemed to follow the centre line thereof.
- Rule 2 Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the parcel line.
- Rule 3 In circumstances not covered by Rules 1 and 2, the location of the District boundary shall be determined:
- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set out; or
 - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of the use of the scale shown on the Land Use District Map.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.

- (6) After the Council has fixed a District boundary pursuant to the provisions of Section 3(4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

1.6 ESTABLISHMENT OF FORMS

- (1) For the purpose of administering the provisions of this Land Use Bylaw, Council shall, by resolution, authorize the preparation and the use of such forms and notices as it may deem necessary.

2.0 - AGENCIES

2.1 DEVELOPMENT AUTHORITY

- (1) The Development Authority for the Town of Provost is hereby established.
- (2) The Development Authority shall be:
 - (a) the Municipal Planning Commission of the Town,
 - (b) the Development Authority Officer of the Town, and
 - (c) in the Direct Control District(s), the Council.
- (3) When this Bylaw refers to the Development Authority, it shall be taken as referring to either the Municipal Planning Commission, the Development Authority Officer, or Council as the case may be and the situation may provide, in accordance with the procedural requirements of this Bylaw.

2.2 DEVELOPMENT AUTHORITY OFFICER

- (1) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer for the Town is hereby established.
- (2) The Development Authority Officer shall be appointed by resolution of Council.
- (3) The Development Authority Officer shall perform such duties that are assigned to it in this Bylaw.
- (4) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.
- (5) The Development Authority Officer shall:
 - (a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto;
 - (b) keep a register of all applications for development, including the decision thereon and reasons therefore.
- (6) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be a designated officer.

2.3 MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission established by the municipality's Municipal Planning Commission Bylaw shall perform such duties as are assigned to it in this Bylaw.

2.4 COUNCIL

- (1) The Council shall perform such duties as are specified for it in this Bylaw and issue any permits in the Direct Control District.

2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are assigned to it in this Bylaw.

3.0 - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 REQUIREMENT FOR DEVELOPMENT

- (1) No development other than that designated in Section 3.2 shall be undertaken within the municipality unless a development permit has been issued and the appeal period has expired.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) The following development shall not require a development permit:
 - (a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions or require a building permit;
 - (b) the completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions under which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw;
 - (c) the use of any such buildings as is referred to in subsection (b) for the purpose for which construction was commenced;
 - (d) the erection or construction of gates, fences, walls or other means of enclosure and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure in Residential Districts that conform to Section 6.6;
 - (e) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building is removed within thirty (30) days of substantial completion of the building for which the permit has been issued, or as determined by the Development Authority;
 - (f) the maintenance and repair of public works, services and utilities carried out, by, or on behalf of federal, provincial and municipal public authorities, on land which is publicly owned and controlled;
 - (g) satellite dishes;
 - (h) patios which are not covered by a roof;
 - (i) accessory buildings where the accessory building has a floor area of 10 m² (108 ft.²) or less and a height of 3 m (10 ft.) or less;

- (j) landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a parcel in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport;
- (k) signs which are:
 - (i) posted or exhibited in a building;
 - (ii) posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
 - (iii) exhibited solely to identify the land or building on which it is displayed, or to direct visitors to a specific occupant of a building, if the sign does not exceed 0.19 m² (2.0 ft.²) in area and conforms with all other orders, bylaws and regulations affecting such signs;
 - (iv) relating to the sale, lease or rental of the building or parcel on which they are located provided that there are no more than two (2) such signs per parcel and, further, in the opinion of the Development Authority, they do not constitute a hazard to persons using the public road or reduce the amenity of an adjacent parcel;
 - (v) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - (A) such signs are removed within one (1) day after the election date, and
 - (B) the consent of the property owner or occupant is obtained, and
 - (C) such signs do not obstruct or impair vision or traffic, and
 - (D) such signs are not attached to trees or utility poles, and
 - (E) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (l) The demolition or removal of any building or structure for which a development permit would not be required pursuant to subsections (a) through (k) above, both inclusive.

3.3 NON CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building, whether or not it is a non-conforming building, but the building shall not be enlarged or added to, and no structural alterations shall be made to it or in it.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel, and no additional building shall be erected upon the parcel while the non-conforming use continues.

- (4) Notwithstanding Section 3.3(2), a non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Authority considers necessary for the routine maintenance of the building, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.7(4) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
- (6) Except as otherwise noted in this Bylaw, the use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.
- (7) Pursuant to the Act, when
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; the development permit continues in effect.

3.4 APPLYING FOR A DEVELOPMENT PERMIT

- (1) An application for a development permit shall be made on the appropriate form and shall be accompanied by the development permit application fee as established by resolution of Council together with the following information:
 - (a) a site plan showing
 - (i) the north point;
 - (ii) the legal description;
 - (ii) setbacks and yards;
 - (vi) location of off-street loading and vehicle parking;
 - (iii) ingress and egress points to the parcel;
 - (vi) the position and distance of any existing buildings in relationship to the proposed development;
 - (vii) utility service lines; and
 - (viii) outlines of the roof overhangs on all buildings;
 - (b) the existing and proposed uses on the parcel;
 - (c) the owner of the land and the interest of the applicant in the land or the application;
 - (d) the estimated dates of commencement and completion;

- (e) the estimated costs of the project or contract price; and
 - (f) such other information as may be required by the Development Authority.
- (2) In addition to the requirements listed in Section 3.4(1), the Development Authority may require that an application for a development permit be accompanied by:
- (a) exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
 - (b) a parcel grading plan indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent roads, lanes and sewers servicing the parcel;
 - (c) a storm water drainage plan indicating how storm water is to be dealt with on-site;
 - (d) information prepared by a Professional Engineer describing the potential of a subject parcel being flooded from a 1:100 year flood event, the potential subsidence or erosion of a subject parcel, and the ground compaction of a subject parcel, and further information describing the mitigative measures necessary to eliminate the defined flood, subsidence, erosion hazard or to resolve any ground compaction concerns;
 - (e) a biophysical assessment to assess the impact of a proposed development on the environment or any phase of environmental site assessment to determine the possible contamination of a subject parcel and the mitigative measures necessary to eliminate such contamination;
 - (f) a vibration study to ascertain whether the proposed development can withstand the vibration produced by a railway, where a proposed development is to occur adjacent to a railway;
 - (g) a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Town may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application; and/or
 - (h) such other information as may be required by the Development Authority.
- (3) In addition to the requirements listed in Section 3.4(1) and (2), the Development Authority may require that each application for industrial development be accompanied by the following information:
- (a) location;
 - (b) type of industry;
 - (c) size of buildings;
 - (d) number of employees;
 - (e) estimated water demand and anticipated source;

- (f) type of effluent and method of treatment;
 - (g) transportation routes to be used (rail and road);
 - (h) reasons for specific location;
 - (i) any accessory works required (pipeline, railway spurs, etc.);
 - (j) anticipated residence location of employees;
 - (k) and/or any such other information as may be required by the Development Authority.
- (4) In addition to the requirements listed in Section 3.4(1) and (2), the Development Authority may require that the following information be identified on the site plan for a duplex, fourplex, row housing and apartment development:
- (a) the location and position of structures on the parcel, including any “For Rent” or identification signs;
 - (b) the location of an access to garbage storage areas, and the fencing and landscaping of these facilities;
 - (c) a landscaping plan of the entire parcel, which shall also show intended surfacing for drives and parking areas.
- (5) Where physical constraints can be overcome by using engineering techniques such as the construction of pilings or retaining walls, or the installation of pumps or recharging wells, the Development Authority may issue a development permit based on the implementation of a plan or report presenting the solution and bearing the signature and seal of a qualified, professional engineer.
- (6) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the Town or by certification by either an engineer or an Alberta Land Surveyor that the implementation of any technical studies requested by the Development Authority have been completed in accordance with the Development Authority’s approval, as well as the undertaking of any mitigative or elimination measures described in the reports and information indicated in 3.4(1) through (5) above.
- (7) All site plans provided with development permit applications will append the application and once approved, shall be deemed conditions of approval.
- (8) The Development Authority may require a performance bond, irrevocable letter of credit or security deposit from the developer guaranteeing performance of the site plan or any of the other conditions of a development permit, if deemed necessary.
- (9) The Development Authority may make a decision on a development permit application notwithstanding that all of the information required above has not been submitted.
- (10) An application for a development permit shall be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Authority, be verified by a Statutory Declaration.

3.5 PERMISSION FOR DEMOLITION

- (1) Notwithstanding the provisions of Section 3.11(3), a development permit for demolition shall be considered void if demolition is not commenced within thirty (30) days from the date of the issuance of the development permit and not completed within sixty (60) days from the date of issuance of the development permit, unless stipulated otherwise on the development permit.
- (2) The demolition of any structure must be done in accordance with the Alberta Safety Codes Act, the Alberta Building Code and CSA Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures."
- (3) In addition to the requirements of Section 3.4 of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
 - (a) the value of the building;
 - (b) the alternatives to demolition if the building is of historic or architectural value;
 - (c) the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
 - (d) a work schedule of the demolition and site cleanup (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
 - (e) an indication that asbestos materials have been removed;
 - (f) the destination of debris materials;
 - (g) the length of time before the parcel is to be redeveloped and treatment of the parcel after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
 - (h) the form of demolition to be used (heavy equipment or by hand);
 - (i) the method whereby public safety is to be protected;
 - (j) an indication that all utility services to the parcel and/or the building have been disconnected;
 - (k) an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
 - (l) an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and

- (m) an indication that any tanks containing flammable or combustible liquids must be removed before demolition begins and be purged of inert materials.
- (2) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
- (a) a Hazardous Materials Assessment Report, and/or
 - (b) any phase of an environmental site assessment in order to determine whether the parcel is contaminated and the mitigative measures necessary to eliminate such contamination.
- (3) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions that is deemed, in the sole opinion of the Development Authority, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

3.6 ROLE OF THE DEVELOPMENT AUTHORITY OFFICER

- (1) The Development Authority Officer shall receive all applications for a development permit and shall:
- (a) issue a development permit for a permitted use that complies with the standards specified for such use, except as noted in subsections (c) and (d) below; or
 - (b) issue a development permit for a temporary use that complies with the standards specified for such use. It shall be a condition of every development permit so issued that the Town is not liable for any costs involved in the necessary cessation and/or removal of development required upon the expiration of the permit; or
 - (c) refer to Council all applications in a Direct Control (DC) District; or
 - (d) refer to the Municipal Planning Commission, together with an appropriate recommendation, an application:
 - (i) for a discretionary use;
 - (ii) for a permitted use that does not comply with the standards specified for such use;
 - (iii) for a permitted use that does not readily have utility services available to the land, or will detract from the character or appearance of the general area;
 - (iv) for a use not specified in the list of permitted or discretionary uses that appears to be similar in character and purpose to another use listed;
 - (v) for apartment or row housing projects;
 - (vi) for boarding/lodging houses;
 - (vii) for a manufactured home park; and

- (viii) for any other development that the Development Authority Officer believes should be decided upon by the Municipal Planning Commission.
- (2) When a development permit is approved by the Municipal Planning Commission or Council, the Development Authority Officer shall issue a development permit in conformity with the Municipal Planning Commission or Council's decision.
- (3) All decisions on applications for a development permit shall be given in writing to the applicant.
- (4) If an application is refused or conditionally approved by the Development Authority, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (5) Upon the approval of a development permit for a permitted or discretionary use, the Development Authority Officer shall:
 - (a) post a notice in a conspicuous place open to public view in the Town Office; and/or
 - (b) post a notice on the subject property; and/or
 - (c) publish a notice in a newspaper circulating in the municipality; and/or
 - (d) post a notice on the Town's website.
- (6) The notices issued pursuant to Sections 3.6(5) above shall indicate:
 - (a) the date a decision on the development permit application was made;
 - (b) the location and use of the parcel in respect of which the application has been made and the decision of the Development Authority; and
 - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit.
- (7) The Development Authority Officer may request verbal or written comments from any Provincial or local authorities and agencies whose interest or jurisdiction may be affected.

3.7 ROLE OF THE MUNICIPAL PLANNING COMMISSION

- (1) An application for development referred to the Municipal Planning Commission shall be decided upon by the Commission, having due regard to the scope and intent of this Bylaw and the Municipal Development Plan.
- (2) The Municipal Planning Commission may:
 - (a) limit the period of time that a discretionary use is allowed and establish conditions under which it shall be terminated or discontinued;
 - (b) issue a development permit for a temporary use. It shall be a condition of every permit so issued that the Town is not liable for any costs involved in the necessary cessation or removal of development required upon the expiration of the permit. The Municipal Planning Commission may require that the developer

post an acceptable security guarantee or bond to cover the projected costs of cessation or removal.

- (3) The Municipal Planning Commission may refuse or approve with conditions, any development that, in its opinion, may detract from the character or appearance of the general area.
- (4) The Municipal Planning Commission may approve an application for a development permit, notwithstanding that the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, or enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Municipal Planning Commission,
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties, and
 - (b) the proposed development conforms with the use prescribed for the land or building in the Land Use Bylaw.
- (5) In approving an application for a development permit under Section 3.8(4), the Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:
 - (a) a variance from the regulations of this Bylaw shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district; and
 - (b) except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density; and

3.8 ROLE OF COUNCIL

- (1) Upon receipt of a completed application for a development permit within a Direct Control District, Council may, prior to making a decision, refer the application to the Development Authority Officer or any municipal department or external agency for comment.
- (2) At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council may provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and the Council will afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
- (3) Public notice referred to in Section 3.8(2) may contain a statement to the effect that:

- (a) if no objection to the development is received within the time prescribed in the notice, then it will proceed without further notice; and
 - (b) if objection to the development is received, then comments will be heard at a regular Council meeting on the date and at the time and place specified in the notice.
- (4) The Council shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.

3.9 POWERS OF DEVELOPMENT AUTHORITY

- (1) In making a decision on a development permit, the Development Authority may refuse the permit, it may approve the permit permanently or for a limited period of time, and it may approve the permit unconditionally or with such conditions it considers appropriate.
- (2) The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement to do all or any of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of:
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or is proposed to serve, an adjacent development, or both;
 - (c) to install or pay for the installation of utilities that are necessary to serve the development;
 - (d) to construct or pay for the construction of:
 - (i) off-street or other parking facilities, and
 - (ii) loading and unloading facilities;
 - (e) to pay an off-site levy imposed by bylaw; and
 - (f) to give security to ensure that the terms of the agreement noted herein are carried out.
- (3) A Development Authority may suspend or revoke a development permit:
- (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant, or
 - (b) within fourteen (14) days of issue of the permit, where the permit was issued in error.
- (4) If a person fails to comply with a notice under Section 645 of the Act, the Development Authority may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (5) A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board, unless Council is the Development Authority.

- (6) In the case of new construction, the Development Authority may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization from or letter from the Alberta Land Surveyor stating that the Town of Provost may utilize the Surveyor's Real Property Report for evaluating the compliance of the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer prior to the construction of the building foundation, or sitting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.

3.10 STATUS OF PERMITS ISSUED

- (1) Except for those permits described in Section 3.10(2) hereof, a development permit issued under this Part becomes effective:
 - (a) 15 days after the date of the notice of decision, or
 - (b) upon an appeal being determined pursuant to Part 4 of this Bylaw.
- (2) When a permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, the development permit issued becomes effective on the next day following the decision.
- (3) A development permit shall be considered void if development is not commenced within twelve (12) months from the date of the issuance of the development permit, and not completed within twenty four (24) months from the date of issuance of the development permit.
- (4) If the Development Authority has specified that a development permit is to remain in effect for a period other than that specified in Section 3.10(3), the development permit shall be considered void if development is not commenced and completed within the time period specified in the development permit.
- (5) When a development permit becomes void, a new application for a permit is required before development may proceed. There shall be no obligation to approve such application on the basis that a previous application had been approved for that development.

3.11 SUBSEQUENT APPLICATIONS

- (1) If an application for a development permit is refused by the Development Authority, or on an appeal from the Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,
 - (a) on the same parcel; and
 - (b) for the same use,may not be made for at least six (6) months after the date of the refusal, subject to consideration by Council.

3.12 DEVELOPER'S RESPONSIBILITY

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances, roads, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) Sections 3.13(2) and (3) may be enforced pursuant to PART 4 of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to PART 3.
- (5) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (6) A development permit is not transferable without the prior consent of:
 - (a) the Development Authority; or
 - (b) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

4.0 - APPEALS

4.1 RIGHT OF APPEAL

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within 40 days of receipt of the application by the Development Authority Officer, and the person claiming to be affected may appeal in writing as provided for in this Part 4 of this Bylaw as though he/she had received a refusal at the end of the period specified in this subsection, unless the applicant and the Development Authority have entered into an extension agreement.
- (2) Where a Development Authority:
 - (a) refuses or fails to make a decision on a development permit application within forty (40) days after receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority Officer to extend the 40-day period herein described, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues a stop order under the Act,the person applying for the permit or affected by the order may appeal to the Subdivision and Development Appeal Board (the Board).
- (3) A person affected by a stop order, decision or development permit made or issued by a Development Authority, other than a person having a right to appeal under subsection (2), may appeal to the Board.
- (4) Notwithstanding Section 4.1(1), (2) and (3), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
- (5) Notwithstanding Section 4.1(1), (2) and (3), no appeal to the Subdivision and Development Appeal Board lies in respect of the issuance of a development permit by Council.
- (6) Each notice of appeal shall be accompanied by a fee as set by Resolution of Council.

4.2 APPEAL PROCEDURE

- (1) An appeal to the Board shall be commenced by serving a written notice of appeal, together with reasons for the appeal and the development appeal fee as established by resolution of Council to the Secretary of the Board within 14 days after
 - (a) in the case of an appeal made by a person referred to in the Act or under Section 4.1(2) of this Bylaw, the date on which
 - (i) the person is notified of the order of decision or issuance of the development permit, or
 - (ii) if no decision is made with respect to the application for a development permit after forty (40) days of the receipt of an application, or

- (b) in the case of an appeal made by a person referred to in the Act or under Section 4.1(3) of this Bylaw, the date on which the notice of the issuance of the permit was given in accordance with the Bylaw.
- (2) The Board shall hold a public hearing respecting the appeal within thirty (30) days of receipt of a written notice of appeal.
- (3) The Board shall make available for public inspection prior to the public hearing, all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 5.0 of this Bylaw, as the case may be.
- (4) The Board shall give at least five (5) days notice, in writing, of the public hearing to
 - (a) the appellant,
 - (b) the Development Authority,
 - (c) the Municipal Council, if Council was not the Development Authority, and
 - (d) any other person or persons that the Development Appeal Board considers to be affected by the appeal.

4.3 HEARING AND DECISION

- (1) At the public hearing referred to in Section 4.2(2), the Board shall hear
 - (a) the appellant or any person acting on behalf of the appellant,
 - (b) the Development Authority from whose order, decision or development permit the appeal is made or any person acting on behalf of the Development Authority,
 - (c) any other person wishing to be heard who was served with notice of the hearing or any person acting on behalf of any such person,
 - (d) any other person who claims to be affected by the appeal and that the Board agrees to hear or any persons acting on behalf of any such person.
- (2) The Board shall:
 - (a) make and keep a written record of its proceedings which may be in the form of a summary of the evidence presented to it at the hearing, and
 - (b) give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (3) In determining an appeal, the Board:
 - (a) shall comply with any statutory plan and, subject to clause (c) below, this Land Use Bylaw,
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own,
 - (c) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in its opinion,
 - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of the neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.
- (4) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to appeal to the Court of Appeal shall be made
 - (a) to a Judge of the Court of Appeal, and
 - (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.

5.0 - ENFORCEMENT AND ADMINISTRATION

5.1 CONTRAVENTION

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
 - (a) the Act or regulations
 - (b) a development permit or subdivision approval, or
 - (c) the Land Use Bylaw,

the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all or any of them to:

- (d) stop the development or use of the land or building in whole or in part as directed by the notice,
- (e) demolish, remove or replace the development, and/or
- (f) take such other measures specified in the notice so that the development or use of the land or building is in accordance with the Act, the regulations, a development permit, subdivision approval or Land Use Bylaw, as the case may be,

within the time specified by the notice.

- (2) A person who receives a notice referred to in Section 5.1(1) may appeal to the Subdivision and Development Appeal Board pursuant to Part 4 of this Bylaw.
- (3) Where a notice is issued under Section 5.1(1), the notice shall state the following and include any other information considered necessary by the Development Authority:
 - (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
 - (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
 - (c) a time frame in which the contravention must be corrected prior to the Town of Provost pursuing action.
- (4) Where a person fails or refuses to comply with an order directed to them under this Section, or an order of a Subdivision and Development Appeal Board under Part 4 of this Bylaw, the Development Authority Officer or other person appointed by Council may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (5) Where the Development Authority Officer or other person appointed by Council carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

5.2 OFFENSES AND PENALTIES

- (1) A person who:
 - (a) contravenes any provision of the Act or the regulations under the Act,
 - (b) contravenes this Bylaw,
 - (c) contravenes an order under Section 5.1 of this Bylaw and/or Section 645 of the Act,
 - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylawis guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
- (2) If a person is found guilty of an offense under Section 5.2 of this Bylaw (Section 557 of the Municipal Government Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under Section 5.1 of this Bylaw and/or Section 645 of the Act, and/or
 - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - (a) delivered personally to the person or their agent it is directed to; or
 - (b) mailed by regular mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

5.3 VIOLATION TICKETS

- (1) In addition to the process and penalties described above, the Development Authority Officer or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (2) Violation Tickets
 - (a) The Development Authority Officer or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
 - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Town.

- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$500.00 for a first offence and \$1000.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$500.00 plus court costs, for each offence.

5.4 COMPLIANCE WITH OTHER LEGISLATION

- (1) Compliance with the requirements of this Land Use Bylaw does not exempt any person from:
 - (a) the requirements of any federal, provincial or municipal legislation, and
 - (b) complying with any easement, covenant, agreement or contract affecting the development.

5.5 AMENDMENT OF THE LAND USE BYLAW

- (1) Any person applying to have this Bylaw amended shall apply in writing to the Development Authority Officer furnishing reasons in support of the application and requesting that the Development Authority Officer submit the application to the Town Council.
- (2) The Municipal Planning Commission may, at times on its own motion, present for the consideration of the Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Municipal Planning Commission and the Development Authority Officer.
- (3) Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment, the proposal shall be referred to the Municipal Planning Commission and to the Development Authority Officer for their reports and recommendations.
- (4) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of the Bylaw.
- (5) A person making application for an amendment to this Bylaw shall do so on the form prescribed by Council, accompanied with:

- (a) an application fee as set by resolution of Council,
 - (b) a title search of the land affected or other documents satisfactory to the Development Authority Officer, indicating the applicant's interest in the said land,
 - (c) drawings drawn on standard material to the satisfaction of the Development Authority Officer, which are fully dimensioned, accurately figured, explicit and complete,
 - (d) a document authorizing the right of entry by the Development Authority Officer to such lands or buildings as may be required for investigation of the proposed amendment,
 - (f) the program of land servicing, if applicable, and
 - (g) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
- (6) Upon receipt of an application to amend the Land Use Bylaw, the Development Authority Officer shall:
- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
 - (b) prepare a detailed report including all maps and relevant material for Council to consider.
- (7) Upon receiving the preliminary advice of the Development Authority Officer, the applicant shall advise the Development Authority Officer if:
- (a) he or she wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
 - (b) he or she wishes to withdraw his application for an amendment.
- (8) As soon as reasonably convenient the Development Authority Officer shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.
- (9) If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town of Provost at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant.
- (10) Notwithstanding anything in this Section or this Part, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.
- (11) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.
- (12) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

6.0 – GENERAL DEVELOPMENT PROVISIONS

6.1 SUBDIVISION OF LAND

- (1) Where the development of land involves a subdivision of land, no development permit shall be issued until the application has been submitted to the Subdivision Authority and written evidence received by the Development Authority that the necessary subdivision has the approval of the Subdivision Authority.

6.2 LANDSCAPING

- (1) The Development Authority may establish as a condition of the approval of a development permit that landscaping and planting be carried out (weather permitting) within a specified period of time of occupancy or commencement of operation of the proposed development, all to the satisfaction of the Development Authority.
- (2) Off-street parking lots in any commercial district shall be landscaped in a manner satisfactory to the Development Authority.
- (3) All landscaping requirements shall include adjacent boulevard areas and a minimum topsoil coverage, as required by the Development Authority.
- (4) In the case of apartments and rowhouses, all off-street parking shall include a landscaped area.
- (5) In the case of commercial buildings in residential areas, a minimum of 10% of the parcel area shall be landscaped. Garbage containers and outdoor storage shall be screened and accessible for convenient pickup in a manner satisfactory to the Development Authority.
- (6) In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided to the satisfaction of the Development Authority.
- (7) In any Residential District, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes, water features, ornamental plants and the cultivation of vegetables, or a combination thereof.

6.3 SITE DEVELOPMENT

- (1) The general design, siting, external finish, architectural appearance and landscaping of all buildings, including any structures and signs and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.

6.4 ACCESSORY BUILDINGS

- (1) An accessory building shall not be used as a dwelling, unless a development permit for a secondary suite has been issued in accordance with the regulations of this Bylaw.
- (2) In Residential Districts:
 - (a) the minimum yard requirements for accessory buildings shall be in accordance with Figure 9;
 - (b) the siting of an accessory building on an irregular shaped parcel shall be as required by the Development Authority;
 - (c) an accessory building shall not be located in the front yard;
 - (d) an accessory building shall not be located closer than 2 m (6.5 ft.) to a principal building, but this distance may be less in the case of an existing garage;
 - (e) the height of an accessory building shall not exceed 4.5 m (15 ft.);
 - (f) where a structure is attached to the principal building on a parcel by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building;
 - (g) the total area of the accessory buildings shall not exceed 12 percent (12%) of the parcel area.
- (3) Notwithstanding any height restrictions in this Bylaw to the contrary, small wind energy conversion systems, solar energy conversion systems and satellite dishes may be allowed at the discretion of the Development Authority, so long as they conform to national standards and are installed according to the recommendations of the system manufacturer. Free standing small wind energy conversion systems, solar energy conversion systems and satellite dishes must conform to all other regulations pertaining to accessory buildings.
- (4) Appearance
 - (a) In all Districts, all accessory buildings shall have an exterior finish of paint, siding or stucco, or other material as approved by the Development Authority. This exterior finish should match or harmonize with the principal building and be compatible with adjacent development.
 - (b) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint before the issuance of a development permit.
- (5) Temporary Development Permits

Development permits for non-permanent accessory buildings including but not limited to garage shelters and sea cans shall be issued on a temporary basis for a period not to exceed three (3) years. The three (3) year period may be extended at the discretion of the Development Authority.

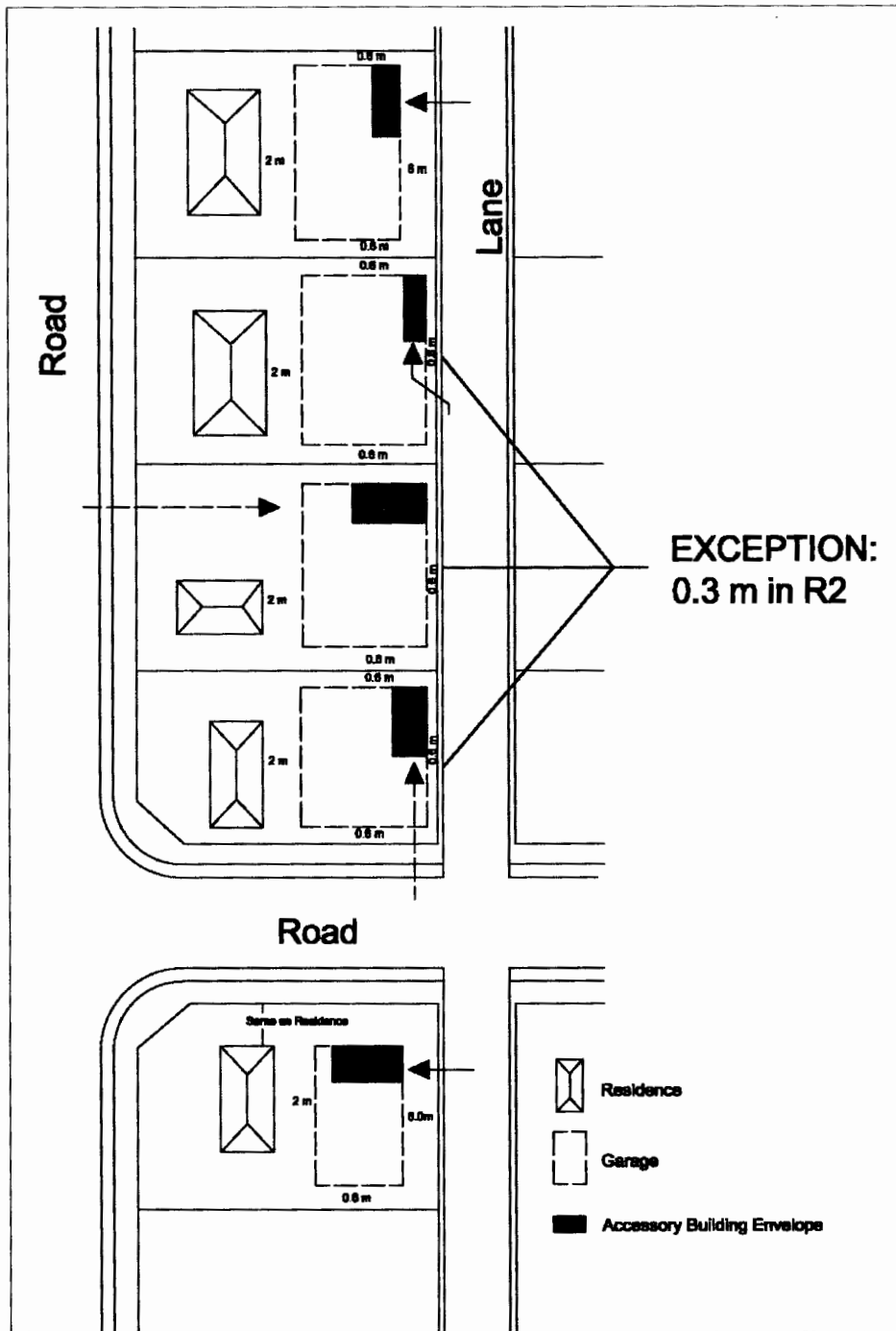


Figure 9: Accessory Building Envelope in Residential Districts

6.5 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall keep or permit in any part of a yard in any Residential District:
 - (a) any dismantled or wrecked vehicle for more than 14 successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the District;

- (c) any excavation, storage or piling up of materials required during the construction stage, unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
- (d) not more than two (2) recreational vehicles. The year round placement of one (1) recreational vehicle on a parcel in a Residential District is allowed without a development permit. An additional recreational vehicle is only allowed on a parcel for a period not to exceed fifteen (15) days. A development permit is required for the 15-day time limit to be extended or for the placement of a second recreational vehicle for any length of time beyond 15 days. The placement of any recreational vehicle on a parcel is for storage purposes only; the recreational vehicle shall not at any time serve as any form of dwelling or dwelling unit.

6.6 FENCES, WALLS AND HEDGES

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a parcel.
- (2) In all Residential Districts, including those accommodating Type B single family dwellings, the maximum height of fencing shall be as indicated in Figure 10.
- (3) Where an apartment or rowhouse development abuts a single family residential parcel, a wall, hedge, or wooden fence of not less than 1.2 m (4 ft.) in height and not more than 2.1 m (7 ft.) in height, shall be provided along the side property lines, all to the satisfaction of the Development Authority.
- (4) Commercial buildings in residential areas must be screened by a wooden fence of not less than 1.8 m (6 ft.) in height, all to the satisfaction of the Development Authority.
- (5) Drive-in businesses, car washing establishments, service stations and gas bars shall be provided with solid fences at least 1.5 m (5 ft.) in height and no higher than 2.1 m (7 ft.) adjacent to residential areas, all to the satisfaction of the Development Authority.
- (6) All fences must be of good neighbour design to the satisfaction of the Development Authority.
- (7) No barbed wire or razor wire fences shall be allowed within Residential Districts.

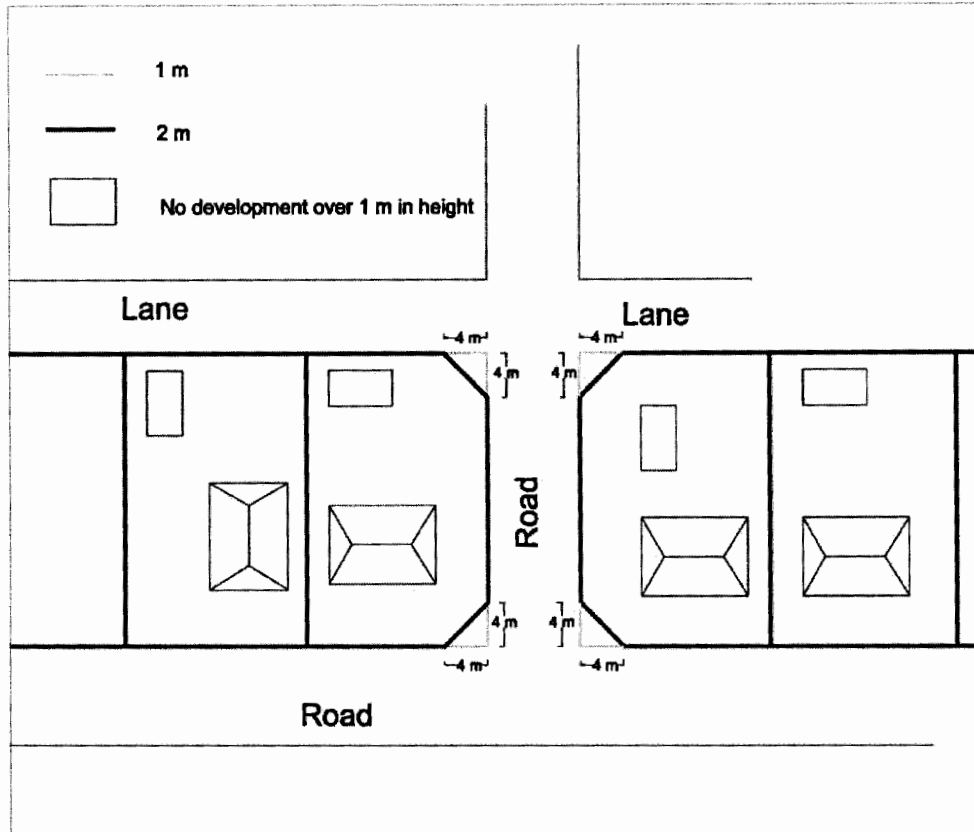


Figure 10: Maximum Height of Fencing

6.7 PROJECTIONS INTO YARDS

- (1) Except as provided in this Section and in Section 6.6, no portion of building shall project over or onto a required yard.
- (2) Front Yards

The following features may project over or onto a required front yard:

- (a) eaves, gutters and sills up to a maximum of 0.9 m (3 ft.);
- (b) chimneys and steps up to a distance determined by the Development Authority;
- (c) canopies over entrances to buildings provided such projections are cantilevered and do not exceed 1 m (3.3 ft.);
- (d) exterior balconies on apartment buildings provided that
 - (i) they are cantilevered and not enclosed as an integral part of the building, and
 - (ii) they do not project more than 2 m (6.6 ft.); and
- (e) any other similar architectural feature, up to a distance determined by the Development Authority.

(3) Side Yards

The following features may project over or onto a required side yard, except where a side yard of 3 m (9.8 ft.) is required for vehicular passage:

- (a) eaves, gutters and sills up to a maximum of 0.9 m (3 ft.);
- (b) decks to the property line;
- (c) canopies over entrances to buildings provided such projections are cantilevered and do not exceed 1 m (3.3 ft.);
- (d) exterior balconies on apartment buildings provided that
 - (i) they are cantilevered and not enclosed as an integral part of the building, and
 - (ii) they do not project more than 1 m (3.3 ft) over the required yard, and in no case are closer than 2 m (6.6 ft.) to an interior side property line;
- (e) any other similar architectural feature, up to a distance determined by the Development Authority.

(4) Rear Yards

The following features may project over or onto a required rear yard:

- (a) eaves, gutters and sills up to a maximum of 0.9 m (3 ft.);
- (b) chimneys and steps up to a distance determined by the Development Authority;
- (c) decks up to a maximum of 2.5 m (8.2 ft.);
- (d) exterior balconies on apartment buildings provided that
 - (i) they are cantilevered and not enclosed as an integral part of the building, and
 - (ii) they do not project more than 2 m (6.6 ft.); and
- (e) any other similar architectural feature, up to a distance determined by the Development Authority.

(5) Patios

Unenclosed patios may project over or onto any required side and rear yard.

6.8 OFF-STREET LOADING

(1) Where required, a development shall

- (a) provide loading space having dimensions of not less than 6 m (20 ft.) in width, 6 m (20 ft.) in length, and if part of a building, 4.3 m (14 ft.) in height
- (b) provide adequate loading spaces with vehicular ingress and egress from a road or lane, such that no backing or turning movements of vehicles going to or from the parcel would cause interference with traffic in the abutting highways, roads or lanes.

(2) Number of Off-Street Loading Spaces

<u>Use of Building or Parcel</u>	<u>Minimum Number of Loading Spaces Required</u>
All uses in commercial districts	To the standard of the area
All uses in the industrial districts	1 space for each loading door with a minimum of 1 space to be provided.
All institutional uses	1 space per 2787 m ² (30,000 ft. ²) of gross floor area plus 1 additional space for each additional 2787 m ² (30,000 ft. ²) or fraction thereof
Schools	Adequate provision shall be made for the safe loading and unloading of school buses, and shall not include area designated for parking
All other uses	As required by the Development Authority

- (3) Notwithstanding Subsection (2) above, the Development Authority may allow an applicant to provide a lesser number of off-street loading and unloading spaces in the C1 District if the development is to occupy an existing building in the C1 District where no or little space is available for off-street loading and unloading spaces on the parcel.

6.9 OFF-STREET AUTOMOBILE PARKING

- (1) An off-street parking area shall
- not be located within 1 m (3.3 ft.) of a parcel line common to the parcel and a highway or road;
 - be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority; and
 - have necessary curb cuts located to the satisfaction of the Development Authority.

(2) Parking Facility Standards

The provision of off-street parking areas and stalls shall meet the minimum dimensions shown in Table 1 and illustrated in Figure 11.

- (3) Surfacing
- All off-street parking areas shall be hardsurfaced if the access is from a highway or road which is hardsurfaced.
 - In all other cases, the parking areas shall be developed with all weather material to the satisfaction of the Development Authority.

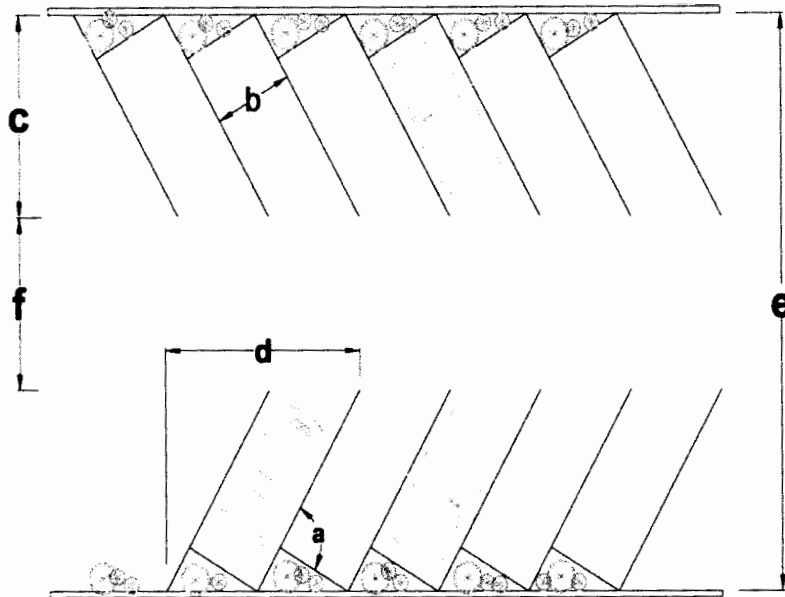


Figure 11: Parking Lot Layout

**TABLE 1
MINIMUM PARKING STANDARDS**

(a) Parking Angle in Degrees	(b) Stall Width	(c) Stall Depth Perpendicular to Aisle	(d) Stall Width Parallel to Aisle	(e) Overall Depth	(f) Aisle Width (One Way)
0	2.7 m (9 ft.)	2.7 m (9 ft.)	7.0 m (23 ft.)	9.1 m (30 ft.)	3.6 m (11.8 ft.)
30	2.7 m (9 ft.)	5.2 m (17 ft.)	5.5 m (18 ft.)	14.0 m (46 ft.)	3.6 m (11.8 ft.)
45	2.7 m (9 ft.)	5.8 m (19 ft.)	4.0 m (13 ft.)	15.2 m (50 ft.)	3.6 m (11.8 ft.)
60	2.7 m (9 ft.)	6.1 m (20 ft.)	3.0 m (10 ft.)	18.3 m (60 ft.)	6.0 m (20 ft.)
90	2.7 m (9 ft.)	6.1 m (20 ft.)	2.7 m (9 ft.)	19.5 m (65 ft.)	7.3 m (24 ft.)

(4) Required Number of Off-Street Parking Spaces

- (a) The minimum number of off-street parking stalls required for each building class shall be as in Table 2. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class the required number of spaces shall be the sum of the requirements for each of the development classes.

- (b) The Municipal Planning Commission may allow an applicant to provide a lesser number of spaces if it can be shown to the satisfaction of the Commission that the standard is not applicable to the project or to the area.
- (c) Notwithstanding Table 2, for a development in an existing building in the C1 District which is a change of use or which would not increase the gross floor area of the use or of the business, no parking stalls beyond the number of parking stalls existing on the property as of the date of the approval of this Bylaw shall be required.

**TABLE 2
OFF-STREET PARKING STANDARDS**

<u>USE OF BUILDING OR DEVELOPMENT</u>	<u>MINIMUM NUMBER OF PARKING STALLS</u>
<u>Residential</u>	
Single family dwellings and duplexes	2 per dwelling unit including garage
Apartments, fourplexes, triplexes and rowhousing	1.5 per dwelling unit including garage
Secondary suites	1
Boarding/lodging houses and bed and breakfast establishments	1 per bedroom or bed-sitting room 1 per rented bedroom or bed
<u>Commercial</u>	
Convenience stores	1 per 30 m ² (323 ft. ²) of gross leasable floor area
General retail establishments, personal service shops, professional, financial and office support services	1 per 45 m ² (484 ft. ²) of gross floor area
Dwellings in commercial developments	1.5 per residence above commercial developments
Eating and drinking establishments	1 per 4 seats
Shopping centres	1 per 27.8 m ² (300 ft. ²) of gross leaseable floor area
Hotels and motels	1 per rentable unit room
Gas and service stations	1 per 46 m ² (500 ft. ²) of gross floor area of the building

Places of Public Assembly

Auditoriums, churches, halls, meeting rooms, clubs, theatres and other amusement or recreation places	1 per 5 seats
Schools	1 per employee, plus 5 visitor stalls. Also 1 for every 5 high school students

Industrial

Manufacturing and industrial plants	1 per 50 m ² (538 ft. ²)
Warehousing, wholesale and storage building and yards, servicing and repair establishments, research laboratories and public utility buildings	1 per 80 m ² (861 ft. ²)

Hospitals and Similar Uses

Hospitals, sanitoriums, nursing homes, and convalescent homes	1 per 3 beds
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7.0 - SPECIAL PROVISIONS

7.1 HOME OCCUPATIONS

- (1) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
- (2) A major home occupation shall comply with the following regulations:
 - (a) There may be a limited volume of on-premises sales.
 - (b) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (d) Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (e) The major home occupation shall not be allowed if, in the opinion of the Municipal Planning Commission, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- (3) A minor home occupation shall comply with the following regulations:
 - (a) All sales relating to the home occupation shall occur off the premises.
 - (b) The minor home occupation shall not employ any person on-site other than a resident of the dwelling.
 - (c) Storage shall only be allowed inside the dwelling and not in an accessory building. There shall be no display of goods in the interior of the residence.
- (4) All home occupations shall comply with the following requirements:
 - (a) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30 m² (322.9 ft.²), whichever is less, of the dwelling unit for business usage. There shall be no exterior signage, display or advertisement, other than for a small name plate not exceeding 0.2 m² (2.2 ft.²).
 - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the parcel.
 - (c) All residents who hold a home occupation business license shall be required to renew same in January of each calendar year in the appropriate form provided by the municipality.
 - (d) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - (e) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
 - (f) Each Development Permit Application for a home occupation shall include a description of the business to be undertaken in the dwelling, an indication of the

- anticipated number of employees and business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- (g) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
 - (h) Home occupations shall not involve:
 - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - (ii) any activity that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
 - (i) It is not the intent of this Bylaw to prohibit residents from doing handcrafts from their residences. These activities may be carried on subject to the following:
 - (i) only family members are involved; and
 - (ii) all sales shall occur off the premises.

7.2 MANUFACTURED HOMES AND MOBILE HOMES

- (1) Before a development permit is issued for a manufactured or mobile home, the Development Authority must receive verification that the home fully complies with both the CSA Z240 MH National Mobile Home Standard (certified with a CSA A277 label) and the Alberta Building Code (ABC). In order to ascertain compliance the Development Authority will require an inspection by an Alberta Safety Codes Officer.
- (2) Should the inspection by the Alberta Safety Codes officer indicate that upgrades to the manufactured or mobile home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made as a condition of the issuance of a development permit and before occupancy of the manufactured home.
- (3) In addition to the requirements of subsections 7.2 (1) and 7.2 (2) above, a manufactured or mobile home must meet the following aesthetic regulations:
 - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area;
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition;
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area;
 - (e) The design of each manufactured or mobile home shall ensure the side or end facing the road on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area;
 - (f) Every manufactured or mobile home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured or mobile home is designed to be supported on longitudinal floor beams, in which

case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;

- (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

Any required aesthetic upgrades to the manufactured or mobile home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within 30 days of the placement of the mobile or manufactured home on a parcel.

7.3 MANUFACTURED HOME PARKS

- (1) The perimeter of a manufactured home park must consist of a buffer with a minimum width of 3 m (10 ft.) which shall be landscaped and screened with a fence with a height of between 1.85 m (6.0 ft.) and 2 m (6.5 ft.).
- (2) All roadways in a manufactured home park shall be hardsurfaced, well-drained and maintained to the satisfaction of the Development Authority. The minimum right-of-way width shall be 14 m (46 ft.). The minimum carriage way width shall be 7 m (23 ft.).
- (3) All manufactured home parks shall be provided with safe, convenient, all-season pedestrian access of at least 1 m (3 ft.) in width, for intended use between individual Type B single family dwellings, the roadway, and all community facilities provided for park residents.
- (4) Visitor parking space shall be provided at a ratio of at least one space for every two dwellings, and shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- (5) The design of manufactured home parks shall be to the satisfaction of the Municipal Planning Commission.
- (6) All municipal utilities shall be provided underground to bays.
- (7) A minimum of 5% of the gross parcel area shall be devoted to recreational use. This recreational space shall be placed in locations convenient to all park residents, free from traffic hazards, shall not be included in areas designated as buffer strips, and shall be clearly defined.
- (8) All areas of a manufactured home park not occupied by dwellings and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority.
- (9) Where deemed necessary by the Development Authority, screen fences or walls shall be erected around laundry facilities, refuse collection points and playgrounds.

- (10) No part of the park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of the park residents, and for the management and maintenance of the park.
- (11) Manufactured home park facilities shall be arranged to create a homelike atmosphere. This objective is achieved by variations in roadway pattern, block shapes and location of dwellings.
- (12) Each bay shall be clearly marked by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (13) Street lighting shall be to the same standard as that in a conventional residential neighborhood.
- (14) Only one main, free-standing identification sign of residential character and appearance shall be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout, location and size of the park in relation to the surrounding areas. The sign shall be of a size, type and construction acceptable to the Development Authority.
- (15) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable material.

7.4 SERVICE STATIONS AND GAS BARS

- (1) Service stations and gas bars shall be developed in such a manner that:
 - (a) no entrance or exit thereto for motor vehicles is within 60 m (197 ft.) of an entrance to or exit from a firehall, public or private school, playground, library, church, hospital, children's or old people's home, or other similar public or quasi-public institutions;
 - (b) no development is within 6 m (20 ft.) of a side or rear line;
 - (c) a front yard of not less than 12 m (40 ft.) is provided, except that gasoline pumps may be located within 6 m (20 ft.) of a front line;
 - (d) no gasoline pump (including propane dispenser) is located closer than is permitted under the governing Alberta legislation and regulations; and
 - (e) underground storage tanks are located in accordance with the governing Alberta legislation and regulations.
- (2) Parcel Area and Coverage
 - (a) The minimum parcel area shall be 745 m² (8019 ft.²) and the maximum building coverage shall be 25% of the parcel area. For service stations or gas bars including a car wash, the minimum parcel area shall be 1115 m² (12,000 ft.²).
 - (b) In the case of a service station or a gas bar designed and built as part of a shopping centre, the ratio of building space to parking space shall be as determined by the Development Authority.
 - (c) The minimum frontage of the parcel shall be 30 m (100 ft.)

(3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any adjoining properties.

(4) Use and Maintenance of Parcel and Buildings

The owner, tenant, operator or person in charge of a service station or gas bar shall at all times:

- (a) be prohibited from the carrying on of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the parcel by reasons of dust, noise, gases, odour, smoke or vibration;
- (b) maintain around the boundaries of the parcel, other than on road frontage, an appropriate fence not less than 0.75 m (2.5 ft.) in height, designed so as to contain rubbish or debris, and shall landscape and keep landscaped, the parcel in accordance with regulations prescribed from time to time by the Development Authority; and
- (c) provide receptacles for the purpose of disposing of rubbish and debris as required by the Development Authority.

7.5 CAR WASHING ESTABLISHMENTS

(1) Parcel Location

A car washing establishment may only be allowed if the Development Authority is satisfied that it will not adversely affect adjoining land uses.

(2) Parcel Area

The minimum parcel area shall be 560 m² (6028 ft.²) and shall contain storage space for ten (10) vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of a car wash including a service stations or a gas bar, minimum parcel area shall be 1115 m² (12,000 ft.²).

(3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any adjoining properties.

(4) Use and Maintenance of Parcel and Buildings

The owner, tenant, operator or person in charge of a car wash shall at all times:

- (a) be prohibited from the carrying on of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons

- occupying lands in the immediate vicinity of the parcel by reasons of dust, noise, gases, odour, smoke or vibration;
- (b) maintain around the boundaries of the parcel, other than on road frontage, an appropriate fence not less than 0.75 m (2.5 ft.) in height, designed so as to contain rubbish or debris, and shall landscape and keep landscaped, the parcel in accordance with regulations prescribed from time to time by the Development Authority; and
 - (c) provide receptacles for the purpose of disposing of rubbish and debris as required by the Development Authority.

7.6 DRIVE IN BUSINESSES

(1) Access

Provision of points of access and egress shall be located to the satisfaction of the Development Authority.

(2) Parcel Area and Coverage

The minimum parcel area shall be 1200 m² (12,917 ft.²).

(3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any adjoining properties.

(4) Use and Maintenance of Parcel and Buildings

The owner, tenant, operator or person in charge of a drive-in business shall at all times:

- (a) be prohibited from the carrying on of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the parcel by reasons of dust, noise, gases, odour, smoke or vibration;
- (b) maintain around the boundaries of the parcel, other than on road frontage, an appropriate fence not less than 0.75 m (2.5 ft.) in height, designed so as to contain rubbish or debris, and shall landscape and keep landscaped, the parcel in accordance with regulations prescribed from time to time by the Development Authority; and
- (c) provide receptacles for the purpose of disposing of rubbish and debris as required by the Development Authority.

7.7 MOTELS

(1) Space Between Buildings

Except in the case of rentable units and other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.7 m (12 ft.) of clear and

unoccupied surface space shall be provided between each rentable unit and any other building on the parcel.

(2) Driveways

Each rentable unit shall face onto or abut a driveway not less than 3 m (10 ft.) in width and shall have unobstructed access thereto.

(3) Entrances and Exits

Not more than one motor vehicle entrance and one motor vehicle exit to a highway or road, each of a minimum width of 7.6 m (25 ft.) measured at its minimum dimension, shall be permitted, provide that one combined motor vehicle entrance and exit shall be permitted, not less than 9 m (30 ft.) in width at its minimum dimension.

(4) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any adjoining properties.

(5) Use and Maintenance of Parcel and Buildings

The owner, tenant, operator or person in charge of a motel shall at all times:

- (a) be prohibited from the carrying on of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the parcel by reason of dust, noise, gases, odour, smoke or vibration;
- (b) maintain around the boundaries of the parcel, other than on road frontage, an appropriate fence not less than 0.75 m (2.5 ft.) in height, designed so as to contain rubbish or debris, and shall landscape and keep landscaped, the parcel in accordance with regulations prescribed from time to time by the Development Authority; and
- (c) provide receptacles for the purpose of disposing of rubbish and debris as required by the Development Authority.

7.8 PLACES OF WORSHIP

(1) Parcel Area

The parcel on which a place of worship is situated shall have a minimum frontage of 30.5 m (100 ft.) and a minimum area of 1000 m² (10,764 ft.²). In the case where a manse, rectory parsonage or other building for a minister's residence is to be erected on the same parcel as the place of worship, the combined minimum area of the parcel shall be 1400 m² (15,070 ft.²).

(2) **Setback of Building**

The minimum required front, side and rear yards in the case of a place of worship parcel shall be the same as permitted uses within the district in which the place of worship parcel is located, unless otherwise permitted by the Development Authority.

(3) **Lighting**

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any adjoining properties.

7.9 BED AND BREAKFAST ESTABLISHMENTS

- (1) A bed and breakfast establishment shall comply with the following regulations:
- (a) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of two (2) bedrooms.
 - (b) Cooking facilities shall not be located within the bedrooms.
 - (c) In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each bedroom.
 - (d) A bed and breakfast operation shall comply with all of the requirements for a major home occupation described in this Bylaw.

7.10 WORK CAMPS

- (1) All work camps shall be considered temporary developments.
- (2) All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (3) A development permit for a work camp may be issued for up to one (1) year, at which time an application may be made for a continuance of the use for one (1) additional year, after which new development permit approval is required.
- (4) The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure that the work camp will be a temporary development.
- (5) An application for a development permit for a work camp must provide the following information:
- (a) the location, type and purpose of the camp;
 - (b) adjacent land uses;
 - (c) the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems.
 - (d) the number of persons proposed to live in the camp;
 - (e) the start date for the development, date of occupancy by residents, and removal date for the camp; and

- (f) reclamation measures to be completed once the camp is no longer needed.
- (6) All work camps must:
- (a) be linked to a specific project(s) for which a valid and current Development Permit has been issued. If the project is located in another municipality a copy of the current approved development permit must be provided to the Town by the developer. Work camps will only be permitted to accommodate workers for the project(s) to which they are linked;
 - (b) ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (c) be designed so that all points of access and egress are located to the satisfaction of the Development Authority and Alberta Transportation, if Alberta Transportation approval is required;
 - (d) be able to accommodate a maximum of three hundred (300) persons;
 - (e) have adequate buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - (f) provide on-site security staff;
 - (g) provide all parking on the parcel with all parking areas developed to the satisfaction of the Development Authority. Normally, on site parking for private motor vehicles will adhere to the same standard as parking for a hotel/motel. Parking should be provided adjacent to the work camp units rather than in a centralized parking lot separate from the units;
 - (h) post security with the Town sufficient to remove and/or reclaim the parcel if the work camp remains on site after the project is completed or if the work has stopped to the extent that the municipality no longer feels that the work camp is necessary to the project, or to reclaim the parcel if needed after the work camp has been removed from the parcel; and
 - (i) be separated from adjacent land uses.
- (7) Maximum parcel coverage shall be such that space is available for all the parking on the parcel, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- (8) Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
- (9) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- (10) The work camp should be designed such that the work camp units are organized around a central amenity space, to be landscaped to the satisfaction of the Development Authority. The central amenity space should be designed to function as an informal meeting/community area.

7.11 SECONDARY SUITES

- (1) A secondary suite shall:
 - (a) be an accessory use to the main dwelling on a parcel,
 - (b) create minimal structural change to the front exterior of the main dwelling, so that the building appears as a single dwelling unit,
 - (c) have a minimum floor area of 35 m² (378 ft²),
 - (d) have a maximum floor area equal to no more than 40% of the floor area of the main dwelling, if the secondary suite is not a basement suite, except that if the secondary suite is a basement suite, the maximum size shall be determined at the sole discretion of the Development Authority,
 - (e) contain sleeping, cooking, and bathroom facilities,
 - (f) have full utility services through service connection from the main dwelling,
 - (g) comply with the Alberta Building Code and all other Provincial and Municipal regulations,
 - (h) be provided with off-street parking in accordance with this Bylaw, and
 - (i) where applicable, not be considered in the maximum density prescribed for the District in which the secondary suite is located.
- (2) The parcel on which a secondary suite is located shall:
 - (a) be limited to one secondary suite, and
 - (b) not be subdivided (in title) as a result of the presence of a secondary suite.
- (3) A secondary suite shall not be developed within the same dwelling containing a group care facility or bed and breakfast establishment.
- (4) A secondary suite may be located within a main dwelling or an accessory structure, provided that it meets all other relevant regulations of this Bylaw. However, a secondary suite shall not be allowed to be located within or above a detached garage.
- (5) A recreational vehicle cannot be used as a secondary suite.

8.0 - SIGNS

SECTION 8.1 SIGN PROVISIONS

- (1) No signs of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs shall be erected on, or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs shall be erected on, or affixed to public property without the prior consent of the appropriate public body.
- (4) Notwithstanding the generality of subsection (1) above or the provisions of (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that no such signs shall be illuminated:
 - (a) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character, or to an apartment, club or similar institution, not exceeding 1 m² (10.8 ft.²), and limited to one sign per parcel;
 - (b) temporary signs relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 1.8 m² (19 ft.²), provided that all such temporary signs shall be removed by the advertiser within 15 days of the completion of the event or works to which such signs relate; and
 - (c) signs in relation to the function of local authorities, utility boards or other public or quasi-public bodies.
- (5) No sign shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (6) All signs shall be kept in a safe, clean and tidy condition, and may by order of the Development Authority, be required to be renovated or removed.
- (7) No signs other than those specified under subsection (4) shall be permitted in the R1, R2, R3, R4, RMH1, RMH2, and RMH3 Districts.
- (8) No off-site signs will be permitted within the municipality.
- (9) Portable Signs
 - (a) One (1) portable sign shall be allowed per parcel.
 - (b) The area of a portable sign shall not exceed 2.97 m² (31.97 ft.²).

- (10) Notwithstanding any other provision of this Bylaw to the contrary, the following signs may, at the sole discretion of the Development Authority, be erected within the front yard of a parcel in any Commercial or Industrial District:
- (a) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade.

9.0 - LAND USE DISTRICTS

9.1 LOW DENSITY RESIDENTIAL (R1) DISTRICT

(1) Explanation

The general purpose of this District is to permit development of low density single family dwellings and associated uses.

(2) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) Type A single family dwellings
- (d) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Boarding/lodging houses
- (c) Child care facilities
- (d) Major home occupations
- (e) Parks
- (f) Places of worship
- (g) Public utility buildings and services
- (h) Secondary suites
- (i) Type B single family dwellings
- (j) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 465 m² (5005 ft.²)
- (b) Minimum Front Yard 6 m (20 ft.)
- (c) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
 - (i) 1.2 m (4 ft.) on the side where an attached garage or carport is provided,
 - (ii) 3 m (10 ft.) for one side yard in a laneless parcel where no garage or carport is proposed,
 - (iii) 4.5 m (15 ft.) where the side yard abuts a road.
- (d) Minimum Rear Yard 6 m (20 ft.), except
 - (i) 9 m (30 ft.) in a laneless parcel

- (ii) 0.6 m (2 ft.) on existing Lot 17, Block 35, Plan 1002 TR only
- (e) **Maximum Parcel Coverage**
 - (i) 28% for dwelling without attached garage
 - (ii) 40% for dwelling with attached garage
 - (iii) 12% for accessory building
 - (iv) Other buildings as required by the Development Authority
- (f) **Minimum Floor Area for Principal Building**
 - (i) 93 m² (1000 ft.²) for 1 storey
 - (ii) 110 m² (1200 ft.²) for 1.5 storey or split level
 - (iii) 130 m² (1400 ft.²) for 2 storey or bi-level
- (g) **Maximum Building Height**
 - (i) 9 m (30 ft.) or 2 storeys for Type A and Type B single family dwellings
 - (ii) 4.5 m (15 ft.) for garages and other buildings
- (h) **Type B Single Family Dwellings, Boarding/Lodging Homes, and Bed and Breakfast Establishments**

Only those Type B single family dwellings, boarding/lodging homes, and bed and breakfast establishments which, in the sole opinion of the Development Authority, will not detract from the character and appearance of other residences and the neighbourhood, will be approved.

9.2 LARGE DWELLING RESIDENTIAL (R1A) DISTRICT

(1) Explanation

The general purpose of this District is to permit development of larger low density single family dwellings and associated uses on selected parcels.

(2) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) Type A single family dwellings
- (d) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Boarding/lodging houses
- (c) Child care facilities
- (d) Major home occupations
- (e) Parks
- (f) Places of worship
- (g) Public utility buildings and services
- (h) Secondary suites
- (i) Type B single family dwellings
- (j) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 465 m² (5005 ft.²)
- (b) Minimum Front Yard 6 m (20 ft.)
- (c) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
 - (i) 1.2 m (4 ft.) on the side where an attached garage or carport is provided,
 - (ii) 3 m (10 ft.) for one side yard in a laneless parcel where no garage or carport is proposed,
 - (iii) 4.5 m (15 ft.) where the side yard abuts a road.
- (d) Minimum Rear Yard 6 m (20 ft.), except
 - (i) 9 m (30 ft.) in a laneless parcel
 - (ii) 0.6 m (2 ft.) on existing Lot 17, Block 35, Plan 1002 TR only

- (e) Maximum Parcel Coverage
 - (i) 28% for dwelling without attached garage
 - (ii) 40% for dwelling with attached garage
 - (iii) 12% for accessory building
 - (iv) Other buildings as required by the Development Authority

- (f) Minimum Floor Area for Principal Building
 - (i) 110 m² (1200 ft.²) for 1 storey
 - (ii) 130 m² (1400 ft.²) for 1.5 storey or split level
 - (iii) 149 m² (1600 ft.²) for 2 storey or bi-level

- (g) Maximum Building Height
 - (i) 9 m (30 ft.) or 2 storeys for Type A and Type B single family dwellings
 - (ii) 4.5 m (15 ft.) for garages and other buildings

- (h) Type B Single Family Dwellings, Boarding/Lodging Homes, and Bed and Breakfast Establishments

Only those Type B single family dwellings, boarding/lodging homes, and bed and breakfast establishments which, in the sole opinion of the Development Authority, will not detract from the character and appearance of other residences and the neighbourhood, will be approved.

9.3 MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT

(1) Explanation

The general purpose of this District is to permit the mixed development of single family dwellings, duplexes and fourplexes.

(2) Permitted Uses

- (a) Day homes
- (b) Duplexes
- (c) Minor home occupations
- (d) Type A single family dwellings
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Boarding/lodging houses
- (c) Child care facilities
- (d) Family care facilities
- (e) Fourplexes
- (f) Group care facilities
- (g) Major home occupations
- (h) Parks
- (i) Places of worship
- (j) Public utility buildings and services
- (k) Secondary suites
- (l) Triplexes
- (m) Type B single family dwellings
- (n) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (o) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Type A and Type B Single Family Dwellings
 - (i) Minimum Parcel Area 465 m² (5005 ft.²)
 - (ii) Minimum Front Yard 6 m (20 ft.)
 - (iii) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
(A) 1.2 m (4 ft.) on the side where an attached garage or carport is provided,

- (B) 3 m (10 ft.) for one side yard in a laneless parcel where no garage or carport is proposed,
(C) 4.5 m (15 ft.) where the side yard abuts a road.
- (iv) Minimum Rear Yard 6 m (20 ft.), except
(A) 9 m (30 ft.) in a laneless parcel
- (v) Maximum Parcel Coverage (A) 28% for dwelling without attached garage
(B) 40% for dwelling with attached garage
(C) 12% for accessory building
(D) Other buildings as required by the Development Authority
- (vi) Minimum Floor Area for Principal Building (A) 75 m² (800 ft.²) for 1 storey
(B) 95 m² (1000 ft.²) for 1.5 storey or split level
(C) 110 m² (1200 ft.²) for 2 storey or bi-level
- (vii) Maximum Building Height 9 m (30 ft.) or 2 storeys
- (b) Duplexes
- (i) Minimum Parcel Area 670 m² (7200 ft.²) for a semi-detached building, except
(A) 745 m² (8000 ft.²) on a corner parcel
- (ii) Minimum Front Yard 6 m (20 ft.)
- (iii) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
(A) 1.2 m (4 ft.) on the side where an attached garage or carport is provided,
(B) 3 m (10 ft.) for one side yard in a laneless parcel where no garage or carport is proposed,
(C) 4.5 m (15 ft.) where the side yard abuts a road.
- (iv) Minimum Rear Yard 6 m (20 ft.), except
(A) 9 m (30 ft.) in a laneless parcel
- (v) Maximum Parcel Coverage (A) 28% for dwelling without attached garage

- (B) 40% for dwelling with attached garage
 - (C) 12% for accessory building
 - (D) Other buildings as required by the Development Authority
- (vi) Minimum Floor Area for Each Dwelling Unit 55 m² (600 ft.²)
 - (vii) Maximum Building Height 9 m (30 ft.) or 2 storeys
- (c) Fourplexes and Triplexes
- (i) Minimum Parcel Area 1300 m² (14,000 ft.²)
 - (ii) Minimum Front Yard 6 m (20 ft.)
 - (iii) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except (A) 4.5 m (15 ft.) where the side yard abuts a road.
 - (iv) Minimum Rear Yard 6 m (20 ft.), except (A) 9 m (30 ft) in a laneless parcel
 - (v) Minimum Floor Area for Each Dwelling Unit 75 m² (800 ft.²)
 - (vi) Maximum Building Height 10 m (33 ft.) or 2.5 storeys

(d) Other Uses

All regulations will be at the discretion of the Development Authority.

(e) Type B Single Family Dwellings, Boarding/Lodging Homes, and Bed and Breakfast Establishments

Only those Type B single family dwellings, boarding/lodging homes, and bed and breakfast establishments which, in the sole opinion of the Development Authority, will not detract from the character and appearance of other residences and the neighbourhood, will be approved.

9.4 SPECIAL MEDIUM DENSITY RESIDENTIAL (R3) DISTRICT

(1) Explanation

The general purpose of this District is to permit the mixed development of single family dwellings, duplexes and fourplexes

(2) Permitted Uses

- (a) Day homes
- (b) Duplexes
- (c) Minor home occupations
- (d) Type A single family dwellings
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Boarding/lodging houses
- (c) Child care facilities
- (d) Family care facilities
- (e) Fourplexes
- (f) Funeral homes
- (g) Group care facilities
- (h) Lodges
- (i) Major home occupations
- (j) Type B single family dwellings
- (k) Parks
- (l) Places of worship
- (m) Public utility buildings and services
- (n) Secondary suites
- (o) Triplexes
- (p) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (q) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Type A and Type B Single Family Dwellings
 - (i) Minimum Parcel Area 465 m² (5005 ft.²)
 - (ii) Minimum Front Yard Similar to adjacent properties but not less than 3 m (10 ft.)
 - (iii) Minimum Side Yard 0.9 m (2 ft.), except
 - (A) 2 m (6.5 ft.) where the side yard abuts a road.

(iv)	Minimum Rear Yard	6 m (20 ft.), except (A) 9 m (30 ft.) in a laneless parcel
(v)	Maximum Parcel Coverage	(A) 28% for dwelling without attached garage (B) 40% for dwelling with attached garage (C) 12% for accessory building (D) Other buildings as required by the Development Authority
(vi)	Minimum Floor Area for Principal Building	(A) 75 m ² (800 ft. ²) for 1 storey (B) 95 m ² (1000 ft. ²) for 1.5 storey or split level (C) 110 m ² (1200 ft. ²) for 2 storey or bi-level
(vii)	Maximum Building Height	9 m (30 ft.) or 2 storeys
(b) Duplexes		
(i)	Minimum Parcel Area	670 m ² (7200 ft. ²) for a semi-detached building, except (A) 745 m ² (8000 ft. ²) on a corner parcel
(ii)	Minimum Front Yard	Similar to adjacent properties but not less than 3 m (10 ft.)
(iii)	Minimum Side Yard	0.9 m (3 ft.), except (A) 2 m (6.5 ft.) where the side yard abuts a road.
(iv)	Minimum Rear Yard	6 m (20 ft.), except (A) 9 m (30 ft.) in a laneless parcel
(v)	Maximum Parcel Coverage	(A) 28% for dwelling without attached garage (B) 40% for dwelling with attached garage (C) 12% for accessory building (D) Other buildings as required by the Development Authority
(vi)	Minimum Floor Area for Each Dwelling Unit	55 m ² (600 ft. ²)
(vii)	Maximum Building Height	9 m (30 ft.) or 2 storeys

(c) Fourplexes and Triplexes

- | | | |
|-------|---|--|
| (i) | Minimum Parcel Area | 1300 m ² (14,000 ft. ²) |
| (ii) | Minimum Front Yard | 6 m (20 ft.) |
| (iii) | Minimum Side Yard | 1.5 m (5 ft.) for each side yard, except
(A) 4.5 m (15 ft.) where the side yard abuts a road. |
| (iv) | Minimum Rear Yard | 6 m (20 ft.), except
(A) 9 m (30 ft) in a laneless parcel |
| (v) | Minimum Floor Area for Each Dwelling Unit | 75 m ² (800 ft. ²) |
| (vi) | Maximum Building Height | 10 m (33 ft.) or 2.5 storeys |

(d) Other Uses

All regulations will be at the discretion of the Development Authority.

(e) Type B Single Family Dwellings, Boarding/Lodging Homes, and Bed and Breakfast Establishments

Only those Type B single family dwellings, boarding/lodging homes, and bed and breakfast establishments which, in the sole opinion of the Development Authority, will not detract from the character and appearance of other residences and the neighbourhood, will be approved.

9.5 HIGH DENSITY RESIDENTIAL (R4) DISTRICT

(1) Explanation

The general purpose of this District is to permit development of multi-family housing at higher densities.

(2) Permitted Uses

- (a) Apartments
- (b) Fourplexes
- (c) Minor home occupations
- (d) Rowhouses
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Duplexes
- (b) Major home occupations
- (c) Parks
- (d) Places of worship
- (e) Public utility buildings and services
- (f) Triplexes
- (g) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Duplexes
 - (i) Minimum Parcel Area 670 m² (7200 ft.²) for a semi-detached building, except
 - (A) 745 m² (8000 ft.²) on a corner parcel
 - (ii) Minimum Front Yard 6 m (20 ft.)
 - (iii) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
 - (A) 1.2 m (4 ft.) on the side where an attached garage or carport is provided,
 - (B) 3 m (10 ft.) for one side yard in a laneless parcel where no garage or carport is proposed,
 - (C) 4.5 m (15 ft.) where the side yard abuts a road.
 - (iv) Minimum Rear Yard 6 m (20 ft.), except

	(A)	9 m (30 ft.) in a laneless parcel
(v)	Maximum Parcel Coverage	(A) 28% for dwelling without attached garage (B) 40% for dwelling with attached garage (C) 12% for accessory building (D) Other buildings as required by the Development Authority
(vi)	Minimum Floor Area for Each Dwelling Unit	55 m ² (600 ft. ²)
(vii)	Maximum Building Height	9 m (30 ft.) or 2 storeys
(b)	Fourplexes and Triplexes	
(i)	Minimum Parcel Area	1300 m ² (14,000 ft. ²)
(ii)	Minimum Front Yard	6 m (20 ft.)
(iii)	Minimum Side Yard	1.5 m (5 ft.) for each side yard, except (A) 4.5 m (15 ft.) where the side yard abuts a road.
(iv)	Minimum Rear Yard	6 m (20 ft.), except (A) 9 m (30 ft.) in a laneless parcel
(v)	Minimum Floor Area for Each Dwelling Unit	75 m ² (800 ft. ²)
(vi)	Maximum Building Height	10 m (33 ft.) or 2.5 storeys
(c)	Rowhouses	
(i)	Minimum Parcel Area	(A) 230 m ² (2475 ft. ²) for an internal unit (B) 325 m ² (3500 ft. ²) for an end unit
(ii)	Maximum Density	45 dwelling units per hectare (18.2 per ac.)
(iii)	Minimum Front Yard	6 m (20 ft.)
		In a new development, the front yard requirement may be varied to improve the visual attractiveness of the development.
(iv)	Minimum Side Yard	1.5 m (5 ft.) for each side yard, except (A) 3 m (10 ft.) for one side yard in a laneless parcel, and

- (B) 4.5 m (15 ft.) where the side yard abuts a road.
- (v) Minimum Rear Yard 6 m (20 ft.), except
(A) 9 m (30 ft) in a laneless parcel
- (vi) Maximum Building Height 9 m (30 ft.)
- (vii) Outdoor Living Area

Each dwelling unit shall have an outdoor living area with:

- (A) a minimum depth of 7.5 m (25 ft.)
- (B) a minimum privacy area of 4.5 m (15 ft.), and
- (C) a fence of a minimum height of 1.5 m (5 ft.) or other screening containing the privacy area.
- (viii) Arrangement and Spacing of Dwelling Units
 - (A) The principal entry for every dwelling unit must be separate and be directly accessible to ground level.
 - (B) The arrangement and spacing of dwellings is subject to the approval of the Development Authority.
 - (C) Principal living room windows facing each other shall have a minimum separation space of 6 m (20 ft.) between them.
 - (D) Habitable room windows shall have a minimum separation space of 4.5 m (15 ft.) between them, and a minimum separation space of 3 m (10 ft.) when directly facing a blank wall.
 - (E) No project walkway shall be located within 4.5 m (15 ft.) of a window to a habitable room.

(d) Apartments

- (i) Minimum Parcel Area 888 m² (8600 ft.²)
- (ii) Minimum Front Yard 7 m (23 ft.)
- (iii) Minimum Side Yard 1.5 m (5 ft.)
- (iv) Minimum Rear Yard 8 m (26 ft.)
- (v) Minimum Floor Area For Each Dwelling Unit
 - (A) Bachelor unit 35 m² (375 ft.²)
 - (B) 1 bedroom unit 45 m² (485 ft.²)

- (C) 2 bedroom unit 55 m² (590 ft.²)
- (D) 3 or more bedroom unit 65 m² (700 ft.²)

(v) Maximum Building Height 11 m (36 ft.)

(vi) Amenity Area

A minimum amenity area shall be provided for all dwelling units in apartments, in accordance with the following:

- (A) Bachelor unit 15 m² (160 ft.²) per unit
- (B) 1 bedroom unit 25 m² (270 ft.²) per unit
- (C) 2 bedroom unit 70 m² (750 ft.²) per unit
- (D) 3 or more bedroom unit 90 m² (970 ft.²) per unit

Side yards and parking areas shall not be considered as part of, and contributing to, any amenity area.

(e) Other Uses

All regulations will be at the discretion of the Development Authority.

(f) Notwithstanding Section 9.4(2) above, within Lot 27, Block 2, Plan 982-5352, the following shall be the only permitted uses allowed:

- (i) Apartments
- (ii) Minor home occupations
- (iii) Buildings and uses accessory to permitted uses,

And the following shall be the only discretionary use allowed:

- (i) Utility buildings and services
- (ii) Buildings and uses accessory to discretionary uses

9.6 RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMH1) DISTRICT

(1) Explanation

The general purpose of this District is to permit development of subdivisions for Type B single family dwellings, in which each dwelling unit is located on a separately registered parcel.

(2) Permitted Uses

- (a) Minor home occupations
- (b) Type B single family dwellings
- (c) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Major home occupations
- (b) Parks
- (c) Public utility buildings and services
- (d) Type A single family dwellings
- (e) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

(4) Regulations

- | | |
|-----------------------------|---|
| (a) Minimum Parcel Area | (i) 430 m ² (4,600 ft. ²) for Type B single family dwellings
(ii) As required by the Development Authority for other uses |
| (b) Minimum Front Yard | 6 m (20 ft.) |
| (c) Minimum Side Yard | 1.5 m (5 ft.), except
(A) 3 m (10 ft.) where the side yard abuts a road other than a lane |
| (d) Minimum Rear Yard | 4.5 m (15 ft.) |
| (e) Maximum Parcel Coverage | (A) 35% for a Type B single family dwelling
(B) 15% for an accessory building
(C) As required by the Development Authority for other uses |
| (f) Minimum Floor Area | (A) 65 m ² (700 ft. ²) for Type B single family dwellings, excluding attached porches |

- (B) As required by the Development Authority for other buildings
- (g) **Maximum Building Height**
 - (A) 4.5 m (15 ft.) for Type B single family dwellings and accessory buildings
 - (B) As required by the Development Authority for other buildings

9.7 RESIDENTIAL MANUFACTURED HOME PARK (RMH2) DISTRICT

(1) Explanation

The general purpose of this District is to permit manufactured home park development wherein bays are provided on a rental basis.

(2) Permitted Uses

- (a) Minor home occupations
- (b) Type B single family dwellings within manufactured home parks which have a valid development permit
- (c) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Major home occupations
- (b) Type B single family dwellings that are not within manufactured home parks which have a valid development permit
- (c) Manufactured home parks
- (d) Parks
- (e) Public utility buildings and services
- (f) Any use that is similar, in the opinion of the Municipal Planning Commission to the above-listed permitted or discretionary uses
- (g) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Manufactured Home Park Area 2 ha (5 ac.)
- (b) Maximum Density 17 Type B single family dwellings per ha (7 per ac.)
- (c) Regulations for Bays
 - (i) Minimum Area 370 m² (4,000 ft.²)
 - (ii) Minimum Front Yard 5 m (16 ft.)
 - (iii) Minimum Side Yard 1.5 m (5 ft.), except
(A) 4.5 m (15 ft.) on the side where the primary entrance to the unit is located
 - (iv) Minimum Rear Yard 3 m (10 ft.)
 - (v) Maximum Coverage (A) 35% for a Type B single family dwelling

- (B) 15% for an accessory building
- (C) As required by the Development Authority for other buildings

(d) Type B Single Family Dwellings

- (a) Minimum Floor Area 45 m² (485 ft.²)
- (b) Maximum Building Height 4.5 m (15 ft.) for Type B single family dwellings and accessory buildings

(e) Other Uses

All regulations will be at the discretion of the Development Authority.

9.8 MANUFACTURED HOME/DETACHED DWELLING (RMH3) DISTRICT

(1) Explanation

To provide for low density residential development in the form of a mixture of Type A and Type B single family dwellings.

(2) Permitted Uses

- (a) Minor home occupations
- (b) Type A single family dwellings
- (c) Type B single family dwellings
- (d) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Major home occupations
- (b) Parks
- (c) Public utility buildings and services
- (d) Secondary suites
- (e) Any use that is similar, in the opinion of the Municipal Planning Commission to the above-listed permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 465 m² (5005 ft.²)
- (b) Minimum Front Yard 6 m (20 ft.)
- (c) Minimum Side Yard 1.5 m (5 ft.) for each side yard, except
 - (A) 1.2 m (4 ft.) on the side where an attached garage or carport is provided
 - (B) 4.5 m (15 ft.) where the side yard abuts a road
- (d) Minimum Rear Yard 6 m (20 ft.)
- (e) Maximum Parcel Coverage 40% for all buildings
- (f) Minimum Floor Area for Principal Main Building
 - (A) 83 m² (900 ft.²) for Type A single family dwellings
 - (B) 65 m² (700 ft.²) for Type B single family dwellings

- (g) Maximum Building Height
- (A) 9 m (30 ft.) or 2 storeys for Type A single family dwellings
 - (B) 4.5 m (15 ft.) for Type B single family dwellings
 - (C) 4.5 m (15 ft.) for accessory buildings and other uses

9.9 MAINSTREET COMMERCIAL (C1) DISTRICT

(1) Explanation

The general purpose of this District is to permit commercial development appropriate for the central business district of the municipality.

(2) Permitted Uses

- (a) Eating and drinking establishments
- (b) General retail establishments. If the floor space area used is not greater than 370 m² (3982 ft.²), the manufacture or treatment of products essential to the retail business conducted on the premises is permitted (e.g. bakery or photography studio, butcher)
- (c) Government services
- (d) Health services
- (e) Hotels
- (f) Household repair services
- (g) Motels
- (h) Personal service shops
- (i) Professional, financial and office support services
- (j) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Business support service establishment
- (b) Child care facilities
- (c) Commercial schools
- (d) Dwelling units in a building used for a permitted or discretionary use
- (e) Entertainment establishments
- (f) Existing residential uses
- (g) Fleet services
- (h) Funeral services
- (i) Indoor recreation establishments
- (j) Limited contractor services
- (k) Minor repair shops
- (l) Parks
- (m) Parking lots
- (n) Private clubs
- (o) Public utility buildings and services
- (p) Veterinary clinic
- (q) Warehousing, when it is an integral part of a main retailing use (e.g., auto parts)
- (r) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (s) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 230 m² (2475 ft.²)
- (b) Minimum Parcel Width 7.6 m (25 ft.)
- (c) Minimum Parcel Depth 30 m (98 ft.)
- (d) Minimum Front Yard Nil
- (e) Minimum Side Yard Nil, except
(A) 1.5 m (5 ft.) where the yard abuts a residential district
- (f) Minimum Rear Yard 3 m (10 ft.), unless otherwise required by the Development Authority
- (g) Residences and accessory buildings and uses to residences shall meet the requirements of the R4 District for residential buildings, except for single family dwellings, which shall meet the requirements of the R3 District for single family dwellings.
- (h) Proposed development, through innovative architecture and large windows at road level, shall create a significant pedestrian orientation in keeping with the intent and purpose of this District. No building in the C1 District shall be in excess of 38.1 m (125 ft.) in width, unless pedestrian entranceways are provided at least every 38.1 m (125 ft.) of frontage. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain).
- (i) All exterior walls of any principal or accessory building should be composed of the same or complementary architectural building façade materials. Exterior building facades shall be composed of natural materials such as wood, brick, stucco or stone, or an alternate material approved the Development Authority. When renovations, alterations, or additions are made to any existing building within the C1 District, the Development Authority may require, at his sole discretion, that the exterior building facades of the entire building be brought into compliance with this requirement.
- (j) Pedestrian walkways are required in all developments which abut any road or an internal service road.
- (k) At his sole discretion, the Development Authority may require that a development provide amenities in the form of exterior lighting, paved activity nodes, road/sidewalk furniture, safety paths, screening walls and/or planters.

- (l) Unless otherwise approved by the Development Authority, entrances to any dwellings within buildings in the C1 District shall be separated from entrances to any other uses within those buildings.
- (m) No entertainment establishment shall be approved unless, in the sole opinion of the Development Authority, all necessary measures will be taken to mitigate any impacts the development may have on adjacent property by way of offensive activities or nuisance

9.10 SECONDARY COMMERCIAL (C2) DISTRICT

(1) Explanation

The general purpose of this District is to permit commercial development of a secondary nature, involving workshop type uses, and more land extensive uses.

(2) Permitted Uses

- (a) Automobile, small truck, and recreational vehicle sales/rentals establishments
- (b) Dwelling units in a building used for permitted or discretionary uses
- (c) Eating and drinking establishments
- (d) Fleet services
- (e) Funeral services
- (f) General retail establishments. If the floor space area used is not greater than 370 m² (3982 ft.²), the manufacture or treatment of products essential to the retail business conducted on the premises is permitted (e.g., bakery or photography studio, butcher)
- (g) Government services
- (h) Health services
- (i) Hotels
- (j) Household repair services
- (k) Indoor recreation establishments
- (l) Limited contractor services
- (m) Minor repair shops
- (n) Motels
- (o) Personal service shops
- (p) Professional, financial, and office support services
- (q) Warehouse sales establishments
- (r) Workshops
- (s) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Automobile and equipment repair shops
- (b) Business support service establishment
- (c) Car washing establishments
- (d) Child care facilities
- (e) Commercial schools

- (f) Entertainment establishments
- (g) Equipment sales, rentals and service
- (h) Existing residential uses
- (i) General contractor services
- (j) Parking lots
- (k) Private clubs
- (l) Protective and emergency services
- (m) Trucking and cartage establishments
- (o) Parks
- (p) Public utility buildings and services
- (q) Veterinary clinics
- (r) Any use that is similar in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (s) Buildings and uses accessory to discretionary uses
- (r) Eating and drinking establishments with outdoor patio on Lot 25, Block2, Plan 77U only

(4) Regulations

- (a) Minimum Parcel Area 230 m² (2475 ft.²)
- (b) Minimum Parcel Width 7.6 m (25 ft.)
- (c) Minimum Parcel Depth 30 m (98 ft.)
- (d) Minimum Front Yard Nil
- (e) Minimum Side Yard Nil, except
(A) 1.5 m (5 ft.) where the yard abuts a Residential District
- (f) Minimum Rear Yard 3 m (10 ft.), unless otherwise required by the Development Authority
- (g) Residences and accessory buildings and uses to residences shall meet the requirements of the R4 District for residential buildings, except for single family dwellings, which shall meet the requirements of the R3 District for single family dwellings.
- (h) No entertainment establishment shall be approved unless, in the sole opinion of the Development Authority, all necessary measures will be taken to mitigate any impacts the development may have on adjacent property by way of offensive activities or nuisance

9.11 HIGHWAY COMMERCIAL (C3) DISTRICT

(1) Explanation

The general purpose of this District is to permit commercial uses which serve the needs of the traveling public, depend on their proximity to the highway for passing trade, or require a large parcel of land for outside storage and display of merchandise.

(2) Permitted Uses

- (a) Automobile and equipment repair shops
- (b) Automobile, small truck, and recreational vehicle sales/rentals establishments
- (c) Business support service establishments
- (d) Car washing establishments
- (e) Convenience stores
- (f) Drive-in businesses, including drive-in restaurants
- (g) Eating and drinking establishments
- (h) Fleet services
- (i) Funeral services
- (j) Gas bars
- (k) General contractor services
- (l) Health services
- (m) Hotels
- (n) Household repair services
- (o) Limited contractor services
- (p) Minor repair shops
- (q) Motels
- (r) Personal service shops
- (s) Private clubs
- (t) Professional, financial and office support services
- (u) Protective and emergency services
- (v) Service stations
- (w) Specialty car care establishments (includes but is not limited to muffler shops, lubrication shops, car washes and tire shops)
- (x) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Agricultural equipment dealers/repairs
- (b) Alcohol retail sales
- (c) Auctioneering establishment
- (d) Auto body shops
- (e) Bulk fuel sales (including propane)
- (f) Dwelling accommodation in a building used for permitted or discretionary uses with exception that on Lot A, Block 28, Plan 792-1207 where dwelling accommodation shall not be allowed
- (g) Entertainment establishments
- (h) Equipment rental establishment

- (i) General retail establishments
- (j) Greenhouses and plant nurseries
- (k) Heavy truck sales/rentals establishments
- (l) Industrial and agricultural vehicle and equipment sales/rentals establishments
- (m) Parks
- (n) Public utility buildings and services
- (o) Recycling depot
- (p) Self-service storage facility
- (q) Small animal breeding and boarding establishments
- (r) Veterinary clinics
- (s) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (t) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 1160 m² (12,500 ft.²)
- (b) Minimum Parcel Width 30 m (100 ft.)
- (c) Minimum Front Yard 10 m (33 ft.), except
 - (A) Lot B, Block 28, Plan 792 1207, where the minimum front yard is as exists at the date of the approval of this Bylaw
- (d) Minimum Side Yard 3 m (10 ft.)
- (e) Minimum Rear Yard 3 m (10 ft.)
- (f) (i) The building setbacks shall allow for the planned widening of roads and/or provision of service roads, where required by the Development Authority.
- (ii) The building setbacks shall provide for the front yards as established by the requirements above, in addition to the setbacks needed for the aforementioned widening.
- (g) (i) An accessory building other than a sign shall not be located in the front yard.
- (ii) An accessory building shall not be located closer than 0.6 m (2.0 ft.) to a principal building or to a side line. Where the side yard abuts a road other than a lane, then the principal building regulation shall apply, except as approved by the Development Authority.
- (iii) Minimum rear yard for accessory buildings - 0.6 m (2.0 ft.).
- (iv) The height of an accessory building shall not exceed 4.8 m (16 ft.).

- (h) **Maximum Parcel Coverage - 60% for all buildings**
- (i) **No entertainment establishment shall be approved unless, in the sole opinion of the Development Authority, all necessary measures will be taken to mitigate any impacts the development may have on adjacent property by way of offensive activities or nuisance**

9.12 SPECIAL COMMERCIAL (C4) DISTRICT

(1) Explanation

The general purpose of this District is to regulate the development of an area containing a broad mix of retail, service, and office uses serving the Town.

(2) Permitted Uses

- (a) Commercial schools
- (b) Eating and drinking establishments
- (c) General retail establishments
- (d) Health services
- (e) Indoor recreation establishments
- (f) Personal service shops
- (g) Photographic, dance or music studios
- (h) Professional, financial, and office support services
- (i) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Car washing establishments
- (b) Gas bars
- (c) Dwelling units in a building used for permitted or discretionary uses
- (d) Limited contractor services
- (e) Outdoor recreation establishments
- (f) Parks
- (g) Public utility buildings and services
- (h) Service stations
- (i) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (j) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) Minimum Parcel Area 1200 m² (0.3 acres)
excepting the easterly 16.0 m (52.5 ft.) of Lot 3,
Block 1, Plan 4672TR
- (b) Maximum Parcel Area 2 hectares (5 acres)
- (c) Minimum Front Yard 3m (10 ft.)
- (d) Maximum Parcel Coverage 50%
- (e) Minimum Parcel Coverage 10%

(f) Outdoor Storage

Accessory outdoor storage areas must be screened to the satisfaction of the Development Authority

9.13 INDUSTRIAL (M) DISTRICT

(1) Explanation

The general purpose of this District is to provide parcels for light industrial and manufacturing uses, and for heavier industrial uses.

(2) Permitted Uses

- (a) Animal hospitals
- (b) Animal boarding facilities
- (c) Animal breeding facilities
- (d) Auctioneering establishments
- (e) Auto body shops
- (f) Automobile and equipment repair shops
- (g) Business support service establishments
- (h) Equipment rental establishments
- (i) Fleet services
- (j) General contractor services
- (k) Light industry
- (l) Limited contractor services
- (m) Transportation services (includes but is not limited to bus and truck lines)
- (n) Veterinary clinics
- (o) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Convenience stores
- (b) Eating and drinking establishments
- (c) Greenhouse and plant nurseries
- (d) Heavy industry
- (e) Heavy truck sales/rentals establishments
- (f) Industrial and agricultural vehicle and equipment sales/rentals establishments
- (g) Medium industry
- (h) Outdoor storage
- (i) Professional, financial and office support services
- (j) Railway uses
- (k) Protective and emergency services
- (l) Recycling depots
- (m) Self-service storage facilities
- (n) Trucking and cartage establishments
- (o) Public utility buildings and services
- (p) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses.
- (q) Buildings and uses accessory to discretionary uses
- (r) A single family dwelling on existing Lot 4, Block 1, Plan 062-0611
- (s) A manufactured home for residential use on Lot 1, Plan 2695CL only

(4) Regulations

- (a) Minimum Parcel Area 750 m² (8000 ft.²)
- (b) Minimum Front Yard 6 m (20 ft.)
- (c) Minimum Side Yard 3 m (10 ft.)
- (d) Minimum Rear Yard 9 m (30 ft.)
- (e) Maximum Parcel Coverage 60% for all buildings
- (f) Maximum Building Height 10.7 m (35 ft.)
- (g) Other Requirements
 - (i) All permitted uses in this District shall carry out their operations such that no nuisance factor is created or transmitted beyond the walls of the building housing the industrial operation. In general, nuisance factors shall include objectionable or dangerous conditions caused by: noise, vibration, smoke, dust, odour, toxic or noxious matter, radiation, flammable or explosive materials, heat, humidity or glare.
 - (ii) All buildings shall be of good architectural design as approved by the Development Authority.
 - (iii) All yards abutting the highway or road shall be landscaped and the entire parcel and all buildings maintained in a neat and tidy manner.
 - (iv) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences, or a combination thereof.
- (h)
 - (i) An accessory building other than a sign shall not be located in the front yard.
 - (ii) An accessory building shall not be located closer than 0.6 m (2.0 ft.) to a principal building or to a side line. Where the side yard abuts a road other than a lane, then the principal building regulation shall apply, except as approved by the Development Authority.
 - (iii) Minimum rear yard for accessory buildings - 0.6 m (2.0 ft.).
 - (iv) The height of an accessory building shall not exceed 4.8 m (16 ft.).

9.14 COMMUNITY (P) DISTRICT

(1) Explanation

The general purpose of this District is to permit the use of land for service, mainly of a public nature, which has a primary orientation toward the community.

(2) Permitted Uses

- (a) Community halls
- (b) Government services
- (c) Parks
- (d) Places of worship
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Exhibition and convention facilities
- (b) Outdoor recreation establishments
- (c) Private clubs
- (d) Public utilities
- (e) Recreation trailer parks
- (f) Recreational facilities
- (g) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

(4) Regulations

As required by the Development Authority.

9.15 INSTUTIONAL (I) DISTRICT

(1) Explanation

The general purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

(2) Permitted Uses

- (a) Community halls
- (b) Extended medical treatment facilities
- (c) Government services
- (d) Health services
- (e) Places of worship
- (f) Public education facilities
- (g) Senior citizens homes and similar buildings
- (h) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Exhibition and convention facilities
- (b) Outdoor recreation establishment
- (c) Private clubs
- (d) Professional, financial and office support services on Block A, Plan 8372ET only
- (e) Public utility buildings and services
- (d) Recreational facilities
- (f) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

(4) Regulations

As required by the Development Authority.

9.16 URBAN RESERVE (UR) DISTRICT

(1) Explanation

The general purpose of this District is to reserve those lands on the periphery of the Town which, by their relationship to existing land uses, to the main road system and to the established utility systems, will in time become suitable for general urban uses.

(2) Permitted Uses

- (a) Cultivation of land, but not including the keeping of any livestock
- (b) Minor home occupations
- (c) Single family dwellings on existing parcels only
- (d) Buildings and uses accessory to permitted uses

(3) Discretionary uses

- (a) Any strictly temporary use or building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (b) Major home occupations
- (c) Public utility buildings and services
- (d) Any use that is similar, in the opinion of the Municipal Planning Commission, to the above-listed permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

(4) Regulations

- (a) No subdivision or development other than for the above uses shall take place until an area structure plan or outline plan for the area has been approved by Council. The plan should include: road layout, proposed land use classification, public reserve dedications and utilities policies.
- (d) Minimum yard dimensions and other regulations shall be as required by the Development Authority.

9.17 DIRECT CONTROL (DC) DISTRICT

(1) Explanation

In accordance with Section 641 of the Act, this Land Use District may be applied to areas determined by the Town of Provost to be unique or of special character or where particular circumstances are present. Pursuant to the relevant sections of the Act and this Bylaw, applications under this District will be received, considered and decided upon by Council.

(2) Permitted Uses

None

(3) Discretionary Uses

- (a) Any type of development that is approved by a motion of Provost Town Council in accordance with Section 9.16(1) and at a scheduled Town Council meeting.

(4) Regulations

- (a) Notwithstanding any development permit application requirements to the contrary in this Bylaw, Council may specify the following additional application requirements in the case of an application within this land use district:
 - (i) To the level of detail determined by Council, applicants shall fully disclose the precise nature and extend to the proposed use or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this Land Use District.
 - (ii) In support of an application within this Land Use District, Council may undertake, or require that the applicant undertake in a manner satisfactory to them, a polling of the adjacent properties within the Town of Provost to assist in the comprehensive evaluation of the application.
- (b) Upon receipt of a completed development permit application in a Direct Control District, the Council may, prior to making a decision, refer the application to the Development Authority Officer, the Municipal Planning Commission, any municipal department or any other external agency for comment.
- (c) The Council, in considering a development permit application pursuant to Section 9.16(1), will consider but shall not be bound by the comments it receives.
- (d) At some point, as determined by Council, prior to deciding upon the application before it, the Council will provide for public notice, through means and to whom it considers necessary, that a decision regarding an application pursuant to a Direct Control District is to be made, that an opportunity will be afforded to any interested person to make representation on the application, and that Council shall take into account any such representations when giving final consideration to the said application.

(5) General Provisions

- (a) In evaluating a proposed land use development, the Council:
 - (i) shall have regard for, but not be limited to:
 - 1. the existing use of the land,
 - 2. the general and special regulations as contained elsewhere in this Bylaw, and
 - 3. the land use regulations of adjoining land use districts; and
 - (ii) shall comply with the Act as well as any statutory plan and/or Conceptual Scheme in effect specifically for the purpose of directing the implementation/administration of this land use district.
- (b) All development regulations shall be as determined by Council who, in determining such regulations, shall consider all information it obtains pursuant to the provisions of this Land Use District and comply with any applicable provisions of any statutory plan or Conceptual Scheme in effect.
- (c) No activity may be undertaken that would, in the opinion of Council, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value or neighbouring properties by reason of excessive noise, smoke, emissions or containment of hazardous materials.
- (d) The design, external finish, architectural appearance, siting, landscaping, screening and buffering of any building(s) or structure(s) shall be to the satisfaction of Council so that there shall be general conformity in such matters with respect to adjacent buildings, adequate protection afforded to the amenities of the adjacent residential properties and any objectionable aspects or potential incompatibility with other uses and developments in adjacent land use districts is or can be minimized.
- (e) The Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- (f) The Council may also:
 - (i) as a condition of approval, require that the applicant enter into a development agreement with the Town pursuant to the Act and the Land Use Bylaw. To ensure compliance with the conditions in the agreement, the Town may be protected by caveat registered in favour of the Town;
 - (ii) as a condition of approval, require financial guarantees, in a form and an amount acceptable to the Town, from the applicant to secure performance of any of the conditions of the approval; and/or,
 - (iii) revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, sewerage and road access, or any of them, including payment of the costs of installing or constructing any such utility by the developer.

- (g) The Council may stipulate the times of day or week during which an approved use or development may operate as well as the length of time the approval remains in effect.
- (h) As a condition of approval, Council may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- (i) The Council may issue a temporary development permit where Council is of the opinion that the proposed use is of a temporary nature.
- (k) If at any time, in the opinion of Council, any of the provisions of Section 9.16 have not been complied with, the Council may utilize the enforcement mechanisms available under the Act and this Bylaw.

10.0 – AIRPORT VICINITY PROTECTION AREA REGULATIONS

10.1 EXPLANATION

The general purpose of this Section of the Bylaw is to establish overriding regulations respecting uses of land and development within a particular portion of the Town which may be impacted by the operations of the Provost Airport.

10.2 APPLICATION

- (1) Notwithstanding any other provision of this Bylaw to the contrary, the regulations of this Section 10 of this Bylaw apply to all of the lands identified within this Section 10 as lying within the Provost Airport Vicinity Protection Area.
- (2) Development existing before the coming into force of this Bylaw shall be deemed to comply with the exterior acoustic insulation requirements set out in this Section.

10.3 DEFINITIONS

- (1) In addition to the other terms used in this Bylaw, in this Section 10:
 - (a) “airport” means the Provost Airport within the protection area;
 - (b) “airport runway” means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;
 - (c) “airport zoning reference point elevation” means the airport zoning reference point elevation of the runway as described in Table 3 of this Section;
 - (d) “basic strip” means a basic strip as described in Table 3 of this Section;
 - (e) “C” followed by a number, where it appears in one of the NEF area columns opposite a particular land use, means that the land use is subject to the conditions set out in Table 2 of this Section bearing the same letter and number;
 - (f) “NA”, where it appears in one of the NEF area columns opposite a particular land use, means that the land use is not allowed in that NEF area;
 - (g) “NEF” means noise exposure forecast;
 - (h) “NEF Contour” means a numbered contour as shown on Map 10.1;
 - (i) “NEF 25- Area” means the NEF area that lies between the 25 NEF Contour and the boundary of the protection area;
 - (j) “NEF 25-30 Area” means the NEF area that lies between the 25 NEF Contour and the 30 NEF Contour.
 - (k) “NEF 30-35 Area” means the NEF area that lies between the 30 NEF Contour and the 35 NEF Contour.
 - (l) “NEF 35-40 Area” means the NEF area that lies between the 35 NEF Contour and the 40 NEF Contour.
 - (m) “NEF 40+ area” means the NEF area enclosed by the 40 NEF contour;
 - (n) “outer surface” means the outer surface as described in Table 3 of this Section;

- (o) “P” where it appears in one of the NEF area columns in Table 1 of this Section opposite a particular land use, means that the land use in that NEF area is unconditionally permitted by this Section.
 - (p) “protection area” means the Provost Airport Vicinity Protection Area described in Map 10.1;
 - (q) “residential replacement and infill” means a new residential development that does not exceed the intensity of use designated for the parcel in this Land Use Bylaw before the coming into force of this Bylaw and
 - (i) that will replace a residential development that has been demolished or destroyed, or
 - (ii) that is to be rebuilt on a parcel that, before the coming into force of this Bylaw, is
 - (A) registered under the Land Titles Act, and
 - (B) designated for residential development in a statutory plan.
 - (r) “take-off/approach surface” means a take-off and approach surface as described in Table 3 of this Section;
 - (s) “transitional surface” means a transitional surface as described in Table 3 of this Section.
- (2) For the purposes of this Section, a reference to a land use, structure or development may include an accessory land use, structure or development, as the case may be.

10.4 ESTABLISHMENT OF PROTECTION AREA

- (1) The following area within the Town is established as the Provost Airport Vicinity Protection Area:
 - (a) In Township 39, Range 2, West of the 4th Meridian:
 - (i) N ½ of the NE quarter of Section 7;
 - (ii) all those lands within the south half of Section 17 that lie south of the southern boundary of the Canadian Pacific Railway Plan 2452AA and west of 43 Street as shown on Plan 3025AF; and
 - (iii) all those lands within the south half of Section 18 that lie south of the southern boundary of the Canadian Pacific Railway Plan 2452AA.
- (2) If any discrepancy exists between the description of the protection area in Subsection (1) and the location of the protection area as shown on Map 10.1, the description in Subsection (1) prevails.

10.5 ESTABLISHMENT OF DISTRICT

- (1) For the purposes of this Section 10, the protection area is placed entirely within the Airport Urban District, designated A-U as shown on Map 10.1.

10.6 DEVELOPMENT PERMITS

- (1) For the purposes of this Section, one land use is substantially similar to another if, in the opinion of the Development Authority,
 - (a) its intended use is the same as that of the other,
 - (b) it is no more sensitive to external noise than the other,
 - (c) it does not attract birds,
 - (d) it does not generate a large amount of smoke or dust, and
 - (e) it does not exceed the height limitations in this Section 10.
- (2) The Development Authority may issue a development permit for a development that involves a land use that is designated “P” followed by a number in Table 1 of this Section 10 or is substantially similar to such a land use.
- (3) The Development Authority may issue a development permit for a development that involves a land use that is designated “C” followed by a number in Table 1 of this Section 10 or is substantially similar to such a land use, subject to any condition specified in Table 2 of Section 10.
- (4) The Development Authority shall not issue a development permit for a development that involves a land use that
 - (a) is designated “NA” in Table 1 of this Section 10 or is substantially similar to such a land use, or
 - (b) is neither listed in Table 1 of Part 10 nor authorized under Subsections (2) or (3) hereof, or
 - (c) would, in the opinion of the Development Authority, attract birds or generate a large amount of smoke or dust or both in such a manner as to negatively impact the operations of the airport.

10.7 HEIGHT LIMITATIONS

- (1) The Development Authority may not issue a development permit for a development if any point of the development will exceed the height of any of the following surfaces;
 - (a) the take off/approach surfaces;
 - (b) the transitional surfaces.
- (2) For the purposes of this Section,
 - (a) if the development is a rail line, the highest point of the development shall be deemed to be 6 m (19.7 ft.) higher than the actual height of the rails, and
 - (b) if the development is a driveway or parking lot, the highest point of the development shall be deemed to be 4.5 m (14.8 ft.) higher than the actual height of the part of the driveway or parking lot on which vehicles travel or may be located.

MAP 10.1 – AIRPORT URBAN DISTRICT MAP

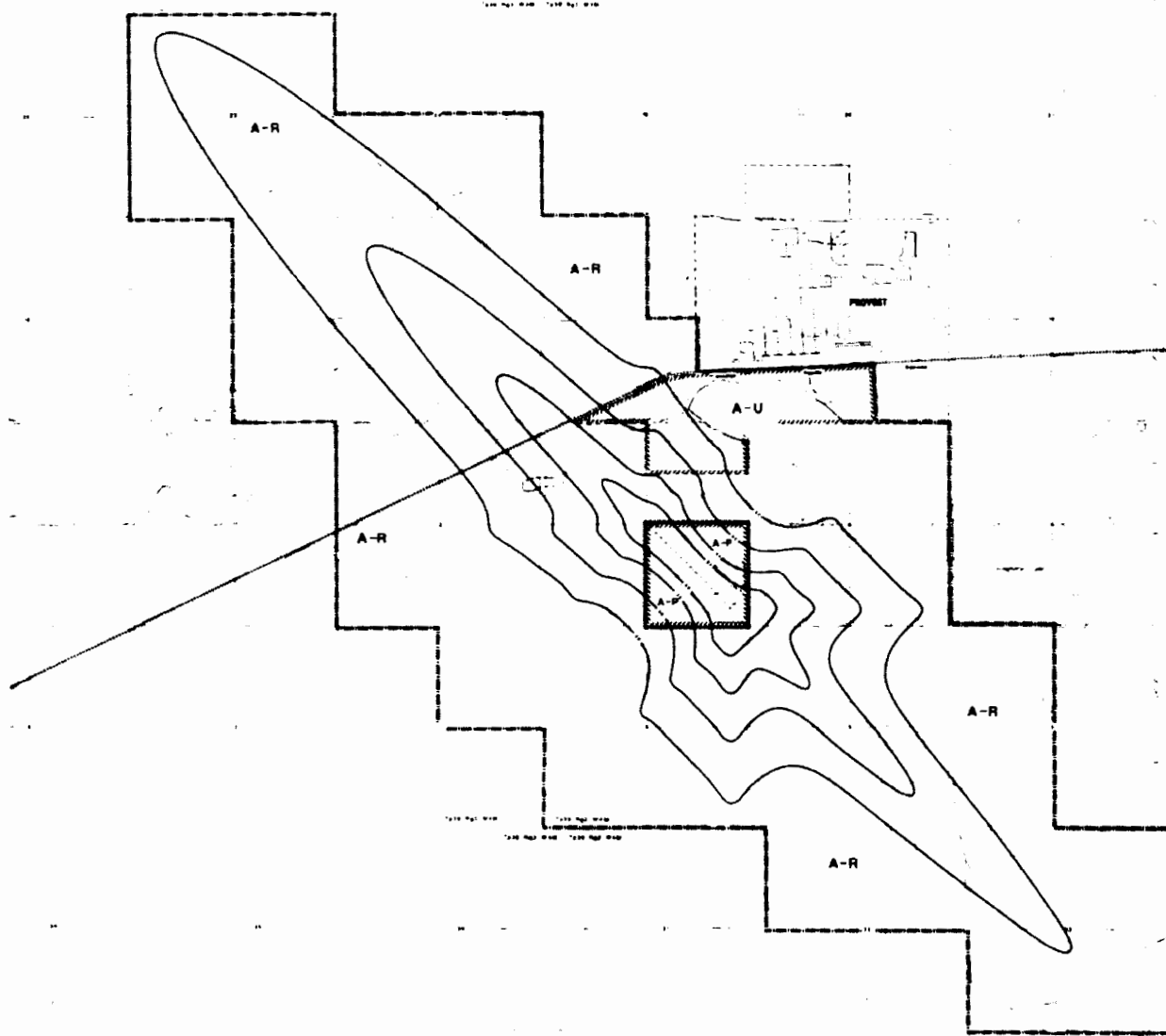


TABLE 1

LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS

The performance criteria utilized to determine permitted and conditional land uses are as follows:

- 1 uses that involve continuous human occupancy (e.g. residential use)
 - conditional approval (C1) above the 25 NEF Contour
 - not permitted above the 30 NEF Contour
- 2 uses that involve continuous human occupancy but comprise residential replacement or infill
 - conditional approval (C1) above the 25 NEF Contour
- 3 uses that involve temporary medium term human occupancy where the majority of people occupy the space for an 8-hour work period (employee oriented) (e.g. commercial/office uses, eating and drinking establishments, hotels and motels)
 - conditional approval (C1) above the 30 NEF Contour
 - not permitted above the 40 NEF Contour
- 4 uses that involve temporary short term human occupancy where the majority of people occupy the space temporarily (customer oriented) (e.g. drive-in restaurants, vehicle and equipment sales)
 - not permitted above the 40 NEF Contour
- 5 uses that involve the indoor assembly of people (e.g. clubs, fraternal organizations)
 - conditional approval (C1) above the 30 NEF Contour
 - not permitted above the 40 NEF Contour
- 6 uses that involve outdoor recreation
 - conditional approval (C3) above the 30 NEF Contour
- 7 uses that involve outdoor accommodation (e.g. camping, R.V. trailer park)
 - not permitted above the 35 NEF Contour
- 8 uses that may attract birds or produce large quantities of smoke, dust or both
 - conditional approval (C2)
- 9 uses that, because of their nature, are not adversely affected by external noise due to limited or no human occupancy or sufficient internal noise generation
 - permitted
- 10 uses that may be adversely affected by external noise but do not involve human occupancy (e.g. kennel, fur farm)
 - conditional approval (C2) above the 25 NEF Contour

- 11 other uses require specific determination of noise compatibility
 - conditional approval (C2)

Airport Urban District (A-U)

The Airport Urban District (A-U) refers to the area within the AVPA boundary that is within the Town.

Land Use		Performance Noise Exposure Forecast Areas Criteria				
		NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Agricultural Uses						
All forms of agriculture	9	P	P	P	P	P
Commercial Uses						
Auto sales and rental	4	P	P	P	P	NA
Health services	3	P	P	C1	C1	NA
Contractor services	4	P	P	P	P	NA
Convenience stores	4	P	P	P	P	NA
Drive-in theatre	8	C2	C2	C2	C2	C2
Funeral services	3	P	P	C1	C1	NA
Indoor recreation	5	P	P	C1	C1	NA
Motels/hotels	3	P	P	CC1	C1	NA
Parking lots	9	P	P	P	P	P
Personal service shops	3	P	P	C1	C1	NA
Professional, financial and office support	3	P	P	C1	C1	NA
Eating and drinking establishments	3	P	P	C1	C1	NA
General retail establishments	3	P	P	C1	C1	NA
Sale of building Material	4	P	P	P	P	NA
Service stations, gas bars	4	P	P	P	P	NA
Entertainment establishments	3	P	P	C1	C1	NA
Veterinary clinics	10	P	C2	C2	C2	C2
Warehouse storage	9	P	P	P	P	P
Wholesale warehouses	4	P	P	P	P	NA

Industrial Uses

Bulk fuel and fertilizer sales and storage	4	P	P	P	P	NA
Cartage, freighting and trucking yards	9	P	P	P	P	P
Chemical products						
Plants	8	C2	C2	C2	C2	C2
Feedmills	8	C2	C2	C2	C2	C2
Grain elevators	8	C2	C2	C2	C2	C2
Gravel and sand pits	8	C2	C2	C2	C2	C2
Light industrial facilities - office or lab	3	P	P	C1	C1	NA
- other	9	P	P	P	P	P
Manufacturing of						
Asphalt	8	C2	C2	C2	C2	C2
Oil and gas plants	8	C2	C2	C2	C2	C2
Ready mix concrete						
Plants	8	C2	C2	C2	C2	C2
Seed cleaning plants	8	C2	C2	C2	C2	C2
Transportation services	4	P	P	P	P	NA

Public and Semi-Public Uses

Child care facilities	3	P	P	C1	C1	NA
Places of worship	5	P	P	C1	C1	NA
Community centres	5	P	P	C1	C1	NA
Hospital and nursing						
Homes	1	P	C1	NA	NA	NA
Libraries	3	P	P	C1	C1	NA
Managed and/or supplemental natural						
bird habitats	8	C2	C2	C2	C2	C2
Private clubs	5	P	P	C1	C1	NA
Public utility buildings	9	P	P	P	P	P
Public utility offices	3	P	P	C1	C1	NA
Public utility storage						
Yards	9	P	P	P	P	P
Schools	3	P	P	C1	C1	NA
Senior citizens homes	1	P	C1	NA	NA	NA
Water reservoirs	8	C2	C2	C2	C2	C2

Recreational Uses

Arenas and swimming						
Pools	5	P	P	C1	C1	NA
Campgrounds	7	P	P	P	NA	NA
Golf courses/clubs	6	P	P	C3	C3	C3
Playgrounds	6	P	P	C3	C3	C3
Public parks	6	P	P	C3	C3	C3
Rodeo grounds	6	P	P	C3	C3	C3
RV parking facilities	7	P	P	P	NA	NA

Residential Uses

Dwellings – new	1	P	C1	NA	NA	NA
Dwellings – replacement and infill	2	P	C1	C1	C1	C1

TABLE 2

LAND USE CONDITIONS

- C1** Construction shall conform to the exterior acoustic insulation requirements of the Alberta Building Code for those NEF areas other than the NEF 25- Area unless other wise stated in this Part. Where this condition is specified, the development officer shall indicate on the development permit the noise contours between which the proposed development parcel would be located for reference of the building inspector at the time the building permit application is filed.
- C2** Development is entirely at the discretion of the Development Authority, who will take into account the potential impact of the proposed development on airport operations.
- C3** The development shall not include structures for the seating of spectators except as varied to allow seating that, in the opinion of the Development Authority, is of a minor nature.

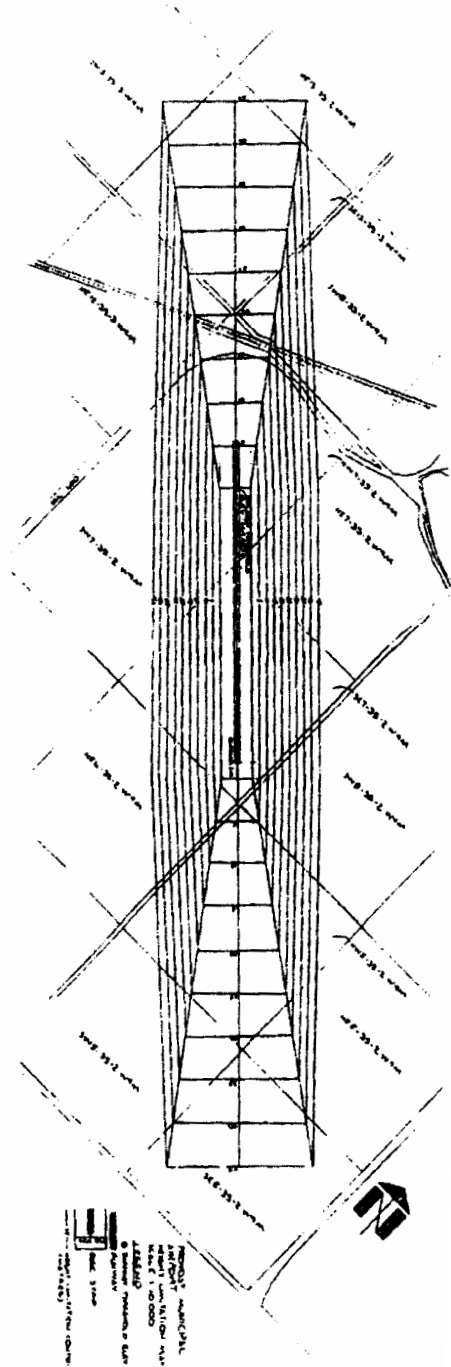
TABLE 3

HEIGHT LIMITATIONS

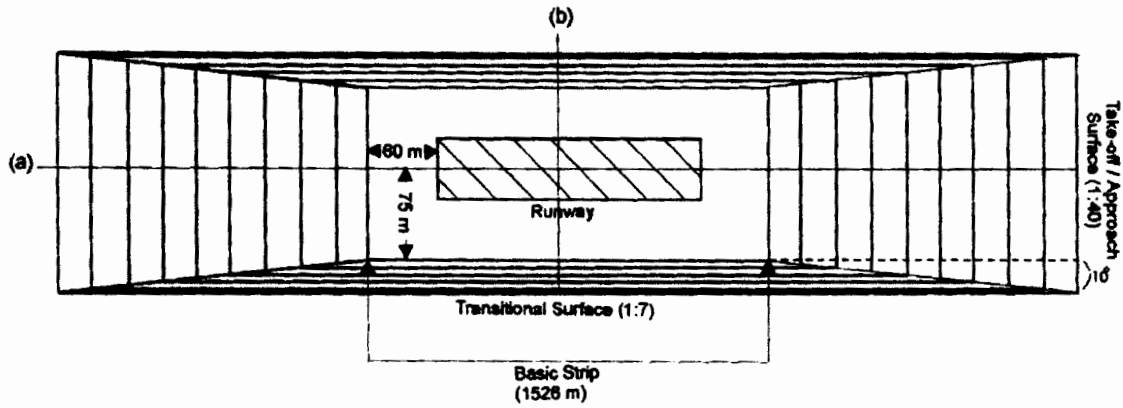
- (1) The basic strip is a rectangular area measured 60 m (196.8 ft.) out from each end of the runway, 75 m (246.1 ft.) on each side of the center line of the runway and with a total length of 1528.0 m (5103.1 ft.).
- (2) There are take-off/approach surfaces abutting and extending from each end of the basic strip and in each case the surface is an imaginary surface consisting of an inclined plane
 - (a) the commencement of which coincides with the end of the basic strip,

- (b) that rises at a slope ratio of 1:40 (2.5%) measured from the end of the basic strip,
 - (c) that diverges outward on each side as it rises, at a rate of 10% measured from the respective projected sides of the basic strip, and
 - (d) that ends at its intersection with the outer surface.
- (3) There is a transitional surface associated with each side of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that
- (a) commences at and abuts the sides of the basic strip,
 - (b) rises at a slope ratio of 1:7 (14.3%) from an elevation at the centre point of the runway opposite the proposed development, and measured from the sides of the basic strip, and
 - (c) ends at its intersection with the outer surface and the take-off/approach surfaces.
- (4) The airport zoning reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this Section is deemed to be 665.5 m (2183.4 ft.) above sea level.
- (5) The outer surface of the protection area is an imaginary common plane established at a constant elevation of 45 m (147.6 ft.) above the airport zoning reference point elevation and extending to the boundary of the protection area.
- (6) The area locations of the take-off/approach surfaces and transitional surfaces are represented on Map 10.2, but if any discrepancy exists between the description of the take-off/approach surfaces or transitional surfaces described in this Section and their location on Map 10.2, the description in this Section prevails.
- (7) A sketch showing the effect of Subsections (1), (2), (3), and (5) above are represented on Sketch 10.1, but if any discrepancy exists between the description of the take-off/approach surfaces or transitional surfaces described in this Section and their representation on Sketch 10.1, the description in this Section prevails.

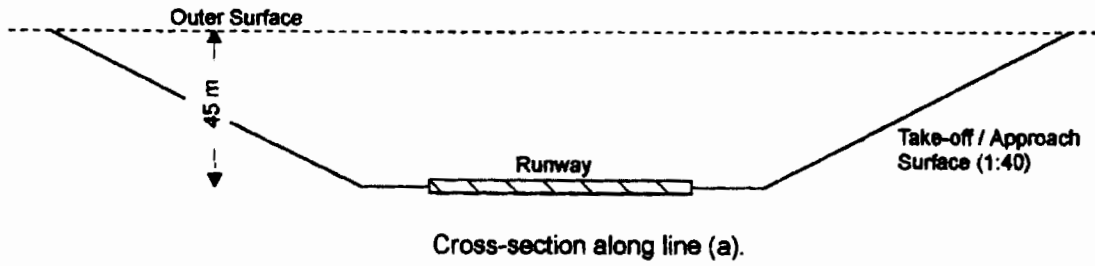
MAP 10.2 – HEIGHT LIMITATIONS MAP



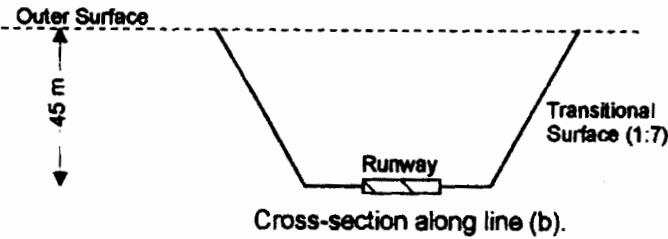
SKETCH 10.1 – TAKE-OFF/APPROACH SURFACES AND TRANSITIONAL SURFACES



Height limitations diagram (not to scale).



Cross-section along line (a).



Cross-section along line (b).

11.0 – ADOPTION

11.1 Schedule

Schedule A is adopted as part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

11.2 Repealing Existing Controls

Bylaw No. 18/98, as amended, is hereby repealed.

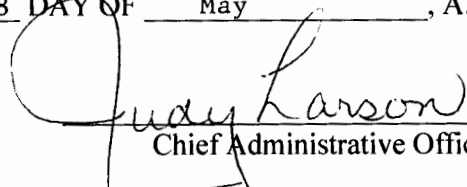
11.3 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS 28 DAY OF May, A.D. 2010



Mayor

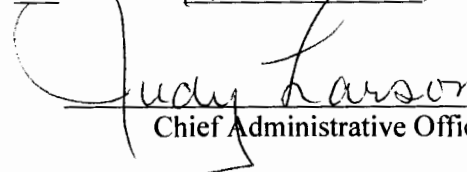


Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS 15 DAY OF June, A.D. 2010



Mayor

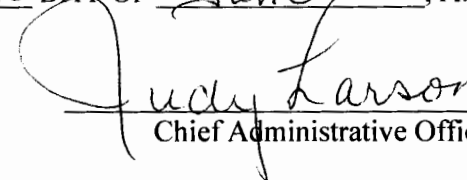


Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS 15 DAY OF June, A.D. 2010



Mayor



Chief Administrative Officer