

# BYLAW# 2011/05



## Town of Millet's **LAND USE BYLAW**

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# TOWN OF MILLET - LAND USE BYLAW # 2011/05

## **PART 1: REGULATORY**

### **1. Title and Contents**

#### **1.1 Title**

1. This bylaw is referred to as the Town of Millet Land Use Bylaw.

#### **1.2 Contents of Bylaw**

The contents of this Bylaw include:

1. Part 1, comprising the legal enactment of this Bylaw, and also all Schedules and Appendices pertaining to those Sections;
2. Part 2, comprising the definitions with this Bylaw;
3. Part 3, comprising the administrative function of this Bylaw;
4. Part 4, comprising the direction for application and the notification process pursuant to the provisions of this Bylaw;
5. Part 5, comprising the Appeal Process;
6. Part 6, comprising the Establishment of Districts;
7. Part 7, comprising regulations that apply to general uses;
8. Part 8, comprising regulations that apply to all use specific properties;
9. Part 9, comprising the considerations for the subdivision of land and the development of those lands to municipal standards;
10. Part 10, providing procedures and processes for dealing with Contravention of the Bylaw, Violations, Fines and Penalties;
11. Part 11, providing for the division of the Town into zoning classifications.

#### **1.3 Headings and Titles**

1. Notwithstanding any other provision of this Bylaw or any other bylaw passed by Council to the contrary, headings and titles within this Bylaw shall be deemed to form a part of the text of this Bylaw.

## **2. Repeal, Enactment and Transition Procedures**

1. No provisions of any other bylaw with respect to Land Use classification, development control, development schemes and Land Use classifications adopted prior to the date of this Bylaw shall hereafter apply to any parts of the Town described in this Bylaw.
2. Upon the Effective Date, the Town of Millet Land Use Bylaw 96/06 as amended is repealed.
3. Subject only to the provisions in the Act respecting legal Non-conforming uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a development permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

## **3. Transitional and Interpretive**

1. In the case of any conflict between the text of this Bylaw and the maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
2. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
3. In the case of any conflict between information expressed in metric units and in imperial units, the metric units shall govern.

## **4. Approval Required For Development**

1. No Person, except where a permit is not required:
  - a. shall commence, or cause or allow to be commenced, a development without a development permit issued under the provisions of this Bylaw; or
  - b. shall carry on, or cause or allow to be carried on, a development without a development permit issued under this Bylaw.
2. An approved development permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation such as the Act, municipal bylaws or land title instruments, any municipal Safety Codes Bylaw, or any caveats, covenants or easements that might be attached to the site.

## **PART 2: DEFINITIONS**

In this Bylaw:

ABUT or ABUTTING means immediately contiguous to or physically touching, and when used with respect to a lot, means that the lot physically touches upon another lot or shares a property line or boundary line with it.

ACCESSORY means when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.

ACCESSORY BUILDING means a permanent structure accessory to the main use or building on the site, not exceeding 4.5m in height and the exterior walls not exceeding 3.1m in height on a residential site for the storage of the personal property of the resident.

ACT OR MUNICIPAL GOVERNMENT ACT means the Municipal Government Act, RSA 2000, c. M-26, as amended. References in this Bylaw to other Acts shall have the following meanings:

- a. Condominium Property Act, shall mean the Condominium Property Act, RSA 2000, c. C 22, as amended;
- b. Environmental Protection and Enhancement Act, shall mean the Environmental Protection and Enhancement Act, RSA 2000, c. E-12, as amended;
- c. Highway Traffic Act, shall mean the Highway Traffic Act, RSA 1980, c. H-7, as amended;
- d. Historical Resources Act, shall mean the Historical Resources Act, RSA 2000, c. H-9, as amended;
- e. Railway (Alberta) Act, shall mean the Railway Act, RSA 2000, c. R-4, as amended; and
- f. Safety Codes Act shall mean the Safety Codes Act, RSA 2000, c. S-1, as amended.

ADULT ENTERTAINMENT FACILITY means an eating and/or drinking establishment or gaming establishment that provides entertainment where nude or semi-nude activity performed for an audience of one or more persons, wholly or partially designed to appeal to sexual appetites or inclinations and includes:

- a. an activity where the principal feature or characteristic is the nudity or semi-nudity of any person; and
- b. an activity where the word "nude", "naked", "topless", "bottomless", "sexy", or
- c. any other word or picture, symbol or representation having a similar meaning or implication is used in any advertisement for the activity.

AMATEUR RADIO ANTENNA AND SUPPORT STRUCTURE means an installation consisting of an antenna or antenna array, mounted on a metal tower or support structure, designed for the purpose of the reception and transmission of radio signals by private, federally licensed amateur radio operators.

AMENITY AREA means:

- a. with respect to residential use classes, space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw; and
- b. with respect to non-residential use classes, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw.

ANTIQUÉ STORE means a development used for the retail sale of collectible, decorative or household objects that are valued because of their age and character. This use does not include second hand stores, pawn shops, or booth markets.

APARTMENT BUILDING means development consisting of five or more dwellings contained within a building in which the dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other residential use class.

ATTACHED GARAGE means a portion of a building attached to a dwelling intended for the storage of vehicles for the dwelling occupants.

AUCTIONEERING ESTABLISHMENT means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment. This use class does not include flea markets or the sale of farm animals.

AUTOMOTIVE AND EQUIPMENT REPAIR SHOP means development used for the commercial servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This use class does not include body repair and paint shops.

AUTOMOTIVE AND LIGHT RECREATION VEHICLE SALES/RENTALS means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and the sale of parts. This use class includes automobile dealerships, car rental agencies and motorcycle dealerships. This use class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4000kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6000kg or a length of more than 6.7m.

AUTO SALVAGE AND AUTO RECYCLING YARD means a site in an industrial district used in whole or partially for the collection of damaged or aged vehicles for the purpose of salvaging and recycling automotive parts which are sold for reuse.

BACHELOR SUITE AND BED SITTING ROOM means a dwelling in which the sleeping and living areas are combined and which is not reasonably capable of being developed as a dwelling containing one or more bedrooms.

BALCONY means a structure projecting from the wall of a building that may be surrounded by guardrails or parapet walls.

BARE LAND CONDOMINIUM means a condominium development containing Bare Land Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act.

BARE LAND CONDOMINIUM UNIT means a bare land unit as defined in the Condominium Property Act.

BASEMENT means the portion of a building or structure, which is wholly or partially below grade, having above grade no more than 1.8m of its clear height, which lies below the finished level of the floor directly above.

BED AND BREAKFAST FACILITY means a major home based business where the primary occupant(s) of a residential building provide hospitality and sleeping accommodation along with the availability of meals to other persons for remuneration on a per night basis.

BLANK WALL means exterior walls containing no windows, doors or other similar openings.

BOARDING AND LODGING HOUSE means a development consisting of a building containing more than one (1) additional sleeping unit where lodging or sleeping accommodation with or without meals is provided for remuneration on a monthly basis and shared kitchens for the use of the residents. This use class does not include group homes.

BOOTH MARKET means development used for the sale of new or used goods by multiple vendors renting tables or space in an enclosed building or in outdoor space. Typical uses include farmers markets, flea markets, trade shows, sidewalk sales and fairs.

BOULEVARD – TREED LANDSCAPE means that portion of public road right-of-way, which has been landscaped with trees planted at intervals.

BROADCASTING AND MOTION PICTURE STUDIO means development used for the production or broadcasting of audio and visual programming typically associated with radio stations, television stations and motion picture studios.

BUILDING means anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or bridge forming part of a highway or public roadway, or any utility installation.

BUILDING PERMIT means a building permit issued pursuant to Bylaw 96/09.

BUILDING SEPARATION means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation space is not a yard.

BUSINESS SUPPORT SERVICE means development used to provide support services to businesses which are characterized by one (1) or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

CALLIPER means the trunk diameter of a tree measured at a point 300 mm above the top of the root ball.

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 elements.

CARNIVAL means temporary development providing a variety of shows, games and amusement rides, for a period of less than seven days, in which the patrons take part.

CARPORT means a roofed structure used for storing or parking of not more than two private vehicles and which has not less than 40% of its total perimeter open and unobstructed. The structure must be attached to a permanent structure such as a house or a garage.

CASINO AND OTHER GAMING ESTABLISHMENTS means development providing facilities for patrons to participate in gaming opportunities as the principal use. Typical uses include bingo halls and casinos. This use class does not include major and minor amusement establishments or other use classes where a bingo or casino occurs on an infrequent basis as an accessory use to another principal use.

CEMETERY means development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerariums, columbariums, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.

CHILD CARE SERVICE means development intended to provide care, educational activities and supervision for groups of seven or more children under 16 (sixteen) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least 12 (twelve) consecutive weeks each year. This use class includes daycare centres, out-of-school care centres, drop-in centres and nursery schools and does not include day home operations.

COMMERCIAL SCHOOL means development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. This use class does not include schools defined as public education. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

COMMUNITY RECREATION SERVICE means development for recreational, social or multi-purpose use without fixed seats and an occupancy capacity of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls, community centres, and community league buildings.

COMPLIANCE CERTIFICATE means a document which may be issued by a Development Authority, upon request and upon payment of the required fees, indicating that the use of land and buildings, and the location(s) of building(s) on a site is (are) in accordance with this Bylaw. A Compliance Certificate shall not operate as a development permit nor shall it approve any variance to the yard regulations of this Bylaw not previously approved.

CONTRACTOR SERVICE means 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.

CONVENIENCE RETAIL STORE means development used for the retail sale of those goods required by area residents or employees on a day to day basis. Typical uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This use does not include fuel sales or vehicle oriented uses.

CONVENIENCE VEHICLE RENTAL means development used for the rental of new or used automobiles and light trucks with a gross vehicle weight rating of 4000kg or less. This use class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities. This use class does not include professional, financial and office support services, fleet services or establishments for the rental of trailers.

CONVENTIONALLY CONSTRUCTED OR CONVENTIONAL STICK BUILT means a building framed or constructed on site of conventional building materials in accordance with the Alberta Building Code.

CONVERSION means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building with or without involving major structural alterations.

CORNER LOT means:

- a. a lot located at the intersection of two public roadways, other than lanes; or
- b. a lot located abutting a public roadway, other than a lane, which changes direction at any point where it abuts the lot;

provided that in both cases, the lot shall not be considered a corner lot where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the lot shall be that point on the property line abutting the public roadway, provided the roadway is not a lane, which is nearest to the point of intersection of the tangent lines.

COUNCIL means the Council of the Municipal Corporation of the Town of Millet.

CURB CUT means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

DAY HOME OPERATION means a major home based business that provides a child care program in the private residence of the operator for up to six children which may include infants, preschool children, kindergarten children and school-aged children.

DECK means a horizontal structure that is either attached to, or separate from a building, is greater than 0.2m above grade to the walking surface, and is intended as an outdoor amenity area. Similar structures of less than 0.2m above grade are deemed to be hard landscaping.

DENSITY means, when used in reference to residential and residential-related development, the number of dwellings on a site expressed as dwellings per hectare.

DETACHED GARAGE means an accessory building, not connected to the building, intended for the storage of vehicles or property for the dwelling occupants.

DEVELOPER means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

DEVELOPMENT AUTHORITY subject to Section 641 of the Municipal Government Act, means a Council must by this bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality. A development authority means one or more of the following:

- a. a designated officer;
- b. a municipal planning commission;
- c. any other person or organization.

DEVELOPMENT means:

- a. an excavation or stockpile and the creation of either of them;
- b. a building or an addition to or replacement or repair of a building and construction or placing of any of them in, on, over or under land;
- c. 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
- d. a change in the intensity 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 intensity of use of the land or building.

DEVELOPMENT PERMIT means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. A Development Permit is separate and distinct from a building permit.

DISCRETIONARY USE means those uses of land, buildings or structures for which permits may be issued only at the discretion of the Municipal Planning Commission.

DOUBLE FRONTING SITE means a site which abuts two public roadways, not including lanes as defined in the Highway Traffic Act.

DRIVE-IN FOOD SERVICE means development used as an eating establishment which offers a limited menu produced in a manner that allows rapid customer service and 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.

DRIVE-IN SERVICE means an establishment which services customers travelling in motor vehicles driven onto the lot where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises.

DUPLEX HOUSING means a single building on a single lot containing two dwelling units, both entirely above finished grade, and each having a separate direct entrance from the exterior.

DWELLING means development that consists of a building, or portion(s) thereof, containing one (1) or more dwelling units, used or intended to be used, for residential purposes.

DWELLING UNIT means a complete building or self-contained portion of a building intended for the domestic use of one or more individuals living as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

EASEMENT means a right to use land, generally for access to other property or as a right-of-way for a public utility.

EATING AND/OR DRINKING ESTABLISHMENT means development where prepared food and alcoholic or non-alcoholic beverages are offered for sale to the public.

EQUIPMENT RENTAL means development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. This use class does not include the rental of motor vehicles or industrial equipment.

ENCLOSED FRONT PORCH means an entrance structure typically located at the front or side of a dwelling at the ground floor entry level, consisting of a roof and floor, where solid walls or windows have enclosed the front and sides of the structure.

ESSENTIAL UTILITY SERVICE means development which is part of the infrastructure of a principal utility, pumping stations, electrical power transformers, underground water reservoirs and wells. Typical uses include regulating stations.

EXHIBITION AND CONVENTION FACILITY means a development which is owned and managed by a public authority or non-profit agency and provides permanent facilities for meetings, seminars and conventions; product and trade fairs; circuses; and other exhibitions. Typical uses include exhibition grounds and convention centres.

EXTENDED MEDICAL TREATMENT SERVICE means development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

FARM means development for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep and other animals, wheat, oilseeds or other grains, and vegetables or other field crops. This does not include livestock operations.

FENCE means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access.

FIXED SIGN means a sign securely attached to the ground or a building.

FLEET SERVICE means development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. This use class includes ambulance services, taxi services, bus lines, messenger and courier services. This use class does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3000 kg.

FLOODWAY means that part of the flood risk area where flood waters are deepest, fastest, and hence more destructive. It is a constricted channel within which the entire design flood may be conveyed without either raising water levels or increasing flow velocities beyond specified limits.

FLOOD-PROOFING means, with respect to a building or building extension, a design, manner of construction, or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

FLOOD FRINGE means the outer portion of the Flood Risk Area, adjacent to the Floodway, where the flood water is generally shallower and flows more slowly than in the Floodway.

FLOOD RISK AREA means the area consisting of floodway and flood fringe that would be inundated by the 1:100 year flood and identified on the Flood Risk Map established by the Canada-Alberta Flood Damage Reduction program. The Flood Risk Area is shown on Schedule A of this bylaw, the map of land use districts.

1:100 FLOOD ELEVATION means the water level during a 1:100 year flood as determined by technical criteria established by the Canada-Alberta Flood Damage Reduction Program. Each year there is a 1% probability of a 1:100 year flood.

FLOOR AREA means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centreline of fire walls but not including the floor area of basements, attached garages, sheds, open porches or breezeways.

FOSTER CARE means the provision of family-based care for children who cannot remain in their own family home due to child protection concerns or exceptional special needs. This definition does not include care in a facility that is owned, leased, rented or managed by a business, agency or non-profit society in the business of social care.

FOSTER HOME means a non-staffed home that provides foster care for more than three children.

FOUNDATION means the lower portion of a building usually concrete or masonry and includes the footings and/or pilings, which transfer the weight of and loads on a building to the ground.

FOURPLEX HOUSING means development consisting of a building containing four dwellings that have either a separate primary entrance from the exterior of the building to each dwelling unit or an entrance to the suite from a common corridor. This type of development shall be designed and constructed as four dwellings at the time of initial construction of the building. This use class does not include secondary suites.

FRONTAGE means where used with reference to residential development, the lineal distance measured along the front lot line; and where used with reference to non-residential development, the length of the property line of any side of a separate development which is parallel to, and abuts, a public roadway, not including a lane, which is directly accessible from the development. The frontage of individual premises in a multiple occupancy development shall be considered as the total width of the bays occupied by that premises which have exposure parallel to any frontage of the multiple occupancy development.

FRONT LOT LINE means the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner lot, the front line is the shorter of the property lines abutting a public roadway, other than a lane. In the case of a corner lot formed by a curved corner, the front lot line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.

FRONT YARD means the portion of a site extending across the full width of the site from the front property boundary of the site to the front exterior wall of the building.

GAMING ESTABLISHMENT means the use of a building or a portion thereof for the holding of bingo games, operating a casino, placement of video lottery terminals, or similar gambling or betting activities not intended as the principal use.

GARAGE means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles.

GENERAL CONTRACTOR SERVICE means 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 general contractor services use only. This use class does not include professional, financial and office support services.

GENERAL INDUSTRIAL USE means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial zones;
- d. the storage or transshipping of materials, goods and equipment;

- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales use classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed 33% of the total floor area of the building(s) devoted to the general industrial use, except that this restriction shall not apply where a significant portion of the industrial activity naturally and normally takes place out of doors. This use class includes vehicle body repair and paint shops. This use class does not include major impact utility services and minor impact utility services.

GENERAL RETAIL STORE means development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionery, tobacco, pharmaceutical and personal care items, automotive parts and accessories, video sales and rentals, office equipment, stationery and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are permitted within general retail stores. This use does not include other defined uses.

GOVERNMENT SERVICE means development providing municipal, provincial or federal government services directly to the public. This use class does not include protective and emergency services, minor or major impact utility services, and public education services. Typical uses include taxation offices, courthouses, postal distribution offices, manpower and employment offices, social service offices and airport terminals.

GRADE means a geodetic elevation from which the height of a structure is measured.

GREENHOUSE AND PLANT NURSERY means development used primarily for the raising, storage, basic processing and sale of fruits and vegetables, bedding, edible, household and ornamental plants. This use includes the retail sales of landscaping materials.

GROUND SIGN means a sign placed on a berm or flat on the ground, in flower beds, etc.

GROUP HOME means a staffed residential care facility that is authorized, licensed or certified by a public authority to provide care and/or supervision to more than four and less than nine residents, exclusive of staff. This use class does not include those facilities defined as foster homes or limited foster homes and does not include extended medical treatment services such as alcohol and drug addiction treatment facilities or crime rehabilitation treatment facilities.

HALF STOREY means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66m above the floor of such storey.

HARD SURFACE means a surface which is paved, gravelled, or covered with concrete, or consists of paving stones or blocks capable of supporting the expected load in all weather conditions, and includes hard permeable surfaces acceptable by the Town.

HEALTH SERVICE means development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

HEIGHT means when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees.

HIGHER RISK INDUSTRIAL USE means uses that have the production, bulk storage or handling of materials in large quantities that have a higher risk of explosion or injuries to persons off site in an emergent situation. The uses include but are not limited to bulk fuel storage and handling facilities, bulk propane storage and handling facilities, anhydrous ammonia storage and handling facilities.

HIGH SIGN means a freestanding sign with advertising above an elevation of 3.0m.

HOME ADDRESS SIGN means a sign that is no larger than 0.7m<sup>2</sup>, which states only the municipal address and occupant names.

HOME OFFICE means a dedicated area located in a dwelling which has a phone and/or fax for a registered business entity but where there are no business clients, employees, products or deliveries.

HOTEL means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor. Hotels may include licensed restaurants, meeting rooms, personal services shops, and pubs and lounges. This use class does not include nightclubs or bars.

HOUSEHOLD REPAIR SERVICE means development used for the provision of repair services to goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops. This use class does not include personal service businesses.

INDOOR PARTICIPANT RECREATION SERVICE means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include athletic clubs, health and fitness clubs, curling, roller skating and hockey rinks, swimming pools, bowling alleys and racquet clubs.

INDUSTRIAL BUILDING means a building designed for use for any one or more defined industrial uses and may contain accessory office space.

INSTITUTIONAL GROUP HOME means a staffed residential care facility that is authorized, licensed or certified by a public authority to provide care and/or supervision to more than eight residents, exclusive of staff. This use class does not include extended medical treatment services, drug addiction or crime rehabilitation centres or senior citizen housing facilities.

INTERMODAL CONTAINER STORAGE means the placement of an Intermodal Container or similar unit for the storage of materials that will be placed on a site for a period of longer than 90 days.

LANDSCAPING means the preservation or modification of the natural features of a site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hard surfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture.

LANE means a public roadway, which provides a secondary means of vehicular access to a lot.

LICENSED OUTDOOR PATIO means an extension of an enclosed outdoor area adjacent or adjoining to a restaurant with a Class A - liquor license.

LICENSED RESTAURANT means a restaurant with a Class A - minors permitted liquor license, where alcohol can be served with meals. This use does not include pubs, lounges, bars and nightclubs, or licensed outdoor patios.

LIMITED CONTRACTOR SERVICE means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.

LIMITED FOSTER HOME means a non-staffed home that provides foster care for less than four children.

LIMITED GROUP HOME means a staffed residential care facility which is authorized, licensed or certified by a public authority to provide care and/or supervision of more than two and less than five residents, exclusive of staff. This use class does not include those facilities defined as foster homes or limited foster homes and does not include extended medical treatment services such as alcohol and drug addiction treatment centres or crime rehabilitation treatment centres.

LIQUOR STORE means development used for the retail sales of any and all types of alcoholic beverages to the public for consumption off the premises. This use class may include retail sales of related products such as soft drinks and snack foods.

LIVESTOCK means any horses, cattle, goats, sheep, swine, or poultry, fur bearing animals, bees, or any animal being kept, or kept for sale or for the use or sale of its flesh, hair, skin, feathers, or any other product.

LIVESTOCK OPERATION means development with an animal unit concentration of greater than 43 animal units per hectare and where this animal density exceeds a duration of 90 consecutive days or more. This class use does not include provincially regulated confined feeding operations.

LOADING SPACE means an off-street space on the same lot as a building or group of buildings used to provide free access for vehicles to a loading door, platform or bay.

LOT means:

- a. a quarter section;
- b. a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
- c. a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
- d. a part of a parcel 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
- e. a part of a parcel 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.

LOT DEPTH means the minimum horizontal distance between the front and rear lot boundaries.

LOT WIDTH means the horizontal measurement between the side lot lines measured at a point 6.0m perpendicularly distant from the front boundary of the lot.

MAJOR AMUSEMENT ESTABLISHMENT means development providing facilities within any building, room or area having table games or electronic games played by patrons for entertainment. This use class does not include carnivals, circuses, indoor participant recreation services, adult entertainment facilities, or casinos and other gaming establishments.

MAJOR HOME BASED BUSINESS means development consisting of the use of an approved dwelling or accessory building by a resident of that dwelling for one or more businesses. Such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential use of the building and shall not change the residential character of the dwelling or accessory building with the exception of an approved sign. The dwelling may be used as a workplace by a non-resident. This use class includes bed and breakfast facilities but does not include general retail sales.

MAJOR IMPACT UTILITY SERVICE means development for public utility infrastructural purposes which are likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators and waste recycling plants.

MANUFACTURED HOME means development consisting of transportable single detached housing which is suitable for permanent occupancy, designed to be transported on its own wheels, and which is, upon its arrival at the site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities.

MANUFACTURED HOME SITE means the space allotted for the installation of one manufactured home in any manufactured home community or manufactured home subdivision.

MANUFACTURED HOME COMMUNITY means a parcel of land under one title, which has been divided, into manufactured home sites.

MINI STORAGE FACILITY means a secure site containing building(s) constructed and used for the rental of bays for rental to persons or business for storage of private goods. The site may also contain indoor or outdoor allotted rental spaces to be used for the storage of vehicles and Recreational Vehicles, security offices and security suites.

MINOR HOME BASED BUSINESS means development consisting of the use of an approved dwelling within a residential building by a resident of that dwelling for one or more businesses. Such businesses shall not require more than one business associated visit per day at the dwelling. The business use must be secondary to the residential use of the building and no aspects of the business operations shall be detectable from outside the property other than an approved sign. The dwelling shall not be used as a workplace for non-resident employees of the business. This use class does not include general retail sales.

MINOR IMPACT UTILITY SERVICE means development for public utility infrastructural purposes which is likely to have some impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this use class include vehicle, equipment and material storage yards for utilities and services; telephone exchanges; wire centres; switching centres; snow dumping sites; light rail transit stations; transit bus terminals, depots and transfer facilities; surface reservoirs or storm water lakes; water towers; hydrospheres; water treatment plants; power terminal and distributing substations; communication towers and gate stations for natural gas distribution.

MIXED USE RESIDENTIAL SUITE means residential suites within a commercial building that do not occupy the primary commercial space of the building.

MOBILE CATERING FOOD SERVICE means development using a fleet of three or more vehicles for the delivery and sale of food to the public.

MODULAR HOUSING means a dwelling unit manufactured off-site in a factory and placed onto a permanent foundation on-site or more complete dwelling units for year-round occupancy.

MOTEL means development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include licensed restaurants, meeting rooms, personal services shops, and pubs and lounges.

MULTI-TENANT COMMERCIAL BUILDING means a building designed and constructed in accordance with appropriate codes to accommodate multiple commercial tenants and/or uses within the same building. Approval for the classification does not include approval for the specific uses. This classification may include spaces designed mixed-use residential suites provided all regulations are met.

MUNICIPAL PLANNING COMMISSION, as established by the Town of Millet, is to exercise the powers and duties pertaining to subdivision and development matters as set out in Bylaw 96/10.

MUNICIPAL RESERVE means the land designated as municipal and school reserve, and includes land designated as Reserve, Park, or Department of Public Works Reserve under former Planning Acts.

NATURAL RESOURCE DEVELOPMENT means development for the on-site removal, extraction, and primary processing of raw materials found on or under the site, or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil, but this does not include the processing of raw materials transported to the site.

NATURAL SCIENCE EXHIBIT means development for the preservation, confinement, exhibition or viewing of plants, animals and other objects in nature. Typical uses include zoos, botanical gardens, arboreta, planetarium, aviaries and aquaria.

NIGHTCLUBS AND BARS means a building with a Class A - minors prohibited liquor licence, with an occupant load of greater than 49 persons, where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off-site sales with a Class D liquor license. Major or minor amusement establishments are a permitted accessory use. This use does not include pubs and lounges, licensed outdoor patios, or adult entertainment facilities. This facility may include licensed electronic gaming devices.

NON-COMMERCIAL FARM means development for small-scale, non-commercial agricultural pursuits ancillary to rural residential uses. This use class shall be developed so that it shall not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only. This use class does not include livestock operations.

NON-CONFORMING BUILDING means a building:

- a. that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or the land on which the building is situated becomes effective, and
- b. that on the date this Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

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 this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- b. that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Land Use Bylaw.

NON-FIXED SIGN means any sign that is not a fixed sign.

NUDITY OR SEMI-NUDITY means a state of undress so as to expose the breasts of females or the genital area or buttocks of males or females.

OFF-SITE ADVERTISING means the advertising of a business, commodity, service or entertainment that is conducted, sold or offered elsewhere other than the site on which the sign is located.

OUTDOOR AMUSEMENT ESTABLISHMENT means permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors, where patrons are primarily participants. This use class does not include carnivals or circuses. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.

OUTDOOR PARTICIPANT RECREATION SERVICE means development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. This use class does not include community recreation services, spectator sports establishments and outdoor amusement establishments. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables, fitness trails and gun and archery ranges.

OUTDOOR RESTAURANT PATIO means an extension of an enclosed outdoor area adjacent or adjoining to a restaurant.

OUTDOOR STORAGE YARD means a securely fenced site used in whole or in part for the storage of equipment of materials.

OVERLAY means additional development regulations superimposed on specific areas of the zoning map, which supersede or add to the development regulations of the underlying zone.

OVERSIZE DETACHED GARAGE means a detached garage exceeding 80.0m<sup>2</sup>.

PARAPET WALL means that part of an exterior, party wall or firewall extending above the roofline or a wall, which serves as a guard at the edge of a balcony or roof.

PARKING FACILITY means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility.

PARKING GARAGE means an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for vehicular parking or storage.

PARKING STALL means a space available for parking one motor vehicle, measuring 3 metres wide and 6 metres long.

PARTY WALL means either:

- a. a wall erected at, or upon, a line separating two parcels of land, each of which is, or is capable of being, a separate legal parcel subdivided under the Municipal Government Act; or
- b. a wall separating two dwellings, each of which is, or is capable of being, a separate legal parcel divided under the Condominium Property Act.

PATIO means a hard-surfaced area 0.2m or less above grade that is placed adjacent to a building intended to be used as an outdoor amenity area. Patios are generally not equipped with railings or do not require stairs.

PAWN SHOP means a property used for a business that engages in the business of granting credit to individuals for personal, family or household purposes and who takes in consumer goods by taking possession of them, or who purchases consumer goods under agreements or undertakings, express or implied, that the goods may be repurchased by the sellers.

PERMITTED USE means the use of land or a building provided for in the Land Use Bylaw for which a development permit shall be issued with or without conditions upon an application having been made, which conforms to the Land Use Bylaw.

PERSONAL SERVICE BUSINESS means development used for the provision of personal services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry-cleaning establishments and laundromats, but does not include health services.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision.

PRIMARY DWELLING UNIT means row house, townhouse, single or semi-detached home or duplex.

PRINCIPAL BUILDING means a building where the bylaw allows more than one building which:

- a. occupies the major or central portion of a lot,
- b. is the chief or main building among one or more buildings on the lot, or
- c. constitutes by reason of its use the primary purpose for which the lot is used.

There shall be no more than one principal building on each lot unless specifically permitted otherwise in this Bylaw.

PRINCIPAL USE means the primary purpose for which a building or site is used. There shall be no more than one principal use on each site unless specifically permitted otherwise in this Bylaw.

PRIVATE CLUB means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

PRIVATE OUTDOOR AMENITY AREA means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular dwelling and which is immediately adjacent to and directly accessible from the dwelling it is to serve.

PRIVATE SEWAGE SYSTEM means a sewage system that that is approved by the correct authority and used solely for one (1) property where no municipal system with the sewage to be disposed of on site by approved methods.

PRIVATE SWIMMING POOL means a structure, basin or tank containing an artificially created pool of water that is greater than 600 mm in depth at any point and is used for swimming, recreation, bathing, diving, wading, healing or therapy, religious rituals or other purpose and includes all buildings, equipment and facilities used in connection with it, that is used on a site with a single dwelling building by the owner, tenants or their guest. This use class includes outdoor hot tubs.

PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include health services or government services. Typical uses include the offices of lawyers, accountants, engineers and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

PUBLIC AND QUASI-PUBLIC BUILDING means a building, which is, available to the public for the purpose of assembly, instruction, and culture or for a communal activity, but does not include a school or a place of public entertainment for which an admission fee is customarily charged.

PUBLIC EDUCATION SERVICE means development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This use class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This use class does not include private education services and commercial schools.

PUBLIC LIBRARY AND CULTURAL EXHIBIT means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or, a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

PUBLIC PARK means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.

PUBLIC ROADWAY means the right-of-way of the following thoroughfares:

- i. an avenue;
- ii. a street;
- iii. a local road;
- iv. a collector road;
- v. an arterial road; and
- vi. a lane.

PUBLIC SPACE means space within an establishment, which is open to the public and not restricted to employees only. This definition does not include kitchens, administrative offices, and food or drink preparation areas.

PUBLIC UTILITY USES AND INSTALLATIONS means any one or more of the following:

1. systems for the distribution of gas, whether artificial or natural;
2. facilities for the storage, transmission, treatment, distribution or supply of water;
3. facilities for the collection, treatment, movement or disposal of sanitary sewage;
4. storm sewer drainage facilities;
5. the right of way to, and installation of, one or more of the following:
  - i. telecommunications systems;
  - ii. waterworks systems;
  - iii. irrigation systems;
  - iv. systems for the distribution of gas, whether natural or artificial;
  - v. systems for the distribution of artificial light or electric power;
  - vi. heating systems;
  - vii. sewage systems; and
6. any other things prescribed by the Lieutenant Governor in Council by regulation pursuant to the Act.

PUB AND LOUNGE means a building with a Class A (minors prohibited) liquor licence, with an occupant load of less than 50 persons, where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises. Major or minor amusement establishments are a permitted accessory use. This use does not include licensed outdoor patios or nightclubs and bars.

RAPID DRIVE-THROUGH VEHICLE SERVICE means development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.

RECYCLED MATERIALS DROP-OFF CENTRE means a municipally operated development used for the collection and temporary storage of recyclable materials. Recyclable materials includes, but is not limited to, cardboard, plastics, paper, metal and similar household goods. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. These drop-off centres are intended to operate out of doors within a fenced compound. This use class does not include recycling depots.

RECYCLING DEPOT means development used for the buying and temporary storage of, but not limited to, bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This use class does not include recycled materials drop-off centres.

RELIGIOUS ASSEMBLY means development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings on the same property. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include private education services, public education services, and commercial schools, even as accessory uses.

RESIDENTIAL SALES CENTRE means a temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

RESPITE SUPPORT means the temporary care of one or two persons with developmental disabilities. This care is intended to provide a break for the primary caregiver.

RESTAURANT means development where the primary purpose of the facility is the sale of prepared foods and non-alcoholic beverages to the public, including minors, for consumption within the premises or off the site. This use class typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

ROW HOUSING means development consisting of a building containing a row of three or more dwellings joined in whole or in part at the side only with no dwelling being placed over another in whole or in part. Each dwelling shall have separate, individual, and direct access to grade.

ROW HOUSING, STACKED means development consisting of row housing, except that dwellings may be arranged two deep, either vertically so that dwellings may be placed over others, or horizontally so that dwellings may be attached at the rear as well as at the side. Each dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two dwellings may share access to grade, and such access shall not be located more than 5.5m above grade.

RTM (READY TO MOVE) HOMES are the same concept as a modular home, only these homes are constructed in one piece. Normally placed on a basement or perimeter foundation (crawl space), interior wall finishes are dry walled, taped and painted. Usually constructed in an indoor facility then transported by truck to the site.

SECONDARY SUITE means a second, self-contained dwelling unit located within a primary dwelling unit where both dwelling units are registered under the same land title. A secondary suite has cooking, food preparation, bathroom facilities which are separate from those of the principal dwelling within the structure.

SECOND-HAND STORE means development used for the indoor retail sale and temporary storage of secondhand household goods, such as clothing, furniture, jewelry, stereos and musical instruments including the refurbishing and repair of the goods being sold. This use class does not include the sale of used vehicles, auto parts, recreation craft or construction and industrial equipment or materials. This use class also does not include booth markets, pawn shops or antique stores.

SECURITY SUITE means a suite designed as accommodation for 24 hour on site security personnel.

SEMI-DETACHED DWELLING means one dwelling of a duplex, which has been titled separately with a property line along a common wall.

SEMI-DETACHED GARAGE means detached garages joined on common property line(s) by a “firewall” as defined in the Alberta Building Code.

SENIORS AND SUPPORTIVE HOUSING FACILITY means a multi-unit residential facility operated solely to meet the housing needs of persons over the age of 64 years or those requiring supportive housing due to physical limitations. The facility operator may also provide supportive services to the residents, which may include, but are not limited to meals, housekeeping services, linen and laundry services and recreational services.

SERVICE STATION means development used for the servicing, washing, and repairing of vehicles; and the sale of gasoline, other petroleum products, a limited range of vehicle parts and accessories and may also include convenience stores. This use may include typical uses including, truck stops and highway service stations.

SETBACK means the minimum horizontal distance between the lot boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building or projection.

SHOPPING CENTRE means two or more commercial establishments planned, developed and managed as a unit on a lot or lots and served by off-street parking, and includes the total site upon which the building(s) is located.

SHOW HOME means a permanent dwelling that is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area.

SIDE LOT LINE means the property line of a lot other than a front lot line or rear lot line.

SIDE YARD means that portion of a site abutting a side lot line extending from the front yard to the rear yard. The side yard shall be situated between the side lot line and a line on the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

SIGN means a display board, screen, structure or material having characters, letters or illustration applied thereto, or displayed thereon, in any manner, not inside a building, and includes the posting or painting of an advertisement or notice on a building, structure or lot.

SINGLE DWELLING BUILDING means development consisting of a building containing only one (1) dwelling, not including approved secondary suites, which is separate from any other dwelling or building.

SITE means an area of land consisting of one or more abutting lots.

SITE COVERAGE mean the total horizontal area of all buildings or structures on a site which are located at, or higher than, 1.0m above grade, including accessory buildings or structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the site. This definition shall not include:

- a. open decks, steps, eaves, cornices, and similar projections;

- b. driveways, aisles and parking lots unless they are part of a parking garage which extends 1.0m or more above grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0m above grade.

SITE WIDTH means the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum required front yard for the zone.

SLEEPING UNIT means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two (2) persons.

SMALL ANIMAL HOSPITAL means development used for the care and grooming of small animals within an enclosed building but does not include small animal kennels or impoundment facilities.

SMALL ANIMAL KENNEL means development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

SPECTATOR ENTERTAINMENT ESTABLISHMENT means development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. This use class does not include entertainment developments associated with bars and neighbourhood pubs and nightclubs and does not include adult entertainment facilities.

STATUTORY PLAN means an Intermunicipal Development Plan, a Municipal Development Plan, an Area Structure Plan, or an Area Redevelopment Plan adopted by a municipality.

STOCKPILE SITE means a site used in for the temporary stockpiling of earth materials for a period of greater than 30 days and in quantities greater than 50 cubic metres that have been excavated and stored for redistribution on the subject site or other locations. Typical materials include but are not limited to waste excavation materials, excess construction materials, gravel, clay, organic materials, and salvaged materials.

STOREY means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83m above grade, such basement shall be considered a storey for the purpose of this Bylaw.

STOREY, HALF means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor.

STREET means a right-of-way no less than 10m (32.80 ft) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane.

SUBDIVISION means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the Board appointed by 95/07 to hear appeals launched under Part 5 of this Bylaw.

SUBDIVISION AND DEVELOPMENT REGULATIONS means regulations made by the Lieutenant Governor in Council under the Act.

SUBDIVISION AUTHORITY means a subdivision authority established by Bylaw 95/07.

SUPPORT HOME means a home where care, support and training are provided for one or two persons with developmental disabilities where the care provider(s) view that home as their personal or primary residence. This use class includes those homes providing *respite support*.

TANDEM PARKING means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

TEMPORARY BUILDING means a building or structure, without a foundation, that is to be placed on a site for a period of less than two years. This use class definition does not include:

1. residential accessory buildings;
2. commercial or industrial accessory buildings intended for long term use;
3. construction job site offices;
4. manufactured homes; or
5. tent structures.

TEMPORARY DEVELOPMENT means a development for which a Development Permit has been issued for a limited time only.

TEMPORARY SHELTER SERVICE means development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time, being less than one month. Typical uses are overnight shelters.

TEMPORARY STORAGE YARD means development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include pipe yards, or vehicle or heavy equipment storage compounds.

TENT STRUCTURE means an enclosed structure that consists of a pliable material supported by light frame materials intended as a low cost structure for the protection of goods, vehicles from the weather or for temporary cover during special events that may be accessible to public. This use class does not include structures covering less than 10m<sup>2</sup> of ground floor area, camping tents or patio sun shades.

TOURIST CAMPSITE means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage, or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds; there shall be no year-round camping, other than a caretaker.

TOWING COMPOUND means a building designed for use for any one or more defined industrial uses and may contain accessory office space.

TOWN means the Municipal Corporation of the Town of Millet.

TRAFFIC GENERATION means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.

TRUCK AND FACTORY BUILT HOME SALES means development used for the sale or rental of new or used trucks, motorhomes, factory built homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and manufactured home dealerships.

UNDERGROUND SEWAGE HOLDING TANK means a the use of a certified underground tank placed on site for collection and temporary storage of sewage until pumped out into a municipal system or by pump out truck.

UNENCLOSED FRONT PORCH means an entrance structure typically located at the front or sides of a residential dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements.

USE means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

VEHICLE AND EQUIPMENT SALES/RENTALS means development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and agricultural production.

VEHICLE ORIENTED USE means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories and may include convenience stores. This use does not include service stations.

VETERINARY SERVICE means development used for the care and treatment of animals where the veterinary services primarily involve out-patient care and minor medical procedures involving hospitalization. All animals shall be kept within an enclosed building. This use class includes pet clinics, small animal veterinary clinics, veterinary offices, animal grooming and impound facilities. Small animal pet sales are also deemed as general retail sales.

VIOLATION NOTICE means the document issued by the Town to a person who has committed an offence.

WAREHOUSE SALES means development used for the wholesale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class does not include developments used for the retail sale of food or a broad range of goods for personal or household use.

WHOLESALE means the sale of goods in large quantities, as for resale by a retailer. A distributor or middleman who sells mainly to retailers and institutions, rather than consumers.

YARD means required open space unoccupied by any portion of a building or structure 1.0m or more above grade, unless otherwise permitted in this Bylaw. A yard is not a setback, amenity area or separation space.

YARD REAR means the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line.

YARD – ZERO SIDE YARD means a case in which a development is permitted to be built on the side lot line, with no required side yard setback.

ZONE means a specific group of listed use classes and development regulations, which regulate the use, and development of land within specific geographic areas of the Town.

## **PART 3: ADMINISTRATIVE**

### **3.1 Establishment and Appointment of the Development Authority**

1. The office of the Development Authority is hereby established and such office shall be filled by the Chief Administrative Officer or such other person or persons as he may appoint in writing.
2. For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be a designated officer of the municipality. The designated officer will also be assigned for decision-making and administrative responsibilities.
3. Decision involving discretionary uses, development and extended limitations of variance over and above the designated officer authority, and encroachments will be referred to the Municipal Planning Commission pursuant bylaw 2011/02.

### **3.2 Subdivision and Development Appeal Board**

1. The Subdivision and Development Appeal Board established by Bylaw 96/09 shall perform the functions specified in Part 5 of this Bylaw.

### **3.3 Duties with Respect to Development Permit Applications**

1. The Development Authority shall receive all applications for development and:
  - a. shall ensure that a record of applications is maintained, and is made available for viewing to any interested person during normal office hours;
  - b. shall review each development application to ascertain whether it is complete in accordance with the information requirements of this Bylaw, and shall, if the application complies with such requirements, enter the application in the record of applications;
  - c. shall review each development application to ascertain its appropriate development class, and may require the applicant to apply for a permit for a different class;
  - d. shall approve, without conditions, or with such conditions as required to ensure compliance, an application for development of a permitted use provided the development complies with the regulations of this Bylaw, or shall refuse an application for development of a permitted use if the development does not comply with the regulations of this bylaw, unless the Development Authority uses their discretion pursuant to Section 3.5 of this bylaw;
  - e. the municipal planning commission may relax a regulation in a Land Use Class District or other Section of this Bylaw in accordance with the regulations contained in that Land Use Classification or Section, or may relax regulations in accordance with Section 3.5, and in such case, the development application shall be deemed a Discretionary Use;
  - f. the municipal planning commission may refuse or approve, with or without conditions, with or without changes in the design of the development, or with or without the imposition of regulations more restrictive than those required by the specific land use district or General

Regulations of this Bylaw, an application for development of a discretionary use, having regard to the regulations of this Bylaw and the provisions of any applicable Statutory Plan;

- g. shall refer an application for a development in a Direct Control District to Town Council for decision whereby Town Council may direct the Municipal Planning Commission to issue a development permit with or without conditions or refuse the application as submitted; and
- h. shall give notice of his decision on applications for development permits as follows:
  - i. where an application has been approved, public notification shall be given in accordance with Part 4, Section 4.6 of this Bylaw and notice to the applicant shall be given in writing by hand delivery or by regular mail; and
  - ii. where an application has been refused, notice in writing shall be given to the applicant, either hand delivered or by regular mail, and such notice shall state the reason for refusal; and
  - iii. shall in the case of a development permit for a temporary use specify the length of time that Permit remains in effect.

### **3.4 Variance to Regulations**

- 1. The Development Authority shall not issue a permit for a use that is not listed in the district regulations as permitted uses or discretionary uses of a particular land use district.
- 2. Except as restricted in Sentence 3.5 (1) the Municipal Planning Commission may approve, with or without conditions, an application for development that does not comply with this Bylaw where:
  - a. the proposed development would not, in his opinion:
    - i. unduly interfere with the amenities of the neighbourhood; or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
  - b. the proposed development would, in the Municipal Planning Commission's opinion, conform with the use prescribed for that land or building in this Bylaw; and
  - c. the Municipal Planning Commission may approve, with or without conditions, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:
    - i. unduly interfere with the amenities of the neighbourhood; or

- ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- 3. A Subdivision Officer may approve, with or without conditions, an application for subdivision that does not comply with the minimum lot dimensions outlined in the District Regulations Bylaw where:
  - a. the proposed subdivision would not unduly interfere with the amenities of the neighbourhood;
  - b. materially interfere with or affect to use, enjoyment, or value of neighbouring parcels of land; and
  - c. it can be proven by the applicant, to the Subdivision Officer, that the proposed lot can accommodate development of the site.

### **3.5 Limitation of Variance**

- 1. In approving an application for a development permit pursuant to Section 3.5, the Development Authority and the Subdivision and Development Appeal Board, shall adhere to the following:
  - a. a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or a building, which are not generally common to other land in the same Land Use Classification;
  - b. a variance may be considered to front yard and rear yard setbacks for buildings, provided the variance does not get reduced to less than the setbacks of approved or legal-nonconforming buildings on adjacent properties;
  - c. a variance may be considered to minimum side yard setbacks to allow cantilevered projections of up to 0.3m in floor area and up to 1.5m in width, extending beyond the minimum setback line provided the construction materials and cladding type of the facing wall meets, or exceeds, the appropriate building and fire codes and the opposite on the property side yard is not increased beyond the minimum setback requirement;
  - d. a variance may be considered to maximum building height to allow an increase of up to 10% provided the roof style does not include gable ends facing side yards, the building style is suited to other buildings in the neighbourhood and the minimum side yard setbacks are increased by the varied distance;
  - e. a variance may be considered to the maximum site coverage for residential properties to allow an increase of up to 3% in the maximum site coverage to allow the construction of a principal building provided the building does not exceed one storey in building height, there is no more than one accessory building on the site, at least 35% of the site is covered with soft landscaping and provided that no other variances have been granted or are required for the site.

2. In approving an application for a subdivision that does not meet the minimum lot size requirements specified in the Land Use District Regulations, the Subdivision Officer and the Subdivision and Development Appeal Board, shall adhere to the following:
  - a. the proposed variance has been circulated to appropriate Town review committees for comments;
  - b. the variance does not exceed 10% of the required regulation;
  - c. the minimum lot area requirement for the subject lot has been met; and
  - d. the site can handle the minimum building footprint area without reducing setback requirements outlined in Part 9.

### **3.6 Maintenance and Inspection of Bylaw**

1. The Development Authority shall:
  - a. make available to the public, during normal office hours, copies of this Bylaw and all subsequent amendments thereto; and
  - b. charge the specified fee for supplying to the public copies of this Bylaw.

### **3.7 Development Not Requiring a Development Permit**

1. The following uses and developments are those which do not require a development permit, provided that such developments comply with the regulations of the this Bylaw, where applicable:
  - a. those uses and developments exempted by Sections 618 or 619 of the Act;
  - b. a single storey accessory building not greater than 10sq m(107sq ft)in area and 4.5m in height and the exterior walls not exceeding 3.1m in height on a residential site for the storage of the personal property of the resident.;
  - c. interior alterations and maintenance to a residential building, provided that such alterations and maintenance do not result structural alterations and an increase in the number of dwellings, within the building or on the site, nor in a change of the use class or the introduction of another use class;
  - d. interior alterations and maintenance not including structural alterations to a non-residential building, including mechanical or electrical work, provided that neither the use class nor the intensity of use class is changed, nor that another use class is added;
  - e. the use of a building, or part thereof, as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

- f. a temporary structure, the sole purpose of which is incidental to the erection, alteration or marketing of a building for which a development permit has been granted under this Bylaw, provided the temporary structure is removed within 30 days of substantial completion as determined by the Development Authority;
- g. the erection of towers and poles, television and other communication aerials, masts or towers where such structures are to be used for cellular telephone or personal communication services signal transmission.
- h. the parking or storage, or both, of any uninhabited recreational and un-serviced vehicle in a residential Land Use Classification, where such parking or storage fully complies with the regulations of this Bylaw;
- i. the construction and maintenance of a Public Utility Service development;
- j. landscaping, where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development which requires a development permit;
- k. minor structures not exceeding 2.0m in height which are ancillary to residential uses, such as a barbecue, dog house, lawn sculpture or bird feeder;
- l. the construction of an uncovered deck which is located entirely within a rear yard, and which has a height above finish grade of less than 0.6m and a deck floor area not exceeding 20m<sup>2</sup> and which is accessory to a residential structure;
- m. the construction of an uncovered porch which has a height above finish grade of less than 1.0m, and a porch area not exceeding 2.0m<sup>2</sup> in floor area and which provides access to a residential structure;
- n. hard-surfacing of any yard area on a residential lot for the purpose of providing vehicular access from a public roadway to an attached or detached garage or carport provided that the hard-surfacing does not exceed 7.5m in width
- o. signs exempted under Section 7.6 of this Bylaw
- p. a fence, wall, or gate with a maximum height of 1 metre in front yards and side yards to the front of the principle building and 2 metres extending the front of the principal building on the side yard and 2 metres along the rear yard.
- q. home offices registered through a business license application

### **3.8 Development Permits Required**

- 1. Other than development listed in Section 3.7, all development requires a development permit.

2. No person shall commence, or direct a person to commence, a development without first obtaining a development permit and meeting the conditions of the development permit prior to commencement of the development.
3. No person shall commence, or direct a person to proceed with, a change in use class or add a use class without first obtaining a development permit to use land or buildings for that particular use class and meeting the conditions of the development permit that must be completed prior to use of the land or buildings.

### **3.9 Development Agreements Required**

1. If deemed required by the Development Authority, as condition of a development permit, the property owner will be required to enter into and comply with a Development Agreement with the Town pursuant to Section 650 of the Act.
2. If deemed required by the Subdivision Authority, as condition of a subdivision approval, the property owner will be required to enter into and comply with a development agreement with the Town pursuant to Section 655 of the Act.
3. Development Agreements may also incorporate:
  - a. statements regarding the collection of off-site levies pursuant to Section 648 of the Act; and/or
  - b. statements regarding oversizing of municipal improvements to provide excess capacity pursuant to Section 651 of the Act.
4. The Town has the right to register caveats on the Land Title of the subject lands to protect the interests of the Town in regards to the development agreements.

### **3.10 Development Permit Fees and Related Development & Subdivision Fees**

1. The schedule of fees for:
  - a. Development Permit Applications;
  - b. Damage Deposits;
  - c. Damage Deposit Transfer Fees;
  - d. Encroachment & Retaining Walls;
  - e. Development Agreement Preparation;
  - f. Compliance Certificates Applications;
  - g. Land Use Bylaw Amendment Applications;
  - h. Statutory Plan Amendment Applications;
  - i. Encroachment Agreements;
  - j. Subdivision and Development Appeals; shall be established and may be modified by resolution of Town Council.
2. Every application for a development permit shall be accompanied by:

- a. the appropriate development permit application fee and,
3. The Development Permit Application Fee is an application fee and is non-refundable regardless of decision.
4. Fees for Compliance Certificate Applications, Land Use Bylaw Amendment Applications, Statutory Plan Amendment Applications and for Encroachment Agreements shall be paid at time of application.
5. Fees for Subdivision Application and Subdivision Endorsement shall be paid to West Central Planning Agency in accordance with Bylaw 95/07.
6. Off-site Levies due regarding properties shall be paid to the Town prior to commencement of development on the lands, or as outlined in a development agreement and/or development permit.

### **3.11 Development Agreement Authority**

1. Development Agreements pursuant to development permits, may be endorsed by the Chief Administrative Officer provided:
  - a. the developer is solely responsible for all costs related to the installation of Municipal Improvements where the cost does not exceed \$500,000; and
  - b. there are no oversizing costs to be incurred and due by parties other than the developer.
2. All other development agreements pursuant to development permits must be approved by resolution of Town Council.
3. Development Agreements regarding Subdivision Approval or Condominium Plan Approval must be endorsed in accordance with the Town's Subdivision Agreement Policy.

### **3.12 Bylaw Amendments**

1. A person may apply, in writing, to the Development Authority to have an amendment of this Land Use Bylaw considered, furnishing reasons in support of the application, paying the associated fees and requesting that the Development Authority submit the application to the Council.
2. Town Council may, at any time, initiate an amendment to this Land Use Bylaw by directing the Development Authority to initiate an application
3. A Development Authority may initiate an amendment to this Land Use Bylaw by preparing a draft bylaw and presenting the draft to Town Council.
4. If an application for a proposed amendment to this Land Use Bylaw has been rejected by the Council within the previous twelve (12) months, the Development Authority shall advise the applicant that the amendment shall not be accepted and applicant shall be advised, in writing, that they must wait at least one (1) year from the time the original bylaw was rejected before reapplication will be considered.

5. All applications for amendment to this Land Use Bylaw shall be accompanied by the following:
  - a. a copy of the certificate of title for the land affected issued within the previous 30 days
  - b. a statement of the reason/s for the request to amend the Land Use Bylaw;
  - c. an accurately dimensioned and scaled map of the property under application and its relationship to surrounding land uses;
  - d. such fee as established by resolution of the Council;
  - e. where the applicant is an agent acting on behalf of the owner, written authorization from the registered owner; and
  - f. any other information which is deemed to be necessary by the Council.

### **3.13 Validity and Procedures for Amendment**

1. This bylaw and any amendment thereto shall be enacted to ensure conformity with all Statutory Plans as adopted and any amendments thereto.
2. If it appears to a Development Authority that the proposed amendment does not comply with any Statutory Plan, he shall advise the applicant in writing that the Statutory Plan(s) must be amended before the amendment to this Bylaw may proceed to second reading of the amendment
3. Before second reading of an amending bylaw, Council must hold a public hearing with respect to the proposed bylaw in accordance with Section 230 of the Act and the Town's Public Hearing Policy after giving notice of the Public Hearing in accordance with Section 606 and 692 of the Act.
4. The validity of this bylaw and its amendments thereto are governed by Sections 536 to 538 of the Act.
5. The amending bylaw must include a statement identifying when the bylaw comes into effect. If the effective date of an amending bylaw regarding the change in Land Use Classification is related to the date of subdivision registration and the subdivision application expires or becomes invalid, then the amending bylaw is also deemed invalid.

### **3.14 Review and Processing of Amendments**

1. The Development Authority shall:
  - a. examine the proposed amendment;
  - b. prepare a written report on the proposed amendment; and
  - c. advise the applicant in writing that:
    - i. the Development Authority is prepared to recommend the amendment to the Council without further investigation; or

- ii. the Development Authority is not prepared to recommend the amendment; or
  - iii. the Development Authority requires further investigation to make a recommendation; or
  - iv. the Development Authority is prepared to recommend an alternative amendment.
2. Upon receiving the advice of the Development Authority, the applicant shall advise the Development Authority in writing if:
  - a. he wishes to amend his amendment; or
  - b. he does not wish to proceed to Town Council with the proposed amendment, in which case the application is considered abandoned.
3. If the applicant does not respond to the Development Authority's notification, the application shall be cancelled after eighteen months from the date of the notice of the Development Authority.
4. If requested by the applicant, the Development Authority shall submit the proposed amendment to Council, accompanied by the report of the Development Authority.
5. The Development Authority, using discretion, may present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendations of the Development Authority.

### **3.15 Land Use Bylaw Compliance Certificate and Certificate Fees**

1. The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee.
2. The applicant shall pay all costs associated with the preparation of the Real Property Report, which must meet the requirements of the Development Authority. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is required.
3. In determining whether a Compliance Certificate can be issued for a site, the Development Authority shall rely on the Real Property Report provided by the applicant. The Development Authority shall not undertake independent site inspections.

4. The Development Authority may issue a Compliance Certificate when, in his opinion, the building(s) located on a site, and shown on the Real Property Report, are located in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.
5. The Development Authority may refuse to issue a Compliance Certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this Bylaw and/or the yards specified in any development permit which may have been issued for the site.
6. The Development Authority and the Town shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the Real Property Report.

## **PART 4: APPLICATION**

### **4. Development Application Submission**

#### **4.1 General Conditions**

1. For the purposes of this Bylaw, applications for a development permit are not deemed received until the applicant has:
  - a. submitted all information required pursuant to Sections 4.2, 4.3 and 4.4 of this Bylaw;
  - b. submitted any information specifically required pursuant to the regulations of the applicable Land Use Classification under Part 6 or other information required under Part 7 or Part 8 of this Bylaw; and
  - c. paid the appropriate development permit application fee as set pursuant to Section 3.10 of this Bylaw.
2. Notwithstanding clause (1) above, the Development Authority may consider an application if, the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.
3. The Development Authority may require an applicant to submit such additional information, as he considers necessary to verify the compliance of the proposed Use or development with the regulations of this Bylaw.
4. The approval of any application, drawing, or the issuing of a development permit shall not prevent the Development Authority from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this Bylaw.
5. In the event of a discrepancy between any written description and the drawings, the written description shall prevail.
6. Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected. Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
7. Unless otherwise specified in this Bylaw, all drawings submitted shall be drawn on substantial standard drafting material or submitted electronically to a scale of not less than 1:100 or such other scale as the Development Authority may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

#### **4.2 Development Permit Applications**

1. An application for a development permit shall be accurately completed and be submitted either on the appropriate form or in an electronic format satisfactory to the Development Authority and include:
  - a. the municipal address of the site;

- b. a legal description of the site on which the proposed development is proposed to occur;
- c. the property owner's name, address, daytime phone number, and if applicable, fax number, cell phone number and email address;
- d. the applicant's name, address, daytime phone number, interest in the proposed development, and if applicable, fax number, cell phone number and email address;
- e. the owners signature or a letter authorizing the applicant to apply for the proposed development;
- f. the applicant's signature;
- g. payment of the prescribed application fee;
- h. the existing use(s) of the site;
- i. the proposed use(s) pursuant to the application;
- j. the Land Use Classification of the subject site;
- k. the estimated market value of the proposed development;
- l. and for permit applications other than a change in use class of an existing structure the applicant must include a detailed site plan, to the satisfaction of the Development Authority showing any or all of the following:
  - i. the north point;
  - ii. the scale of the plan;
  - iii. the legal description of the site;
  - iv. the location of all easements registered on the site;
  - v. the location of any existing structures on the site;
  - vi. the location of the proposed development relative to the boundaries of the site;
  - vii. the location, grade elevations, and style of existing and proposed curbs, sidewalks and medians on or adjacent to the site;
  - viii. the grades and location of the adjacent streets and lanes;
  - ix. the floor area of the proposed development, in square metres;
  - x. the site area, in square metres;
  - xi. the area of the site covered by buildings, in square metres;

- xii. the height of the proposed development, in metres;
  - xiii. the number of floors or storeys of the proposed development;
  - xiv. the proposed finish floor elevation(s);
  - xv. the proposed finish grade elevations, at each corner of the building, each corner of the lot, and at points along the property lines where direction of surface drainage flow changes and drainage direction;
  - xvi. the proposed bottom of footing grade elevation;
  - xvii. the approved neighbourhood geodetic grade elevations for the site;
  - xviii. the general location of all exiting water service, sanitary sewer service, and storm sewer service connections to the site;
  - xix. the location of any proposed new water service, sanitary sewer service, and storm sewer service connections to the site;
  - xx. the distance to the nearest fire hydrant to the site;
  - xxi. the location of any existing boulevard trees adjacent to the site;
  - xxii. the location of all existing and proposed driveways;
  - xxiii. the on site parking and loading requirement calculations;
  - xxiv. the location and grade elevations of all proposed on site parking and loading facilities;
  - xxv. the location of commercial garbage container placement areas.
  - xxvi. two set of plans or electronic submission of plans satisfactory to the Development Authority showing floor plans, building elevations and if deemed required by the Development Authority a perspective relationship of the proposed development to the adjacent buildings;
  - xxvii. a plan showing fire routes and lanes;
2. For Environmentally Sensitive Lands, if deemed necessary by the Development Authority , the applicant may be required to submit some or all of the following each completed by an appropriate professional:
- a. a Traffic Impact Assessment Study;
  - b. a Storm Water Management Plan;
  - c. an Environmental Impact Assessment;
  - d. an Environmental Report;

- e. a Topographical Survey;
- f. a Geotechnical Engineering Report;
- g. a Detailed Site Landscaping Plan;
- h. a Utility Impact Assessment; and/or,
- i. any other pertinent information or tests required by the Development Authority respecting the site or other lands in the vicinity.

#### **4.3 Discretionary Use Permits**

- 1. In addition to the information required in Section 4.2, for development applications for a use(s) listed in the District Regulations as a Discretionary Use, other than a building style, the applicant shall include a letter clearly describing the nature of the proposed use(s) in order to determine proper classification.
- 2. In addition to the information required in Section 4.2, for development applications for requiring a variance to be issued the applicant shall provide a letter requesting the Municipal Planning Commission to consider the variance including the reasons the applicant feels the requested variance is suited to the site; and, photographs, as evidence, of adjacent properties.

#### **4.4 Sign Development Permit Applications**

- 1. Applications for all signs shall include the following information in duplicate and the appropriate application form shall be fully and accurately completed:
  - a. the municipal address of the land or building where the sign is to be erected, if any;
  - b. the legal description of the land on which the proposed sign is to be erected;
  - c. the zoning classification of the land on which the proposed sign is to be erected;
  - d. the applicant's name, address, telephone number and interest in the land;
  - e. the landowners name, address, telephone number;
  - f. the name of the advertised business or development where the sign is to be erected;
  - g. whether the development where the sign is to be erected is a single occupancy or multiple occupancy development;
  - h. a letter from the owner of the property on which the sign is to be erected, or his agent, authorizing the applicant's sign development application;
  - i. the name of the company the sign is to be installed or erected by;

- j. the party responsible for compliance with the regulations;
  - k. the type of sign as defined in these regulations;
  - l. the detailed dimensions of the sign;
  - m. the wording to be placed on the sign;
  - n. the distances from all roads, intersections, driveways, property lines and other signs;
  - o. and if deemed required by the Development Authority, detailed site plans showing:
    - i. the overall dimensions of the sign, including all sign boxes and cabinets;
    - ii. a description or illustration of the copy to be displayed on the sign;
    - iii. the method of illumination (if any), including the use of animation;
    - iv. the materials from which the sign is to be constructed;
    - v. the method used to support the sign;
    - vi. the dimensions of any changeable copy panels;
    - vii. any rotating parts of the sign;
    - viii. the total height of the sign above grade; and
2. Applications for off-site freestanding signs shall include the following additional information:
- a. a photograph that shows the entire frontage of the site where the sign is proposed; and
  - b. a site plan showing:
    - i. a north arrow;
    - ii. the curb line, property line and location of any existing or proposed buildings;
    - iii. the perpendicular distance from curb line to property line;
    - iv. the perpendicular distance from property line to building;
    - v. the location of the proposed sign on the site;
    - vi. the location of any existing freestanding signs on the site, and whether such sign shall be replaced by the proposed sign;
    - vii. the length of the frontage of the site where the sign is to be erected;

- viii. the horizontal separation distance between the proposed sign and other freestanding signs located on the site; and
- ix. for off-site signs, the horizontal distance from the proposed sign to the nearest existing off-site sign.

## **4.5 Decisions**

### **4.5.1 Conditions Attached to Development Permit**

1. The Development Authority may only impose conditions on the approval of a permitted development if the power to do so is clearly specified elsewhere in this Bylaw. Nothing in this Section prevents a Development Authority from identifying on the development permit certain sections of this Bylaw that the applicant would have to comply with in any event.
2. If an applicant applies for a development permit for a structure or a use that is intended to be temporary or that is inherently temporary, the Development Authority may impose conditions limiting the duration of the validity of the development permit. The Development Authority may exercise this power to add conditions to permitted and discretionary uses.
3. The Municipal Planning Commission may, with respect to a discretionary development or a development directed by Council, impose such conditions, as he deems appropriate, having regard to the regulations of this Bylaw and the provisions of any Statutory Plan.
4. The Development Authority may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
5. The Development Authority may, as a condition of issuing a development permit, require that an applicant, to pay an off-site levy or redevelopment levy, or both, imposed by a bylaw pursuant to the Act.
6. The Development Authority may, as a condition of issuing a development permit require that an applicant enter into an agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
  - a. to construct, or pay for the construction of, a public roadway 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 specify the location and number of vehicular and pedestrian access points to sites from public roadways;
  - d. to install, or pay for the installation of, utilities that are necessary to serve the development;
  - e. to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
  - f. to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
7. The Development Authority may, as a condition of issuing a development permit, require that an applicant enter into an agreement in a form satisfactory to the Town, to pay an off-site levy or redevelopment levy, or both, imposed by a bylaw pursuant to the Act.
  8. If an applicant applies for a development permit for a structure that encroaches on Town owned property, the Municipal Planning Commission may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice. If the Municipal Planning Commission does not impose such a condition on an encroaching structure, this shall not be construed as granting the applicant a right to encroach and the applicant may require a separate encroachment agreement.
  9. The Development Authority may require any agreement entered into pursuant to clauses (4) and (6) above to be filed against the title to the site at the Land Titles Office.

#### **4.5.2 Deemed Refusals**

1. An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority has not been made within forty (40) days of the receipt of the application unless the applicant has entered into an agreement with the Development Authority to extend the forty (40) day period.
2. The applicant may request confirmation in writing from the Development Authority that his application has been received.

#### **4.5.3 Validity of Development Permit**

##### **General Provisions**

1. When an application for a development permit has been approved by the Development Authority, the development permit shall not be valid unless and until:
  - a. any conditions of approval have been fulfilled; and

- b. no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the required time period.
2. When an application for a development permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until:
  - a. the Board has provided a written decision to the applicant that the permit application has been approved; and
  - b. any conditions of approval have been fulfilled.
3. The Development Authority shall suspend the development permit issued by the Subdivision and Development Appeal Board if the above conditions have not been met.
4. The development permit issued by the Subdivision and Development Appeal Board and suspended pursuant to the Act, remains suspended until:
  - a. the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been finally determined; or
  - b. the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

#### **4.5.4 Resubmission Interval**

1. An application for a development permit for a use within the same use class of this Bylaw, shall not be accepted by the Development Authority from the same or any other applicant for the same site:
  - a. within six months of the date of a refusal by the Development Authority; or
  - b. within six months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
  - c. within six months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
  - d. during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.
2. Subsection 4.5.4(1) shall not apply in the case of an Application for a development permit for a permitted use if the application complies with all the regulations of this Bylaw.

3. If upon review of any application for a development permit, the Development Authority determines that Subsection 4.5.4(1) applies, and then the application shall be returned to the applicant, along with any fees that have been submitted. The application shall not be considered as having been refused, but shall be deemed not to have been submitted.
4. Notwithstanding Subsection 4.5.4(1) above, if two or more development permit applications for the same use class on the same site have been refused by the Development Authority, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent development permit application for that use class on that site shall not be accepted by the Development Authority until eighteen months from the date of the most recent refusal, unless that application is for a permitted use and complies in all respects with the Land Use Classification.

#### **4.5.5 Expiry of Permit**

1. A development permit shall expire and shall no longer be valid after six months from the date of approval of the permit, if no construction has been initiated. Construction includes, but is not limited to, site surface preparation or excavation. Furthermore:
  - a. work such as engineering studies, geotechnical investigations, site surveys, soils analysis, environmental assessment and the like shall not be considered as construction in the context of this Subsection; and
  - b. in the case of a change of use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new Use in operation within eighteen months of the approval of the development permit.
2. Notwithstanding clause (1) above, if a building permit is issued for the development within the six month period, the development permit issued therefore shall not lapse unless and until the building permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
3. Where a development permit is issued for a site where any other development permit has been approved, all previous permits shall be invalid if the physical aspects of the development conflict, or both could not occur simultaneously upon the site, in conformity with the regulations of this Bylaw.
4. Notwithstanding Subsection 4.5.5 time shall not run during an appeal of the development permit to the Subdivision and Development Appeal Board and any consequent court proceedings until:
  - a. the Subdivision and Development Appeal Board has issued a written decision of its approval of the development permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or
  - b. the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been fully determined; or

- c. the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

## **4.6 Notification**

### **4.6.1 Notification of Issuance of Development Permits**

1. For permitted use permits, where no variance has been granted, the Development Authority is not required to notify anyone except the applicant and the assessed owner of the site.
2. Within seven days of the issuance of a development permit for discretionary use permits issued by the Municipal Planning Commission, or permits issued pursuant to Section 3.5 by the Development Authority shall send notice by regular mail to:
  - i. each assessed owner of the site or a part of the site of the development; and
  - ii. each assessed owner of land, wholly or partly within a distance of 60m of the boundary of the site.

The notice shall include, but not be limited to:

- i. the development permit number;
  - ii. the legal description and civic address of the site;
  - iii. a description of the proposed development or use for the site;
  - iv. the permit application date and permit issuance date;
  - v. the conditions of approval for the permit;
  - vi. the appeal deadline;
  - vii. the name and office phone number of the Development Authority,
  - viii. the office address and hours where the development permit file may be reviewed;
  - ix. the right of appeal; and
  - x. the appeal initiation procedure.
3. During any cessation of ordinary mail delivery, the written notice described above shall be given by such other alternative means as the Development Authority may specify.
  4. The Development Authority at their sole discretion may, if deemed necessary, notify other owners beyond the 60m distance from the site.

#### **4.6.2 Notification of Refusals of Development Permits**

1. Where the Development Authority has reviewed a development permit application and has chosen to refuse the application the Development Authority shall send notice by regular mail to the development permit applicant and to each owner of the site or a part of the site of the proposed development.
2. The notice shall include, but not be limited to:
  - a. the development permit application number;
  - b. the legal description and civic address of the proposed site;
  - c. a description of the proposed development or use for the site;
  - d. include the permit application date and permit refusal date;
  - e. the reasons for the refusal of the application;
  - f. the decision appeal deadline;
  - g. the name and office phone number of the Development Authority,
  - h. the office address and hours where the development permit file may be reviewed;
  - i. the right of appeal; and
  - j. the appeal initiation procedure.

#### **4.6.3 Notification of Applications of Direct Control Development Permit Applications**

1. An application for a development permit in respect of development of land or a building in a Direct Control District shall require that each assessed owner of land within 60m of the site, or such greater distance as determined by the Development Authority, shall be given notice of the application by regular mail or be delivered in person by the Development Authority.
2. Further to Subsection (1), the Development Authority may also determine that other owners of land or persons may be affected by the proposed development and shall give notice of the application by mail or in person.
3. The above-mentioned notice shall state:
  - a. the proposed use of the building or site;
  - b. the location of the property (both legal and street address, if available) for which the application has been made;
  - c. a method whereby public opinion can be received by Town Council with respect to the application; and
  - d. that comments on the application are requested within six days of the date of the delivery of the notice, or such greater time as determined by the Development Authority.

## **PART 5: APPEALS**

### **5.1 Development Appeal Commencement**

1. If a Development Authority:
  - a. fails, or refuses, to issue a development permit to a person;
  - b. issues a development permit subject to conditions; or
  - c. issues an order under Section 645 of the Act,

the person applying for the permit, or affected by the order, may appeal to the Subdivision and Development Appeal Board.
2. In addition to the applicant, any person affected by the order, decision or development permit issued or made by the Development Authority may appeal to the Subdivision and Development Appeal Board.
3. No appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
4. An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
  - a. an appeal made by the applicant, or person affected by the order, the date on which the applicant or person is notified of the order or decision or the issuance of the development permit; or
  - b. no decision has been made with respect to the application for a development permit within 40 days of the application date; or
  - c. an appeal made by a person other than the applicant who claims to be affected by development permit, the decision of the Development Authority or by the order, the date on which the notice of the issuance of the permit was given in accordance with this Bylaw.
5. The written notice of appeal shall be accompanied by the development appeal fee, which shall be set from time to time by resolution of the Council.
6. The decision of a subdivision authority on an application for subdivision approval may be appealed by:
  - a. The applicant for subdivision approval,
  - b. A government department if the application is required by the subdivision and development regulations to be referred to that department,
  - c. Town Council,
  - d. A designated officer of the Town,
  - e. The school authority with respect to:

- a. The allocation of municipal reserve;
  - b. The location of school reserve allocated to it, or
  - c. The amount of school reserve allocated.
- f. A subdivision appeal may be commenced by filing written notice within nineteen (19) days after the mailing of the written decision of the Subdivision authority or a deemed refusal of application for subdivision as specified under Section 681 of the Act with:
- a. Respect to land that is within the distance of a highway, a body of water or a sewage treatment facility to waste management facility as set out in the subdivision and development regulations to the Municipal Government Board; or
  - b. In all other cases with the Subdivision and Development Appeal Board and must be accompanied by the subdivision appeal fee which shall be set from time to time by resolution of Council.

## **5.2 Subdivision and Development Appeal Board Procedures**

1. Once a subdivision appeal or development appeal has been filed and has been deemed as complete, the Secretary to the Subdivision and Development Appeal Board shall:
  - a. Schedule a hearing date, that is within thirty (30) days of the notice of appeal, with the members of the Subdivision and Development Appeal Board to hear the appeal;
  - b. Provide at least five (5) days written notice of the scheduled hearing, regarding subdivision appeals in accordance with Section 679 of the Act, or regarding development appeals in accordance with Section 686 of the Act.
2. The Subdivision and Development Appeal Board shall carry out the hearing and provide their decision regarding subdivision appeals in accordance with Section 680 of the Act, or regarding development appeals in Accordance with Section 687 of the Act.

## **5.3 Court of Appeal**

1. An appeal lays to the Court of Appeal on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board; and the Municipal Government Board on a decision on an appeal under section 619 of the Act regarding the Natural Resources Conservation Board, the Energy Resources Conservation Board, or the Alberta Utilities Commission.

## **PART 6: ESTABLISHMENTS OF DISTRICTS**

### **6.1 R1 – Single Detached Dwelling Residential District**

#### **6.1.1 Purpose**

1. To establish a district in which land is used primarily for single dwelling housing development.

#### **6.1.2 Permitted Uses**

1. Single Dwelling Buildings
2. Accessory Buildings
3. Detached Garages
4. Attached Garages
5. Home Offices
6. Essential Utility Services
7. Decks and Patios

#### **6.1.3 Discretionary Uses**

1. Modular Housing / RTM Housing
2. Residential Sales Centre
3. Minor Home Based Business
4. Secondary Suite
5. Tent structures
6. Day Home Operation
7. Carports
8. Limited Foster Homes
9. Support Homes
10. Religious Assembly
11. Uses accessory to the above (hot tubs, swimming pools etc.)

#### **6.1.4 Minimum Front Yard Setback**

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. All other buildings | 6.0m |
| 3. Deck, with railing  | 4.0m |

#### **6.1.5 Minimum Rear Yard Setback**

- |   |       |
|---|-------|
| 1. Principal building;                            |       |
| i. with an attached garage                        | 6.0m  |
| ii. without an attached garage                    | 13.0m |
| 2. Deck   | 4.0m  |
| 3. Detached garage, rear entry                    | 5.5m  |
| 4. Detached garage, side entry                    | 1.0m  |
| 5. Open carport                                   | 3.0m  |
| 6. Accessory building, other than detached garage | 1.0m  |

### 6.1.6 Minimum Side Yard Setback

- |    |   |                                 |
|----|---|---------------------------------|
| 1. | Principal building;                               |                                 |
|    | a. with lane access                               | 1.5m                            |
|    | b. without lane access \ no front attached garage | 1.5m one side,<br>3.0m on other |
|    | c. without lane access \ front attached garage    | 1.5m                            |
| 2. | Deck, > 0.5 and < 1.0m above grade                | 0.6m                            |
| 3. | Deck, 1.0m or > above grade                       | 1.5m                            |
| 4. | Detached garage, carport and accessory buildings; |                                 |
|    | a. less than 2.7m wall height                     | 1.0m                            |
|    | b. wall height 2.7 m or greater                   | 1.5m                            |
| 5. | Attached carport                                  | 1.5m                            |

### 6.1.7 Maximum Site Coverage

- |    |  |     |
|----|--|-----|
| 1. | Dwelling unit, excluding attached garage                                   | 26% |
| 2. | Attached and detached garage total   | 14% |
| 3. | Total site coverage, excluding deck  | 40% |
| 4. | Total site coverage, including covered deck<br>and/or decks above 1m grade | 50% |

### 6.1.8 Maximum Building Height

- |    |                    |       |
|----|--------------------|-------|
| 1. | Principal building | 10.0m |
| 2. | Detached garage    | 5.0m  |
| 3. | Accessory building | 4.5m  |
| 4. | Antenna structures | 8.0m  |

### 6.1.9 Minimum floor area

- |    |   |                    |
|----|---|--------------------|
| 1. | Principal building, excluding attached garage | 93.0m <sup>2</sup> |
|----|---|--------------------|

### 6.1.10 Parcel area

- |    |                |                   |
|----|----------------|-------------------|
| 1. | Access lane    | 500m <sup>2</sup> |
| 2. | No Access lane | 550m <sup>2</sup> |
| 3. | Corner parcel  | 575m <sup>2</sup> |

### 6.1.11 Specific Use Regulations

The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Day Home Operation	Section 8.1.1
Limited Foster Home	Section 8.3.1
Support Home	Section 8.3.6
Secondary Suite	Section 8.5.1
Modular Housing	Section 8.6.2
Residential Sales Centre	Section 8.6.3
Private Swimming Pool	Section 8.6.4.1

## 6.1.12 General Regulations

The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Sign	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

## 6.1.13 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.2 R1A – Residential Redevelopment District**

### **6.2.1 Purpose**

To establish a district in which existing large residential lots may be resubdivided.

### **6.2.2 Permitted Uses**

1. Single Dwelling Building
2. Accessory Building
3. Carport
4. Detached Garage
5. Attached Garage
6. Home Office
7. Essential Utility Services
8. Decks and Patios

### **6.2.3 Discretionary Uses**

1. Modular & RTM Housing
2. Relocated Buildings
3. Residential Sales Centre
4. Major and Minor Home Based Businesses
5. Boarding and Lodging Houses
6. Religious Assembly
7. Secondary Suite
8. Tent structures
9. Day Home Operation
10. Uses accessory to the above (hot tubs, swimming pools etc.)
11. Limited Foster Home
12. Support Home

### **6.2.4 Minimum Front Yard Setback**

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. All other buildings | 6.0m |
| 3. Deck, with railing  | 4.0m |

### **6.2.5 Minimum Rear Yard Setback**

- |   |               |
|---|---------------|
| 1. Principal building;<br>with an attached garage<br>without an attached garage | 6.0m<br>13.0m |
| 2. Deck   | 4.0m          |
| 3. Detached garage, rear entry  | 5.5m          |
| 4. Detached garage, side entry  | 1.0m          |
| 5. Open carport   | 3.0m          |
| 6. Accessory building, other than detached garage                               | 1.0m          |

### 6.2.6 Minimum Side Yard Setback

1. Principal building; with lane access	1.5m
without lane access \ no front attached garage	1.5m one side, 3.0m on other
without lane access \ front attached garage	1.5m
2. Deck, > 0.5 and < 1.0m above grade	0.6m
3. Deck, 1.0m or > above grade	1.5m
4. Detached garage, carport and accessory buildings; less than 2.7m wall height	1.0m
wall height 2.7 m or greater	1.5m
5. Attached carport	1.5m

### 6.2.7 Maximum Site Coverage

1. Dwelling unit, excluding attached garage	26%
2. Attached and detached garage total	14%
3. Total site coverage, excluding deck	40%
4. Total site coverage, including covered deck	50%

### 6.2.8 Maximum Building height

1. Principal building	10.0m
2. Maximum height of detached garage	5.0m
3. Maximum height of an accessory building	4.5m
4. Antenna structures	8.0m

### 6.2.9 Minimum floor area

1. Principal building, excluding attached garage	93.0m <sup>2</sup>
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### 6.2.10 Parcel area

1. All parcels	1500m <sup>2</sup>
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### 6.2.11 Specific Use Regulations

The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Day Home Operation	Section 8.1.1
Limited Foster Home	Section 8.3.1
Support Home	Section 8.3.6
Secondary Suite	Section 8.5.1
Modular Housing	Section 8.6.2
Residential Sales Centre	Section 8.6.3
Private Swimming Pool	Section 8.6.4.1

## 6.2.12 General Regulations

The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Sign Section 7.6	
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

## 6.2.13 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## 6.3 R2A – Residential Zero Lot Line District

### 6.3.1 Purpose

To accommodate single detached houses which are constructed adjacent to one side property line.

### 6.3.2 Permitted Uses

1. Single Dwelling Building
2. Accessory Building
3. Carport
4. Detached Garage
5. Attached Garage
6. Home Office
7. Essential Utility Services
8. Decks and Patios

### 6.3.3 Discretionary Uses

1. Modular Housing
2. Residential Sales Centre
3. Minor Home Based Business
4. Day Home Operation
5. Tent structures
6. Uses accessory to the above (hot tubs, swimming pools etc.)
7. Limited Foster Home
8. Support Home

### 6.3.4 Minimum Front Yard Setback

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. All other buildings | 6.0m |
| 3. Deck, with railing  | 4.0m |

### 6.3.5 Minimum Rear Yard Setback

- |   |       |
|---|-------|
| 1. Principal building;  |       |
| with an attached garage   | 6.0m  |
| without an attached garage  | 13.0m |
| 2. Deck   | 4.0m  |
| 3. Detached garage, rear entry  | 5.5m  |
| Except that in the area originally surveyed as<br>Blocks 2 and 3, Plan 792 1062, a detached garage<br>may be built no closer than 2m to a lane. |       |
| 4. Detached garage, side entry  | 1.0m  |
| 5. Open carport   | 3.0m  |
| 6. Accessory building, other than detached garage   | 1.0m  |

### 6.3.6 Minimum Side Yard Setback

1. Conventional layout: Each side yard shall be a minimum of 1.5 metres, except that where a parcel has no access to a lane, one side yard shall be at least 1.5 metres and the other shall be at least 3 metres.
2. Zero Side Yard Layout: Notwithstanding the previous section, building may be constructed with no side yard on one side provided that
  - a. there is a four metre clear space between the buildings on the zero lot line and the buildings on any other parcel, and
  - b. a one metre easement is registered against the adjoining parcel so as to allow access for maintenance of the wall which is on the property line; and
  - c. in the case of a corner parcel, there is a 3 metre side yard between the buildings on the corner parcel and any flanking street or lane.

### 6.3.7 Maximum Site Coverage

No more than 50% of the lot shall be covered by buildings.

### 6.3.8 Building Height

- |  |       |
|--|-------|
| 1. Principal building                      | 10.0m |
| 2. Detached garage                         | 5.0m  |
| 3. Maximum height of an accessory building | 4.5m  |
| 4. Antenna structures                      | 8.0m  |

### 6.3.9 Minimum Floor Area

- |  |                    |
|--|--------------------|
| 1. Principal building, excluding attached garage | 83.0m <sup>2</sup> |
|--|--------------------|

### 6.3.10 Parcel area

- |                |                   |
|----------------|-------------------|
| 1. All parcels | 350m <sup>2</sup> |
|----------------|-------------------|

### 6.3.11 Specific Use Regulations

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Day Home Operation	Section 8.1.1
Limited Foster Home	Section 8.3.1
Support Home	Section 8.3.6
Modular Housing	Section 8.6.2
Residential Sales Centre	Section 8.6.3
Private Swimming Pool	Section 8.6.4.1

### 6.3.12 General Regulations

1. The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

### 6.3.13 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## 6.4 RMP - Manufactured Home Park District

### 6.4.1 Purpose

1. To establish a district where **rental** sites are provided for the placement of manufactured homes.

### 6.4.2 Permitted Uses

1. Manufactured Home Community
2. Manufactured Home Site
3. Manufactured Home
4. Addition
5. Accessory Building
6. Home Office
7. Essential Utility Services
8. Decks & Patios

### 6.4.3 Discretionary Uses

1. Carport
2. Detached Garage
3. Tent structures
4. Residential Sales Centre
5. Minor Home Based Business
6. Day Home Operation
7. Limited Foster Home
8. Support Home

### 6.4.4 Minimum Lot Area

1. Manufactured home site,  
within a manufactured home community 400m<sup>2</sup>
2. All other uses, to the satisfaction of the Development Authority

### 6.4.5 Minimum Manufactured Home Site Width

1. Single wide 12.2m
2. Double wide 15.0m

### 6.4.6 Minimum Manufactured Home Site Depth

1. Single wide 35m
2. Double wide 35m

### 6.4.7 Maximum Manufactured Home Site Coverage

1. Manufactured home, additions, enclosed porches, carports 35%
2. Garage and accessory buildings combined area 15%

### 6.4.8 Minimum Front Yard Setback (from approved site boundary)

1. Manufactured home, additions, enclosed porches 6.0m
2. Garage and accessory building 12.0m

#### **6.4.9 Minimum Side Yard Setback (from approved site boundary)**

1.	Manufactured home	1.5m
2.	Addition and/or porch	3.0m
3.	Detached garage and accessory buildings	1.0m
	a. where abutting a street	3.0m
4.	Attached garage	2.0m
5.	Deck >0.5 and <1.0m above grade	0.6m
6.	Deck 1.0m or > above grade	1.5m

#### **6.4.10 Minimum Rear Yard Setback (from approved site boundary)**

1.	Manufactured home	1.5m
2.	Addition and/or porch	1.5m
3.	Detached garage and accessory buildings	1.0m

#### **6.4.11 Maximum Building Height**

1.	Manufactured home, additions, enclosed porches	4.8m
2.	Detached garage and accessory buildings	4.5m
3.	Side walls	2.5m

#### **6.4.12 Specific Use Regulations**

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Day Home Operation	Section 8.1.1
Limited Foster Home	Section 8.3.1
Support Home	Section 8.3.6
Residential Sales Centre	Section 8.6.3

#### **6.4.13 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all residential properties:

Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Payment of Off-site Levies	Section 7.24

Water Meter Installation Costs  
Restrictive Covenants  
Development Maintenance Standards  
Land Subdivision Considerations

Section 7.25  
Section 7.26  
Section 7.27  
Part 9

**6.4.14 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.5 R2 – Low Density Residential District Regulations**

### **6.5.1 Purpose**

1. To establish a district which is used primarily for low-density residential development.

### **6.5.2 Permitted Uses**

1. Single Dwelling Building
2. Duplex Housing
3. Semi-detached Housing, on separate titles
4. Accessory Building
5. Carport
6. Detached Garage
7. Attached Garage
8. Home Office
9. Essential Utility Services
10. Decks & Patios

### **6.5.3 Discretionary Uses**

1. Secondary Suite, in single dwelling buildings only
2. Modular & RTM Housing
3. Tent structures
4. Residential Sales Centre
5. Minor Home Based Business
6. Major Home Based Business
7. Boarding and Lodging Houses
8. Day Home Operation
9. Religious Assembly
10. Uses accessory to the above (hot tubs, swimming pools, etc)
11. Limited Foster Home
12. Foster Home
13. Support Homes
14. Development regulated by the Condominium Property Act

### **6.5.4 Maximum Site Coverage**

- |  |     |
|--|-----|
| 1. Residential building without an attached garage | 26% |
| 2. Residential building with an attached garage    | 40% |
| 3. Attached and detached garage total              | 14% |
| 4. Total site coverage, excluding deck             | 40% |
| 5. Total site coverage, including covered deck     | 50% |

### **6.5.5 Minimum Front Yard Setback**

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. Deck with railing   | 4.0m |
| 3. All other buildings | 20m  |

### **6.5.6 Minimum Rear Yard Setback**

- |                                 |      |
|---------------------------------|------|
| 1. Residential building;        |      |
| a. with a front attached garage | 6.0m |

b.	without an attached garage	13.0m
2.	Deck	4.0m
3.	Garage, rear entry	5.5m
4.	Detached garage, side entry	1.0m
5.	Open carport	3.0m
6.	Accessory building, other than detached garage	1.0m

#### 6.5.7 Minimum Side Yard Setback

1.	Single dwelling building;	
a.	with lane access	1.5m
b.	without lane access or front attached garage,	1.5m one side, 3.0m on other
2.	Semi-detached building;	
a.	with lane access,	1.5m one side, party wall on other
b.	without lane access, or a front attached garage, party wall on the other	3.0m one side,
3.	Duplex building;	
a.	with lane access	1.5m
b.	without lane access or front attached garages	3.0m on each side
c.	without lane access, with front attached garages	1.5m
4.	Detached garage, carports and accessory buildings;	
a.	less than 2.7m wall height	1.0m
b.	wall height 2.7m or greater	1.5m
5.	Deck > 0.5 and <1.0m above grade	0.6m
6.	Deck 1.0m or > above grade	1.5m

#### 6.5.8 Maximum Building Height

1.	Principal building	10.0m
2.	Detached garage, carports	5.0m
3.	Accessory Building	4.5m
4.	Antenna structures	8.0m

#### 6.5.9 Minimum floor area

1.	Single dwelling building, excluding attached garage	75m <sup>2</sup>
2.	Duplex unit, or semi-detached unit	75m <sup>2</sup>

#### 6.5.10 Parcel area

1.	Single Family dwelling	400m <sup>2</sup>
2.	Subdivided duplex	325m <sup>2</sup>

#### 6.5.11 Specific Use Regulations

- The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Major Home Based Business	Section 8.7.3
Day Home Operation	Section 8.1.1
Tent Structures	Section 8.27.3
Limited Foster Home	Section 8.3.1

Foster Home	Section 8.3.2
Support Home	Section 8.3.6
Secondary Suite	Section 8.5.1
Modular Housing	Section 8.6.2
Residential Sales Centre	Section 8.6.3
Private Swimming Pool	Section 8.6.4.1

### **6.5.12 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

### **6.5.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.6 R3 - Medium Density Residential District Regulations**

### **6.6.1 Purpose**

1. To establish a district which land is used primarily for medium density residential development.

### **6.6.2 Permitted Uses**

1. Row House
2. Semi-detached Housing, on separate titles
3. Triplex Housing
4. Fourplex Housing
5. Accessory Building
6. Carport
7. Detached Garage
8. Attached Garage
9. Essential Utility Services
10. Decks & Patios

### **6.6.3 Discretionary Uses**

1. Single Dwelling Building
2. Modular & RTM Housing
3. Boarding and Lodging House
4. Residential Sales Centre
5. Minor Home Based Business, within an approved single dwelling building
6. Major Home Based Business, within an approved single dwelling building
7. Bed and Breakfast Facility, within an approved single dwelling building
8. Limited Group Home
9. Group Home
10. Day Home Operation
11. Duplex Housing, on one (1) title
12. Tent Structures
13. Home Office
14. Limited Foster Home
15. Foster Home
16. Support Homes
17. Uses accessory to the above (hot tubs, swimming pools etc)
18. Row, stacked housing.

### **6.6.4 Maximum Site Coverage**

- |   |     |
|---|-----|
| 1. Residential building, without attached parking                             | 35% |
| 2. Residential building, combined with parking lot area                       | 70% |
| 3. Residential building, with all underground parking and/or attached garages | 50% |
| 4. Detached garage, or carport parking total                                  | 20% |

### **6.6.5 Maximum Site Density Ratio**

- |                      |                   |
|----------------------|-------------------|
| 1. Fourplex, triplex | 95 units/ hectare |
| 2. Row houses        | 45 units/ hectare |

### 6.6.6 Minimum Front Yard Setback

- |    |                                     |      |
|----|-------------------------------------|------|
| 1. | Principal building                  | 6.0m |
| 2. | Decks or balconies, with railing    | 4.0m |
| 3. | Detached garage, accessory building | 20m  |

### 6.6.7 Minimum Rear Yard Setback

- |    |  |       |
|----|--|-------|
| 1. | Residential building;                          |       |
|    | a. with a front attached garage                | 6.0m  |
|    | b. without an attached garage                  | 13.0m |
| 2. | Deck   | 4.0m  |
| 3. | Detached garage, rear entry                    | 5.5m  |
| 4. | Detached garage, side entry                    | 1.0m  |
| 5. | Open carports                                  | 3.0m  |
| 6. | Accessory building, other than detached garage | 1.0m  |

### 6.6.8 Minimum Side Yard Setback

- |    |   |  |
|----|---|--|
| 1. | Single dwelling building;   |  |
|    | a. with lane access   | 1.5m   |
|    | b. without lane access or front attached garage   | 1.5m one side,<br>3.0m on other                    |
| 2. | Semi-detached building;   |  |
|    | a. with lane access,<br>1.5m one side, party wall on other                                    |  |
|    | b. without lane access, or a front attached garage,<br>3.0m one side, party wall on the other |  |
| 3. | Duplex Building;  |  |
|    | a. with lane access   | 1.5m   |
|    | b. without lane access, or front attached garages   | 3.0m on each side                                  |
|    | c. without lane access, with front attached garages   | 1.5m   |
| 4. | Row houses;   |  |
|    | a. internal units joined by party wall or fire wall at property line                          |  |
|    | b. end units \ end wall   | 10% of total site width, with a<br>minimum of 2.1m |
|    | c. end units \ corner lots  | 3.0m   |
| 5. | Apartments, triplexes, fourplexes   |  |
|    | a. 10% of Site width with a minimum of  | 3.0m   |
| 6. | Accessories   |  |
|    | a. Decks > 0.5 and <1.0m above grade  | 0.6m   |
|    | b. Decks 1.0m or > above grade  | 1.5m   |
|    | c. Balconies  | 2.4m   |
|    | d. Detached garages, carports and accessory buildings   | 1.5m   |

### 6.6.9 Maximum Building Height

1. Principal building	10.0m
2. Detached garage, carport	5.0m
3. Accessory building	4.5m
4. Antenna structures	8.0m

### 6.6.10 Minimum floor area

1. Single dwelling building, excluding attached garage	75m <sup>2</sup>
2. Duplex unit, or semi-detached unit	75m <sup>2</sup>
3. Apartment units	45m <sup>2</sup>
4. All other building styles	60m <sup>2</sup>

### 6.6.11 Parcel Area

Minimum parcel area shall be determined by the Development Authority to allow for on-site parking at the side or rear; all necessary yards, unobstructed emergency access to the building as required by the Fire Department; and space for such other activities or things as the Development Authority may specific.

### 6.6.12 Specific Use Regulations

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Major Home Based Business	Section 8.7.3
Bed and Breakfast Facility	Section 8.7.4
Day Home Operation	Section 8.1.1
Tent Structure	Section 8.27.3
Boarding and Lodging House	Section 8.2
Limited Foster Home	Section 8.3.1
Foster Home	Section 8.3.2
Group Home	Section 8.3.4
Support Home	Section 8.3.6
Secondary Suite	Section 8.5.1
Modular Housing	Section 8.6.2
Residential Sales Centre	Section 8.6.3
Private Swimming Pool	Section 8.6.4.1

### 6.6.13 General Regulations

1. The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9

Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

#### **6.6.14 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.7 R4 - High Density Residential District Regulations**

### **6.7.1 Purpose**

1. To establish a district in which land is used primarily for maximum density residential development.

### **6.7.2 Permitted Uses**

1. Apartment Building
2. Accessory building
3. Carport
4. Detached Garage
5. Essential Utility Installations

### **6.7.3 Discretionary Uses**

1. Row Houses
2. Duplex Housing
3. Semi-detached Housing
4. Triplex Housing
5. Fourplex Housing
6. Boarding and Lodging House
7. Semi-Detached Garage
8. Residential Sales Centre
9. Minor Home Based Business
10. Major Home Based Business
11. Limited Group Home
12. Group Home
13. Institutional Group Home
14. Essential Utility Services
15. Tent Structures
16. Limited Foster home
17. Foster Home
18. Support Homes
19. Row, stacked housing

### **6.7.4 Maximum Site Coverage**

- |   |                  |
|---|------------------|
| 1. Residential building, without in building parking    | 50%              |
| 2. Residential building, combined with exterior parking | 70%              |
| 3. Residential building, with in building parking       | 60%              |
| 4. Detached garage or carport parking total             | 20%              |
| 5. Accessory building                                   | 40m <sup>2</sup> |

### **6.7.5 Minimum Front Yard Setback**

- |   |       |
|---|-------|
| 1. Principal building                               | 6.0m  |
| 2. Door access to in building parking               | 6.0m  |
| 3. Decks and/or balconies                           | 4.0m  |
| 4. Detached garage, carport and accessory buildings | 15.0m |

### 6.7.6 Minimum Rear Yard Setback

1.	Residential building;	
	a. with a front attached garage	6.0m
	b. without an attached garage	13.0m
2.	Deck, with balcony	5.0m
3.	Garage, rear entry	5.5m
4.	Open carport	3.0m
5.	Accessory building, other than detached garage	1.5m
6.	Addition of Detached garage – side entry	1.0m

### 6.7.7 Minimum Side Yard Setback

1.	Semi-detached building;	
	a. with lane access, 1.5m one side, party wall on other	
	b. without lane access, or a front attached garage, 3.0m one side, party wall on the other	
2.	Duplex Building;	
	a. with lane access	1.5m
	b. without lane access, or front attached garages	3.0m on each side
	c. without lane access, with front attached garages	1.5m
3.	Row Houses;	
	a. internal units joined by party wall or fire wall at property line	
	b. end units \ end wall	10% of total site width minimum of 2.1m
4.	Apartments, triplexes, fourplexes 10% of Site width with a minimum of	3.0m
5.	Decks > 0.5 and <1.0m above grade	0.6m
6.	Decks 1.0m or > above grade	1.5m
7.	Balconies	2.4m
8.	Detached garages, carports and accessory buildings	1.5m

### 6.7.8 Maximum Building Height

1.	Apartments, group care facilities	20.0m
2.	All other residential building styles	13.5m
3.	Garage, accessory building, carport	4.5m

### 6.7.9 Minimum floor area

1.	Duplex unit, or semi-detached unit	75m <sup>2</sup>
2.	Apartment Unit	40m <sup>2</sup>
3.	Units in all other building styles	60m <sup>2</sup>

### 6.7.10 Parcel Area

Minimum parcel area shall be determined by the Development Authority to allow for on-site parking at the side or rear; all necessary yards, unobstructed emergency access to the building as required by the Fire Department; and space for such other activities or things as the Development Authority may specific.

### **6.7.11 Specific Use Regulations**

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Home Office	Section 8.7.1
Minor Home Based Business	Section 8.7.2
Major Home Based Business	Section 8.7.3
Bed And Breakfast Facility	Section 8.7.4
Day Home Operation	Section 8.1.1
Tent Structure	Section 8.27.3
Limited Foster Home	Section 8.3.1
Support Home	Section 8.3.6
Modular Housing	Section 8.6.2
Apartment Building	Section 8.5.4

### **6.7.12 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all residential properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

### **6.7.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.8 C1 - Downtown Commercial District Regulations**

### **6.8.1 Purpose**

1. To establish a central business district in which land is used for commercial service, entertainment services and retail development which does not require large tracts of land for efficient operation. In addition, this district will accommodate traditional civic development which functions as a central focus of the downtown and also downtown living with mixed uses.

### **6.8.2 Permitted Uses**

1. Multi-tenant Commercial Building
2. Single Tenant Commercial Building
3. Office Building
4. General Retail Store
5. Licensed Restaurant
6. Restaurant
7. Outdoor Restaurant Patio
8. Antique Store
9. Personal Service Business
10. Professional, Financial and Office Support Service
11. Business Support Service
12. Government Service
13. Health Service
14. Public Education Service
15. Public Library and Cultural Exhibit
16. Commercial School
17. Child Care Service
18. Spectator Entertainment Establishment
19. Broadcasting and Motion Picture Studio

### **6.8.3 Discretionary Uses**

1. Booth Market
2. Funeral and Cremation Service
3. Secondhand Store
4. Convenience Retail Store
5. Pubs and Lounges
6. Nightclubs and Bars
7. Licensed Outdoor Patio
8. General and Limited Contractor Services
9. Household Repair Service
10. Amusement Establishment
11. Carnival
12. Mobile Catering Food Service
13. Religious Assembly
14. Equipment Rentals
15. Mixed Use Residential Suites
16. Hotel
17. Motel
18. Apartment Building
19. Essential Utility Services
20. Automotive and Equipment Repair Shops
21. Vehicle Oriented Sales

- 22. Service Station
- 23. Liquor Store
- 24. Auctioneering Establishment
- 25. Wholesaling
- 26. Drive-In Food Service

**6.8.4 District Overlays**

- 1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 11 of this Bylaw for further information.

**6.8.5 Maximum Lot Coverage**

- 1. Principal Building and accessory buildings 90%

**6.8.6 Minimum Front Yard Setback**

- 1. Principal Building 0m
- 2. Accessory Building 15m
- 3. Hotel, Motel, and/or Apartment 5.0m

**6.8.7 Minimum Side Yard Setback**

- 1. Determined by Alberta Building Code requirements based on construction type.

**6.8.8 Minimum Rear Yard Setback**

- 1. Principal Building 6.0m
- 2. Accessory Building 1.0m

**6.8.9 Maximum Building Height**

- 1. All Buildings 15.0m

**6.8.10 Parcel area**

- 1. All parcels 150m<sup>2</sup>

**6.8.11 Specific Use Regulations**

- 1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Outdoor Restaurant Patio	Section 8.15
Child Care Service	Section 8.1.2
Booth Market	Section 8.17
Secondhand Store	Section 8.11
Nightclubs and Bars	Section 8.14.2
Licensed Outdoor Patio	Section 8.16
Liquor Store	Section 8.10
Carnival	Section 8.20
Adult Entertainment Facility	Section 8.13
Foster Home	Section 8.3.2
Limited Group Home	Section 8.3.3

Group Home	Section 8.3.4
Support Home	Section 8.3.6
Mixed Use Residential Suites	Section 8.5.3

## 6.8.12 General Regulations

- The following provides a reference to other Sections that apply to the development of all properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

## 6.8.13 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.9 C2 - Highway Commercial District Regulations**

### **6.9.1 Purpose**

1. To establish a district that encourages high quality business establishments along the primary high traffic corridor through the community. The types of businesses in the classification should provide services to motoring public, visitors to the community, and to local and regional business clients.

### **6.9.2 Permitted Uses**

1. Multi-tenant Commercial Building
2. Single Tenant Commercial Building
3. Office Building
4. Hotel
5. Motel
6. Automotive and Equipment Repair Shop
7. Automotive and Light Recreation Vehicle Sales/Rentals
8. Rapid Drive-through Vehicle Service
9. Service Station
10. Vehicle Oriented Uses
11. Convenience Retail Store
12. Convenience Vehicle Rentals
13. Drive-in Food Service
14. Restaurant
15. Licensed Restaurant
16. Outdoor Restaurant Patio
17. Licensed Outdoor Patio
18. Spectator Entertainment Establishment
19. Indoor Participant Recreation Service
20. Public Library and Cultural Exhibit
21. Fleet Service
22. Warehouse Sales
23. General Retail Store
24. Antique Store
25. Business Support Service
26. Professional, Financial and Office Support Service
27. Personal Service Business

### **6.9.3 Discretionary Uses**

1. Amusement Establishment
2. Outdoor Amusement Establishment
3. Booth Market
4. Liquor Store
5. Pubs and Lounges
6. Nightclubs and Bars
7. Adult Entertainment Facility
8. Carnival
9. Government Services
10. Mixed Use Residential Suites
11. Truck and Factory Built Home Sales
12. Essential Utility Services
13. Casino & other gaming establishments
14. Bulk storage of liquids & materials

#### **6.9.4 District Overlays**

1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 11 of this Bylaw for further information.

#### **6.9.5 Maximum Lot Coverage**

- |   |     |
|---|-----|
| 1. Principal Building                     | 60% |
| 2. All buildings and paved areas combined | 90% |

#### **6.9.6 Minimum Front Yard Setback**

- |   |       |
|---|-------|
| 1. Service Stations \ Vehicle oriented uses | 12.0m |
| 2. All other uses                           | 10.0m |

#### **6.9.7 Minimum Side Yard Setback**

- |  |      |
|--|------|
| 1. Internal lot  | 3.0m |
| 2. Corner lot  | 6.0m |
| 3. Internal and corner lots must also meet building code limiting distance |      |

#### **6.9.8 Minimum Rear Yard Setback**

- |             |      |
|-------------|------|
| 1. All lots | 3.0m |
|-------------|------|

#### **6.9.9 Maximum Building Height**

- |                  |     |
|------------------|-----|
| 1. All buildings | 15m |
|------------------|-----|

#### **6.9.10 Parcel area**

- |                |                   |
|----------------|-------------------|
| 1. All parcels | 150m <sup>2</sup> |
|----------------|-------------------|

#### **6.9.11 Specific Use Regulations**

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Automotive and Equipment Repair Shop	Section 8.24
Rapid Drive-through Vehicle Service	Section 8.26
Drive-in Food Service	Section 8.26
Service Station	Section 8.26
Outdoor Restaurant Patio	Section 8.15
Licensed Outdoor Patio	Section 8.16
Booth Market	Section 8.17
Outdoor Amusement Establishment	Section 8.19
Carnival	Section 8.20
Liquor Stores	Section 8.10
Adult Entertainment Facility	Section 8.13
Nightclubs and Bars	Section 8.14.2
Mixed Use Residential Suites	Section 8.5.3

## 6.9.12 General Regulations

1. The following provides a reference to other Sections that apply to the development of all properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Storage of Liquids or other Materials	Section 7.28
Land Subdivision Considerations	Part 9

## 6.9.13 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.10 M - Industrial District Regulation**

### **6.10.1 Purpose**

1. The primary purpose of this zoning classification is to provide for high industrial developments that operate in such a manner that no nuisance is created or apparent outside an enclosed building. Limited outdoor activities (loading, service, storage, etc.) that are accessory to a principal use may occur providing the scale of such activities does not unduly conflict with the primary purpose of this zoning classification or dominate the use of the site. The zoning classification also allows for some commercial uses as discretionary uses that provide commercial services to the industrial areas.

### **6.10.2 Permitted Uses**

1. Industrial Building
2. Accessory Building
3. Household Repair Service
4. Antique Store
5. Automotive and Equipment Repair Shop
6. Automotive and Light Recreation Vehicle Sales/Rentals
7. Business Support Service
8. Commercial School
9. Convenience Vehicle Rental
10. Equipment Rentals
11. Fleet Service
12. Funeral and Cremation Service
13. Vehicle Oriented Use
14. Licensed Restaurant
15. Restaurant
16. General Contractor Service
17. Limited Contractor Services
18. Service Stations
19. Outdoor Amusement Establishment
20. Recycling Depot
21. Truck and Factory Built Home Sales
22. General Industrial Uses
23. Vehicle and Equipment Sales/Rentals
24. Public Education Service
25. Public Library and Cultural Exhibit
26. Greenhouse and Plant Nursery
27. Railway
28. Essential Utility Services

### **6.10.3 Discretionary Uses**

1. Mini Storage Facility
2. General Retail Store
3. Convenience Retail Store
4. Secondhand Store
5. Booth Market
6. Child Care Service
7. Warehouse Sales
8. Hotel
9. Motel
10. Pubs and Lounges
11. Licensed Outdoor Patio
12. Liquor Store
13. Mobile Catering Food Service
14. Public Park
15. Indoor Participant Recreation Service
16. Auctioneering Establishment
17. Towing Compound
18. Broadcasting and Motion Picture Studio
19. Temporary Storage Yard
20. Temporary Building
21. Intermodal Container Storage
22. Tent Structure
23. Veterinary Service
24. Security Suite
25. Mixed Use Residential Suites
26. Stockpile Site
27. Government Services
28. Outdoor Storage Yard
29. Essential Utility Services
30. Small Animal Hospital
31. General Industrial Uses
32. Towing Compound
33. Temporary Shelter Service
34. Security Suite
35. Pawn Shop
36. Intermodal Container Storage
37. Temporary Building
38. Auto Salvage and Auto Part Wrecking Yard
39. Higher Risk Industrial Uses
40. Casino & gaming establishment
41. Greenhouse & Plan Nursery
42. Wholesaling
43. Bulk Storage of Liquids & Materials

### **6.10.4 District Overlays**

1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 11 of this Bylaw for further information.

### **6.10.5 Maximum Lot Coverage**

1. Principal Building and accessory buildings 60%

#### **6.10.6 Minimum Front Yard Setback**

1.	Principal Building, without front yard parking	6.0m
2.	Principal Building, with front yard parking	12.0m
3.	Accessory Building	20.0m
4.	Vehicle Oriented Uses	12.0m

#### **6.10.7 Minimum Side Yard Setback**

1. Determined by Alberta Building Code requirements based on construction type with minimum of 3.0m

#### **6.10.8 Minimum Rear Yard Setback**

1.	Principal Building	3.0m
2.	Accessory Building	1.5m

#### **6.10.9 Maximum Building Height**

1.	Principal Building	15m
2.	Accessory Building	5.0m

#### **6.10.10 Parcel area**

1.	All parcels	500m <sup>2</sup>
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#### **6.10.11 Specific Use Regulations**

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Child Care Service	Section 8.1.2
Greenhouse and Plant Nursery	Section 8.21
Automotive and Equipment Repair Shop	Section 8.24
Service Station	Section 8.26
Secondhand Store	Section 8.11
Outdoor Restaurant Patio	Section 8.15
Liquor Store	Section 8.10
Booth Market	Section 8.17
Auctioneering Establishment	Section 8.29
Outdoor Amusement Establishment	Section 8.19
Mixed Use Residential Suites	Section 8.5.3
Temporary Storage Yard	Section 8.27.1
Temporary Building	Section 8.27.2
Intermodal Container Storage	Section 8.27.4
Stockpile Site	Section 8.28
Tent Structure	Section 8.27.3

## **6.10.12 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Storage of Liquids or other Materials	Section 7.28
Land Subdivision Considerations	Part 9

## **6.10.13 Industrial Performance Standards**

1. No operation or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Alberta pursuant to the Clean Air Act and the Clean Water Act and regulations pertaining thereto.
2. Any industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards at all times:
  - a. noise emit no offensive noise of industrial production audible at any point on the boundary of the lot on which the operation takes place;
  - b. smoke: no process involving the use of solid fuel is permitted except the use of waste disposal incinerators of a design approved by the appropriate approving authority(s);
  - c. dust and ash: no process involving the emission of dust, fly ash or other particular matter is permitted;

- d. smell: the emission of any odorous gas or other odorous matter is prohibited;
  - e. toxic gases, etc.: the emission of toxic gases or other toxic substances is prohibited;
  - f. glare and heat: no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;
  - g. external storage: external storage of goods or materials is permitted if kept in a neat and orderly manner, suitably enclosed by a fence or wall to the satisfaction of the Development Authority;
  - h. industrial wastes: no wastes shall be discharged into any sewer which does not conform to the standards established from time to time by bylaw of the Town;
3. The onus of proving to the 7 Commission's satisfaction that a proposed development does, and will, comply with these standards rests with the developer and/or operator.
  4. In considering the application, the Development Authority shall have regard to the intent of this Section, which is to establish use on the basis of:
    - a. appropriate performance standards;
    - b. the methods, equipment and techniques of the applicant;
    - c. the use of neighbouring land and land use districts and the compatibility of the proposed use with neighbouring land and land use district.

#### **6.10.14 Appearance**

1. All yards abutting the highway or road shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
2. All storage, freight or trucking yards shall be enclosed or completely screened by buildings, tree, landscaped features or fences, or a combination thereof to provide effective screening from the ground to a height of 2.0m.
3. All front yards shall be landscaped and maintained to meet or exceed the minimum standards outlined in this Bylaw.

#### **6.10.15 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.11 US – Urban Service and Open Space Regulations**

### **6.11.1 Purpose**

To establish a district in which land is used for public and/or privately owned institutional, recreational and community service developments.

### **6.11.2 Permitted Uses**

1. Government Services
2. Extended Medical Treatment Service
3. Public Education Service, including modular additions
4. Health Service
5. Public Library and Cultural Exhibit
6. Public Park
7. Child Care Service
8. Community Recreation Service
9. Religious Assembly
10. Essential Utility Services
11. Major Impact Utility Service
12. Recycled Materials Drop-off Centre
13. Spectator Entertainment Establishment
14. Indoor Participant Recreation Service
15. Outdoor Participant Recreation Service
16. Exhibition and Convention Facility
17. Booth Market
18. Tourist Campsite
19. Limited Group Home
20. Carnival

### **6.11.3 Discretionary Uses**

1. Cemetery
2. Auctioneering Establishment
3. Group Home
4. Institutional Group Home
5. Tent Structure
6. Greenhouse and Plant Nursery
7. Stockpile Site
8. Storm Water Ponds

### **6.11.4 Minimum Front Yard Setback**

1. Must match the requirement of the zoning classification of the nearest adjacent property.
2. Must meet the minimum requirements of the Alberta Building Code.

### **6.11.5 Minimum Rear Yard Setback**

1. Building, with lane access 3.0m
2. Building, without lane access 6.0m
3. Other uses are at the discretion of the Development Authority

### **6.11.6 Minimum Side Yard Setback**

1. Must match the requirement of the zoning classification of the nearest adjacent property.
2. Must meet the minimum requirements of the Alberta Building Code.

### **6.11.7 Maximum Site Coverage**

1. Buildings 40%
2. All Buildings and parking lot 70%
3. The maximum lot coverage can be increased at the full discretion of the Development Authority if it is compatible with other uses in the vicinity or if the lot is adjacent to another Urban Service lot where shared amenities are provided that meet the intent of the regulation.

### **6.11.8 Maximum Building Height**

1. All buildings, except accessory buildings 13.5m
2. Accessory Building one (1) storey

### **6.11.9 Specific Use Regulations**

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Child Care Service	Section 8.1.2
Tourist Campsite	Section 8.18
Booth Market	Section 8.17
Carnival	Section 8.20
Auctioneering Establishment	Section 8.29
Limited Group Home	Section 8.3.3
Group Home	Section 8.3.4
Institutional Group Home	Section 8.3.5
Tent Structure	Section 8.27.3
Greenhouse and Plant Nursery	Section 8.21
Stockpile Site	Section 8.28

### **6.11.10 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14

Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

#### **6.11.11 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.12 UX - Urban Expansion District**

### **6.12.1 Purpose**

1. To establish a district for development which will not pose problems to the logical expansion of future urban uses.

### **6.12.2 Permitted Uses**

1. Crop Farming
2. Essential Utility Services

### **6.12.3 Discretionary Uses**

1. Tourist Campsite
2. Greenhouse and Plant Nursery
3. Outdoor Participant Recreation Service
4. Temporary Storage Yard
5. Outdoor Amusement Establishment
6. Tent Structure
7. Pastureland
8. Stockpile Site
9. Temporary Building
10. Private Sewage System

### **6.12.4 Minimum Front Yard Setback**

1. Set by development permit conditions by the Development Authority.

### **6.12.5 Minimum Rear Yard Setback**

1. Set by development permit conditions by the Development Authority.

### **6.12.6 Minimum Side Yard Setback**

Set by development permit conditions by the Development Authority.

### **6.12.7 Maximum Lot Coverage**

All buildings	10%
---------------	-----

### **6.12.8 Maximum Building Height**

All buildings	7m
---------------	----

### **6.12.9 Private Sewage Systems**

Where lots are not serviced with municipal sanitary sewers, they must use approved sanitary sewer pump-out holding tanks or have private sewage systems that have been designed and installed in full conformance with the appropriate provincial regulations.

1. The type and design of the private sewage system must be provided in full detail at the time of application for the principal building along with a copy of the permit to install a private sewage system.

2. Where lots are serviced with pressurized municipal sanitary sewers, they must connect to the municipal system with the approved system type.

#### **6.12.10 Specific Use Regulations**

1. The following provide reference to specific regulations to Sections that apply to specific permitted or discretionary uses of this Section:

Tourist Campsite	Section 8.18
Outdoor Amusement Establishment	Section 8.19
Temporary Storage Yard	Section 8.27.1
Temporary Building	Section 8.27.2
Tent Structure	Section 8.27.3
Stockpile Site	Section 8.28
Greenhouse and Plant Nursery	Section 8.21

#### **6.12.11 General Regulations**

1. The following provides a reference to other Sections that apply to the development of all properties:

Fences	Section 7.1
Decks and Patios	Section 7.2
Detached Garages, Carports and Accessory Buildings	Section 7.3
Parking and Loading	Section 7.4
Signs	Section 7.6
Lot Grading and Property Drainage	Section 7.7
Landscaping and Screening	Section 7.8
Building Separation	Section 7.9
Lighting of Sites	Section 7.10
Building Design, Character and Exterior Treatment	Section 7.11
Excavation and Stripping of Land	Section 7.12
Utility Services to Land Sites	Section 7.13
Sidewalk and Curb Crossings	Section 7.14
Corner and Double Fronting Lots	Section 7.15
Utility Right of Way	Section 7.16
Vehicular Access to Sites	Section 7.17
Limited Access to Major Streets	Section 7.18
Emergency Access to Buildings	Section 7.19
Objects /Uses Prohibited /Restricted in Res. Districts	Section 7.20
Relocation of Buildings	Section 7.21
Construction Damage Deposits	Section 7.22
Encroachment & Retaining Walls	Section 7.23
Payment of Off-site Levies	Section 7.24
Water Meter Installation Costs	Section 7.25
Restrictive Covenants	Section 7.26
Development Maintenance Standards	Section 7.27
Land Subdivision Considerations	Part 9

#### **6.12.12 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## 6.13 DC - Direct Control District

### 6.13.1 Purpose

1. To establish a district or districts wherein the Council of the Town of Millet may regulate and exercise particular control over the use and development of land and buildings within a designated area.
2. As time progresses land and the community evolves, particular properties become into a state of transition where the redevelopment of land is subjective. While some of the buildings are in good condition and met the desired intentions of the day, any new development may require a change in use to meet the planning and development strategies for the present and future. These properties are generally in districts where they are surrounded by a myriad of other uses; therefore, any development must be sensitive to several issues. On these properties, the Town wants to remain open minded and flexible, consider the comments of surrounding property owners, and meet the objectives of the key planning documents of the Town such as the Municipal Development Plan, Area Redevelopment Plans, Area Structure Plans and Area Overlay Plans.
3. This classification should be limited in use where conventional classifications are not practical considering the site and its surrounding uses.
4. When an application has been received for a development or significant change in use on a property classified as Direct Control the Development Authority with consultation with other departments shall prepare a comprehensive report to Council with all of the planning issues identified for Council to consider when making their decision.
5. Town Council at its sole discretion can make the decision on the development permit or can delegate the decision to the Development Authority with direction that it deems appropriate.
6. For development and uses that are accessory to the principal use of the property and that do not make changes to the property that will not deter the desired long term transition of the property, the Development Authority may make the decision on the application after public consultation on the application in accordance with Section 4.6.3, with the Development Authority replacing the decision making power of Town Council. These applications include:
  - a. change in the use classification of the building to a different classification;
  - b. the placement of a moveable accessory building;
  - c. the construction of a deck or fence;
  - d. the construction of a detached garage not exceeding 40m<sup>2</sup>;
  - e. the placement of a sign;
  - f. a home based business application;
  - g. temporary uses

## **PART 7: GENERAL REGULATIONS**

### **7.1 Fences**

#### **7.1.1 Fence Height and Locations**

1. Residential
  - a. on any residential property, except as hereinafter provided, a person shall not construct a fence or wall, or permit a hedge to grow taller than:
    - i. 1.0m beyond the front face of the principal building to the front property line; or
    - ii. 1.8m on side yards, rear yards, or fences running perpendicular to the side face of the buildings.
  - b. privacy walls up to 1.8m in height may be built on decks or patios, measuring from the surface of the deck or patio provided the deck or patio is at least 1.5m from the property line.
2. Industrial and General Commercial
  - a. on properties zoned Light or Heavy Industrial or General Commercial a person shall not construct a fence or wall taller than:
    - i. 2.0m to the top of the fence; or
    - ii. 2.3m to the top of the security wire.
3. Highway Commercial and Downtown Commercial
  - a. on properties zoned Highway Commercial and Downtown Commercial a person may construct a chain link fence on side and rear property lines and perpendicular to the side of the principal building not taller than:
    - i. 1.8m to the top of the fence; or
    - ii. 2.3m to the top of the security wire.
  - b. decorative fencing may be permitted in the front yard at the discretion of the Development Authority with the issuance of a development permit.
4. Public Facilities
  - a. fences at public recreational facilities, playgrounds or school grounds will be permitted to be constructed to a height to suit the facility needs and must be approved in writing by the Development Authority.
5. Measurement Location
  - a. fence height shall be measured from the average grade level. Where grade levels differ between properties, the average of the two elevations, and measured 0.3m from the fence shall be used.

6. Commercial and Industrial Gate locations
  - a. vehicle gates in commercial and industrial fences providing access from public roadways must allow enough space for vehicles entering the property with the gate in a closed position to be completely off the public roadway.

### **7.1.2 Fence Materials**

1. Residential
  - a. residential fences may be constructed of wood, concrete, brick, manufactured plastic boards, or chain link fence materials.
  - b. all materials used in the construction of wood fences shall be graded lumber unless otherwise pre-approved in writing by the Development Authority.
2. Commercial and Industrial
  - a. commercial and Industrial fences, if constructed, shall be of standard chain link materials installed to Town Design standards, unless otherwise approved in writing by the Development Authority.

### **7.1.3 Fence Maintenance**

1. All fences shall be constructed and maintained to stand without bracing within 10 cm of plumb over the height of the fence.
2. All mandatory fencing shall be maintained to its original design.

### **7.1.4 Restricted Fencing**

1. Barbed Wire
  - a. no barbed wire fence will be allowed in any district except as security wire on top of commercial and industrial chain link fences above 1.8m to a maximum height of 2.3m above grade.
  - b. the Development Authority may relax this requirement in an agricultural area where residences would not be in close proximity to the proposed fence.
2. Electrified Fencing
  - a. electrified fencing is prohibited in all districts.

### **7.1.5 Mandatory Fencing**

1. Uniform Fencing

Properties within residential sub-divisions with uniform fencing required by a development agreement shall keep the uniform fencing in place and keep the fence maintained to the neighbourhood standard. One gate not exceeding

1.0m wide will be permitted in the uniform fence from each property provided the gate opens inward to the property.

2. Railways

All commercial, industrial and residential properties, which are subject to a development permit and are adjacent to railways, shall have 1.8m chain link fencing installed to prevent unauthorized access to the railway property. The property owners are responsible for the maintenance of this fencing.

3. Swimming Pools

All swimming pools and hot tubs shall be fenced as required by the Alberta Building Code.

## 7.2 Decks, Patios and Platforms

1. The maximum site coverage, minimum yard setbacks and the minimum soft landscaping percentages of the specific district regulations must be complied with when applying for or issuing a development permit for a deck.
2. When a deck or patio contains more than one level, the deck area shall include the areas of all combined levels.
3. When a property contains more than one deck, the maximum deck area shall include all decks.
4. Where a deck provides egress from a required exit of a building it must have stairs that provide safe access to grade.
5. Access platforms and stairs providing access to platforms that provide access to or egress from the principal building that are less than 2.5m<sup>2</sup> in platform area, are allowed without a permit within the minimum side yards, provided they are constructed of non-combustible materials and do not interfere with property drainage and provided they are not enclosed by walls or covered by a roof structure.
6. Patios are allowed to be constructed without a development permit provided the soft landscaping and site drainage requirements are met and there is no roof over the patio.
7. Where drainage swales exist between properties that provide required drainage flow, decks, patios and platforms and the supporting structures must be designed and constructed so they do not interfere with this required drainage.
8. Where roofs are constructed over, or intended to be constructed over, decks or patios, the deck or patio must meet the minimum property line setbacks and maximum site coverage of the specific district regulations for the principal building and must have a foundation structure installed that meets the building code requirements that would support the roof and the appropriate snow loads.
9. Freestanding gazebos are required to meet the minimum setback requirements of the specific district regulations for a detached garage.

10. Decks must meet all of the current Alberta Building Code requirements.

### **7.3 Detached Garages, Carports and Accessory Buildings**

#### **7.3.1 Detached garage**

1. A detached garage must not be connected to the principal building.
2. Garages that are connected by breezeways are considered an attached garage and deemed part of the principal building.
3. Garages that are less than 2.0m from the wall surface of the principal building to the wall surface of the garage, or less than 1.2m from eave to eave are deemed to be attached garages and must meet the setback requirements of the principal building.

#### **7.3.2 Exterior Finish**

1. Detached Garages must have an exterior finish installed within eighteen months of the development permit consistent with materials that are similar to those commonly used in new residential construction.
2. Soffits are not permitted within 450mm to a side yard property line. Soffits constructed 450mm to 1200mm to a side property line must have no openings and be protected by one of the material listed in Clause 3.2.3.6.(5)(b). as prescribed by the current edition of the Alberta Building Code.
3. The materials used for exterior finish must include materials approved for use as cladding, stucco, soffits or roofing under the Alberta Building Code under the appropriate application.
4. The exterior finish must be completed to a professional standard and complimentary to the appearance of the principal building.
5. Where roof slopes terminate within 1.0m of a property line they must be equipped with eaves troughs and downspouts. The downspouts must not terminate within 0.6m of a property line.
6. The grade away from the garage, measured perpendicular to a side property line, must not exceed 20% within 1.0m of the property line.
7. The side yard of a detached garage must be kept in a neat and tidy order and free of flammable debris.

#### **7.3.3 Carports**

1. Where carports are attached to the principal building they are deemed to be part of the principal building and must meet the required principal building setbacks and other regulations as outlined in the specific district regulations.
2. Carports attached to buildings other than the principal building must meet the required building setbacks and other regulations for that building as outlined in the specific district regulations.

3. Freestanding carports must meet the same regulations as a detached garage as outlined in 7.3.1.

#### **7.3.4 Accessory Building**

1. A structure accessory to the main use or building on the site, not exceeding 4.5m in height, and the exterior walls not exceeding 3.1m in height on a residential site intended for the storage of the personal property of the resident or on a commercial or industrial site intended for the storage of the goods belonging to the business on the site
2. An accessory building must be setback from property lines in accordance with the specific district regulations.
3. Where an accessory building is placed within 2.0 m of a principal building or other building it is deemed to be part of the adjacent building and must meet the property line setbacks required for the adjacent building as required in the specific district regulations.
4. The exterior finish must be completed to a professional standard and complimentary to the appearance of the principal building.
5. Placement of accessory buildings must not affect drainage swales between properties.

### **7.4 Parking and Loading**

#### **7.4.1 Off-street Parking and Loading Regulations**

1. Applicability and Exceptions:
  - a. when any development takes place on any site, off-street parking and loading facilities for each building type or use, including accessory uses, shall be provided and maintained in accordance with the regulations and standards of this Bylaw; and
  - b. notwithstanding the above, the regulations contained within this Section shall not apply to buildings or uses existing at the time of the adoption of this Bylaw, except that:
    - i. where any building or structure undergoes an increase in floor area due to addition or external renovation, off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or use as modified in size;
    - ii. where any building or use undergoes a change of use, intensity of use or capacity and the change results in an increase in the parking requirements, the off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or use as modified in use; and

- iii. where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.
  - c. all required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.
2. General Requirements:
- a. where provision of off-street vehicular parking, garage spaces, or loading spaces is required by this Bylaw with the exception of single dwelling building, duplex housing and semi-detached housing, a plan of the proposed site layout shall be included with the development permit application. The site plan must be drawn to scale and must clearly illustrate the lot size and configuration, building locations, site access, parking and loading spaces, on-site circulation and any other details relevant to the review of the development proposal;
  - b. the number of off-street vehicular parking spaces and loading spaces required for any use is specified in Schedule 1 and Schedule 2 respectively;
  - c. where Schedules 1 and Schedule 2 do not clearly define regulations for a particular development, the single use class or combination of use classes most representative of the proposed development shall be used by the Development Authority to determine the vehicular parking and loading requirements.
  - d. where the total number of vehicular parking spaces or loading facilities is determined by reference to a unit such as the number of seats or floor area, the next higher whole number shall be required where the calculation results in a fractional number of required spaces.
  - e. where more than one calculation of parking space requirements is specified for a use, the greater requirement shall be applied.
  - f. unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.
  - g. the Development Authority may use his variance power to relax the vehicular parking requirements in Schedule 1, and the loading requirements in Schedule 2; however, such a variance shall only be considered in cases where the nature of the use, the size of the site, or other physical constraints result in a situation where the requirements cannot be met on-site without unnecessary hardship or practical difficulties.



2. Location of Vehicular Parking Facilities:
  - a. with the exception of properties zoned as downtown commercial the required parking spaces shall be wholly provided on the same site as the building;
  - b. for downtown commercial districts, parking spaces may be provided on a site located remotely, but no further than 120m from the site. Such distance shall be measured along the shortest public pedestrian route from the nearest point of the parking area to the nearest point of the site where the building or use is located. Where off-site parking is provided pursuant to this provision, the development shall be considered as discretionary use;
  - c. where required parking spaces are not on the same site of the development or use, these parking spaces shall be identified as parking spaces for that development or use through the use of appropriate signage;
  - d. except on residential sites where a front attached garage is an approved use or on residential sites where lane access is not available, no parking stalls shall be provided within 8.0m of the front property line of a residential property.
  - e. where parking is permitted within the front yard of a residential site the parking area and access space shall be hard surfaced, have approved curb crossings and shall not conflict with the minimum landscaping requirements of this Bylaw.
3. Landscaped Islands Within Parking Areas:
  - a. every off-street parking or loading area required by this Bylaw to accommodate 30 or more vehicles at grade shall incorporate landscaped open space within the parking area, calculated on the basis of 1.5m<sup>2</sup> of landscaped island area per required parking and loading space. This shall be landscaped in accordance with this Bylaw.
  - b. for parking areas containing required parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Authority.
4. Vehicular Parking Dimensions and Configuration:
  - a. all required parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions, and shall conform to the following minimum dimensions:
    - i. except as provided below, each required off-street parking space shall be a minimum of 3m width with a minimum clear length of 6m exclusive of access drives, aisles, ramps or columns. Parking

spaces shall have a vertical clearance of at least 2.0m. For parallel parking, the length of the parking spaces shall be increased to 7.0m except that an end space with an open end shall be a minimum length of 5.5m.

- ii. where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0m and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3m.
- iii. where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.9m and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3m;
- iv. aisles shall be a minimum of 7.0m wide for 90° parking, 5.5m for 60° parking, and 3.6m wide for 45° parking and parallel parking;
- v. disabled parking spaces shall be a minimum of 3.7m in width and 5.5m length; and
- vi. where parking spaces are located with access directly off a lane, the length of the stall shall be increased to 6.8m the site.

### **7.4.3 Hard-surfacing and Curbing of Parking and Loading Spaces**

#### **1. General Requirements:**

- a. required parking and loading facilities shall provide for, and include, an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, loading of motor vehicles all in relation to buildings and entry points to buildings on the site. Such facilities shall comply with the following design, development and maintenance standards:
  - i. all required parking and loading facilities shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be hard-surfaced. Hard-surfacing shall mean the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement capable of withstanding expected vehicle loads;
  - ii. where the street or lane from which access is available to any loading or required parking space is hard-surfaced after the time at which the parking space is provided or required, the person responsible for the construction or maintenance of such parking or loading space shall forthwith hard-surface such spaces and the access thereto, and the whole area contained within the Town-owned land to which a curb crossing permit applies;
  - iii. notwithstanding anything contained in the above clause, where hard-surfacing has been provided on a site to the minimum required, then the type of surface permitted on the balance of the site shall be of such material as the Development Authority approves;

- iv. in parking areas and similarly congested locations, curbs and other protective measures shall be used to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site or an adjacent site;
- v. continuous raised or pre-cast curbing of not less than 100 mm in height shall be provided adjacent to streets and required landscaped areas, 300 mm as per policy 51 – Millet design standards from the front of the parking stall. Concrete curb stops shall be placed to ensure that vehicles do not overhang boulevards, sidewalks, or required landscaped areas. Curbing shall also be required to clearly demarcate the required portion of driveway leading to an internal roadway, aisle, ramp, parking space or loading space;
- vi. where continuing curbs are used as wheel stops, the measured size of parking spaces shall be reduced 1.0m in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by 1.0m and such overhang areas must be clear of all obstructions (signs, shrubs, trees, etc.) and shall not be regarded as a required landscaped area; and
- vii. in situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land uses.

## 2. Residential Zones

- a. every off-street parking or loading space, and access provided or required in any residential zone, including the area contained within Town-owned land to which a curb crossing permit applies, shall be hard-surfaced if access is from a public roadway which is hard-surfaced or gravelled. If there are two or less parking or loading spaces, this is not required.
- b. for an on-site driveway in any residential zone, the area required to be hard-surfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the hard-surface.

## 3. Commercial and Industrial Zones

- a. every off-street parking or loading space provided or required in any commercial zone, and the access thereto, including the whole area contained within the Town-owned land to which a curb crossing permit applies, shall be hard-surfaced if the access is from a public roadway which is hard-surfaced.
- b. every off-street parking or loading space provided or required in an industrial zone, and the access thereto, including the whole area contained within the Town-owned land to which a curb crossing permit applied, shall be hard-surfaced if such area lies in front of the principal

building. Any area at the rear or the side of the principal building provided or required for off-street parking or loading space need not be hard-surfaced, but shall be of such a surface that shall minimize the carrying of dirt or foreign matter upon the highway.

### Schedule 1- Vehicular Parking Requirement

Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
<b>Residential and Residential-Related</b>	
1. Primary residential dwelling Apartment Building Row Housing Row Housing Stacked	2 parking stalls 1 parking space per bachelor suite and bed sitting room, plus 1 parking space per 1 bedroom dwelling, plus 1.5 parking spaces per 2 bedroom dwelling, plus 1.75 parking spaces per 3 or more bedroom dwelling, plus 1 parking space per 7 dwellings for visitor parking.  The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.  The Development Authority may accept tandem parking spaces of a number that is equivalent to the total required parking minus the total number of dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.
2. Boarding and Lodging House Secondary Suite	1 parking space per 1 sleeping unit, in addition to the parking requirements for the primary dwelling.
3. Duplex Housing Manufactured Home (excluding Manufactured Home Parks) Semi-detached Housing	2 parking spaces per dwelling include 1 garage space.  Where a front yard driveway provides access to a parking space that is not within the front yard, the Development Authority may consider this driveway as the provision of a second car parking space that is in tandem.
4. Group Home	1 parking space per 3 sleeping units and 1 parking space per maximum staff members on shift.
5. Minor and Major Home Based Business Except:  Bed and Breakfast Facility	1 parking space in addition to parking required for primary dwelling.  1 parking space per guest room is required in addition to the parking required for the primary dwelling.
6. Manufactured Home Parks	2 parking spaces per manufactured home lot, plus 1 parking space per 7 manufactured home lots as visitor parking. The visitor parking shall be dispersed, to be conveniently located for all lots.
7. Residential Sales Centre	4 parking spaces

<b>Commercial Use Classes</b>	
8. Any development within a commercial use class not listed separately in this table, with a floor area of:	4 parking spaces per 100m <sup>2</sup> of floor area
9. Hotels and Motels	1.1 parking space per sleeping unit, plus 1 per employee
10. Nightclubs and Bars	1 parking space per 20m <sup>2</sup> public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
11. Pubs and Lounges	1 parking space per 20m <sup>2</sup> public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
12. Casino and Other Gaming Establishment	1 parking space per 20m <sup>2</sup> of public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
13. Commercial School	1 parking space per 3.5 seats, plus auditorium requirements where applicable.
14. Booth Market	6.5 parking spaces per 100m <sup>2</sup> of floor area in the building used for this use class.
15. Funeral and Cremation Service	1 parking space per 3.5 seats plus 1 parking space per funeral home vehicle
16. Health Service	4.5 parking space per 100m <sup>2</sup> of floor area
17. Professional, Financial and Office Support Service	3.4 parking space per 100m <sup>2</sup> of floor area
18. Restaurant	1 parking space per 7.5m <sup>2</sup> of public space
19. Warehouse Sales	1 parking space per 100m <sup>2</sup> of floor area
<b>Industrial Use Classes</b>	
20. Any development within the Industrial Use Classes and Industrial Performance Use	1 parking space per 100m <sup>2</sup> of floor area provided this is not less than 3 parking spaces per tenant or establishment
<b>Basic Service Use Classes</b>	
21. Extended Medical Treatment Services	1.1 parking spaces per 100m <sup>2</sup> of floor area
<b>Community, Educational, Recreational and Cultural Service Use Classes</b>	
22. Any development within the Community, Educational, Recreational and Cultural Service Use Class not listed separately.	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
23. Child Care Service	1 parking space per employee
24. Community Recreation	16 parking spaces, plus where multipurpose room greater than 93m <sup>2</sup>

Service	<p>is present and is used for general assembly purposes, an additional 2.2 parking spaces per 10m<sup>2</sup> over 93m<sup>2</sup> of floor area in a multipurpose room is required. The multipurpose area shall not include dressing rooms, change rooms, washrooms, storage areas, and cooking or kitchen areas, which are normally incidental to the primary function of the community recreation services.</p> <p>Where the community recreation service facility parking area immediately abuts a parking area for a school, a maximum of 50% of the additional parking spaces required, pursuant to the above clause, may be provided by including the parking facilities on the abutting school parking area.</p>
25. College, Business or Technical School	1 parking space per 3.5 seats, plus auditorium requirements where applicable.
26. Exhibition and Convention Facility	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
27. Indoor Participant Recreation Service Except:	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
a. Bowling Alley b. Curling Rink c. Health and Fitness Club d. Hockey Rink and Swimming Pool e. Racquet Sport Facility	4 parking spaces per lane plus parking requirements for accessory uses 8 parking spaces per sheet plus parking requirements for accessory uses 1 parking space per 10m <sup>2</sup> of floor area 1 parking space per 3.5 seats or 1 parking space per 5m <sup>2</sup> playing/water surface or assembly area 2 parking spaces per court plus parking requirements for accessory uses
28. Natural Science Exhibit	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
29. Outdoor Participant Recreation Service Except:	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
a. Golf Course or Driving Range  b. Sports Field, in association with school /park sites	5 parking spaces per hole (golf course) or 1 parking space per T-box (driving range) plus parking requirements for accessory uses  A maximum of 10 parking spaces per field to be developed provided that the sports and playing fields are developed prior to the development of other uses on the site, such as community recreation service facilities or other school uses. The number and design of the parking spaces and the surface treatment of the parking area shall be approved by the Development Authority in consultation with Transportation and Streets Department, Community Services Department and the School Boards.
30. Private Club	1 parking space per 3.6m <sup>2</sup> of public space
31. Public Library and Cultural Exhibit	1 parking space per 10m <sup>2</sup> of floor area used by patrons
32. Public or Private Elementary and Junior High Schools	1.4 parking spaces per classroom  This calculation shall include the ultimate parking requirements for all potential future school development on-site, whether contained in a core facility or in attached portable pods. Actual development of parking spaces may, however, be phased in accordance with each phase of school development.

	Where the school parking area immediately abuts a parking area for a community recreation service facility, a maximum of 50% of the smaller parking requirement between the school and the community recreation service facility may be provided by including the parking facilities on the abutting community recreation service parking area.
33. Public or Private High Schools	<p>1.4 parking spaces for each classroom, plus 1 parking space for every 10 students</p> <p>This calculation shall include the ultimate parking requirements for all potential future school development on-site, whether contained in a core facility or in attached portable pods. Actual development of parking spaces may, however, be phased in accordance with each phase of school development.</p> <p>Where the school parking area immediately abuts a parking area for a community recreation service facility, a maximum of 50% of the smaller parking requirement between the school and the community recreation service facility may be provided by including the parking facilities on the abutting community recreation service parking area.</p>
34. Religious Assembly	1 parking space per 4 seats
35. Spectator Entertainment Establishment	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons

### Schedule 2 - Loading Spaces Requirement

Use of Building or Site	Total floor area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465m <sup>2</sup>	4 per 100m <sup>2</sup>
	465m <sup>2</sup> to 2300m <sup>2</sup>	
	Each additional 2300m <sup>2</sup> , or fraction thereof	

## 7.5 Flood Risk Management

1. In the Floodway, the only uses and structures allowed are:
  - a. private open space,
  - b. parks and natural areas,
  - c. flood management devices, and
  - d. the continuation of existing uses, buildings, and structures which are listed as permitted or discretionary uses in that land use district and for which development permits were issued before this bylaw was adopted.

New buildings are not permitted or discretionary.
2. In the Flood Fringe, the Development Authority may require the applicant to provide a report from a Professional Engineer certifying that the following factors have been incorporated into the design of the building and lot:
  - a. Canada Mortgage and Housing Corporation guidelines for building in areas susceptible to flooding,
  - b. the flood-proofing of habitable rooms, electrical panels, heating units, and operable windows,
  - c. basement and site drainage, and
  - d. information on proposed grade elevation in relation to the 1:100 year flood elevation,

and the Development Authority must be satisfied that adequate flood-proofing exists before issuing a development permit. Encroachment on a slope would require an engineering report/certificate.
3. Despite the above, the Development Authority *must* permit repairs to an existing building in a flood fringe without requiring that the building be flood-proofed, and *may* permit
  - a. minor renovations to an existing building in the flood fringe without requiring flood-proofing, and
  - b. additions to an existing building in the flood fringe if such additions are adequately flood-proofed, without requiring flood-proofing of the entire building.
4. The Development Authority may request assistance from Alberta Environment in applying or interpreting this section.
5. Where this section disallows buildings and land uses which are allowed elsewhere in the bylaw, this section governs.

## 7.6 Signs

### 7.6.1 Purpose

1. The purpose of this Section is to ensure that signs:
  - a. do not obstruct the orderly and safe flow of vehicular and pedestrian traffic;
  - b. do not create visual or aesthetic blight;
  - c. do not unduly interfere with the amenities of the district in which they are located; and
  - d. do not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

### 7.6.2 Sign Definitions

1. A-BOARD SIGN means an A-shaped sign with no external supporting structure that is set upon, but not attached to, the ground;
2. AWNING SIGN means a sign incorporated upon or within an awning;
3. BALLOON SIGN means an air-inflated sign;
4. BANNER SIGN means a sign constructed from a non-rigid fabric in a banner style, which is attached to a pole or other structure;
5. BILLBOARD SIGN means a large engineered freestanding sign designed for a changeable message used generally for off-site and corporate advertising;
6. CANOPY SIGN means a sign incorporated upon or within a building canopy;
7. CONSTRUCTION SITE IDENTIFICATION SIGN means a temporary sign erected on a site under construction for advertising or providing information related to the construction project;
8. DEVELOPER MARKETING SIGN means a temporary sign for promoting vacant lots or show homes in a new subdivision;
9. DEVELOPMENT DIRECTIONAL SIGN means a temporary sign for guiding or directing pedestrian or vehicular traffic to new subdivisions, new home areas, or show homes;
10. DIRECTIONAL SIGN mean a sign for directing pedestrian or vehicular traffic including ingress and egress signs and parking signs, but does not include advertising, with the exception of a logogram;
11. ELECTION SIGN means a sign advertising a local candidate and/or party in a federal, provincial, school board or municipal election;
12. ELECTRONIC MESSAGE SIGN means a sign or part of a sign on which the advertising is programmable or changeable by electrical or electronic means;

13. EVENT DIRECTIONAL SIGN means a temporary sign providing direction to a non-reoccurring event of less than three days in length; such as a property auction sale;
14. FASCIA SIGN means a sign placed flat and parallel to the face of the building so that no part projects more than 0.4 m from the building;
15. FENCE SIGN means a sign painted on or attached to a fence;
16. FIXED SIGN means a sign securely attached to the ground or a building.
17. FLASHING SIGN means a sign that contains an intermittent or flashing light source;
18. FREESTANDING SIGN means a sign anchored into the ground and not attached to a building;
19. GARAGE SALE SIGN means a sign advertising the location and product of a garage sale;
20. HOME ADDRESS SIGN means a sign that is no larger than 0.7m<sup>2</sup>, which states only the municipal address and occupant names.
21. HOME BUSINESS SIGN means a sign advertising an approved home business;
22. ILLUMINATION means the lighting of any sign by artificial means;
23. INDIRECT ILLUMINATION means the lighting of a sign by reflected light;
24. LOW SIGN means a freestanding sign with advertising at an elevation at or less than 3.0m above grade
25. MULTIPLE TENANT SIGN means a sign for advertising two or more on-site developments or businesses.
26. MUNICIPAL SIGN means a sign erected by the Town;
27. NEIGHBOURHOOD IDENTIFICATION SIGN means a sign for displaying the name of a Town neighbourhood or business park, and may include the logogram of the developer;
28. NON-FIXED SIGN means any sign that is not a fixed sign;
29. OFF-SITE ADVERTISING means the advertising of a business, commodity, service or entertainment that is conducted, sold or offered elsewhere other than the site on which the sign is located;
30. OPEN HOUSE SIGN means a sign for guiding vehicular traffic and pedestrians to real estate open house locations;
31. PEDDLER SIGN means a sign advertising for a business operating from a temporary location;
32. PICKET SIGN means a sign driven or pushed into the ground;

33. POLE SIGN means a sign attached to an on site light standard or freestanding sign support structure;
34. PORTABLE SIGN means a sign, with changeable message, designed to be readily relocated;
35. PROJECTING SIGN means a sign that is attached to and supported by a building and extends at least 0.4m perpendicular to the building, but excludes a canopy sign;
36. REAL ESTATE SIGN means a sign for advertising property for sale, lease or rent;
37. REVERSE-T SIGN (not exceeding 90 days) means a sign placed on the ground surface with a horizontal member used to balance the sign;
38. ROOF SIGN means a sign located upon, against, or above the roof of a building, or a sign attached to the roof or parapet of a building;
39. SIGN means a device or structure for providing direction or information to the public on such things as a development, business, product, service, location, event or person;
40. SIGN AREA means the area of one sign face available for advertising of a single or multiple faced sign, excluding the main support structure;
41. SIGN HEIGHT means the vertical distance measured at right angles from the highest point of the sign or sign structure, to the finished grade directly below;
42. SITE means the legal property identified on the Land Title;
43. UNDEVELOPED SITE means a site with assessable improvements of less than \$20,000 in value
44. WALL SIGN means a sign fastened to or painted on a wall at a level where the bottom of the sign is less than 2.4m above grade;
45. WINDOW SIGN means a sign placed on or inside a window that faces the outside and is intended to be seen from the outside; and
46. ZONING means the property zoning classification as shown on the Land Use District Map being Part 11, Section 11.1 of this Bylaw.

### **7.6.3 Off-site Advertising**

1. Except for signs identified under 7.6.10, fixed signs containing “Off-site Advertising” are prohibited.
2. Except for signs identified under 7.6.10, signs containing “Off-site Advertising” are not permitted on undeveloped sites.

#### **7.6.4 Regulations Which Apply To All Signs**

1. Where the regulations require an opinion, it is the opinion of the Development Authority that is to be considered.
2. Unless otherwise stated in this Bylaw, all signs require development permits.
3. Signs shall not be constructed nor located such that they could, in any case be confused with or detract from a traffic control device or any other municipal sign or municipal device.
4. Signs shall not be constructed nor located such that they interfere with the safe or orderly movement of pedestrians or vehicular traffic, or the sight lines required under this or any other bylaw.
5. Unless otherwise stated in this Bylaw, a sign height must not exceed the maximum building height allowed in the district.
6. The combined sign area of all signs on a building face shall not be greater than 25% of the overall wall area.
7. The illumination of a sign must not negatively affect, nor pose a safety hazard to an adjacent site.
8. Wiring must be fully concealed or in a conduit for electrified signs and comply with electrical codes.
9. Signs must be designed and constructed to ensure public safety.
10. Signs must be of professional quality and kept in good repair.
11. If a sign fits within two or more sign categories, then the strictest and all regulations apply.
12. Except for a municipal sign, a sign otherwise permitted in this Bylaw, or sign permitted in a contractual agreement with the Town, no sign or poster may be placed on public property, on any median or on any traffic control device, publicly owned power poles or light standards.
13. No sign shall be placed in a prohibited sign location listed in Section 7.6.5.
14. The business advertising on any sign that projects over a Town sidewalk or road right-of-way is responsible to keep the sign free and clear of ice and snow that could fall and injure pedestrians below. The business is also responsible to ensure that the sign is securely fastened and kept in good order.
15. Unless stated otherwise in this Bylaw, a sign shall refer only to goods services or events sold or taking place on the site.
16. Landscaping and paved areas around and under a sign must be maintained to match the landscaping and paved area nearby the sign.
17. Non-fixed signs and low signs shall be designed and installed to withstand 80km winds without being blown over or away.

18. If a business identified on a sign ceases, all signage referencing that business must be removed within 30 days.
19. Where the message on a sign relates to a specific dated event, the message shall be changed within 48 hours after the end of the event.

### 7.6.5 Prohibited Sign Placement Locations

1. No low sign shall be placed on public lands or right of ways.
2. Other than traffic or municipal signs, no fixed sign shall be placed where any portion of the sign encroaches onto or over public property or public road rights-of-way.
3. No sign shall be placed on or over a public sidewalk, unless otherwise specified in these regulations.
4. The following locations are prohibited sign location areas:
  - a. Where a driveway exits onto a road no portion of a low sign shall be placed in "the driveway sight lines" as shown in figure 7.6.5.4.a.

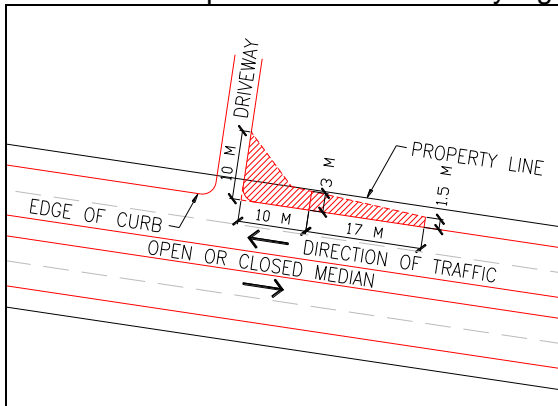


Figure 7.6.5.4.a Driveway Sight Lines

- b. Where a driveway exits onto a road with both right and left turn access no portion of a low sign shall be placed in the "two way sight lines" as shown in figure 7.6.5.4.b.

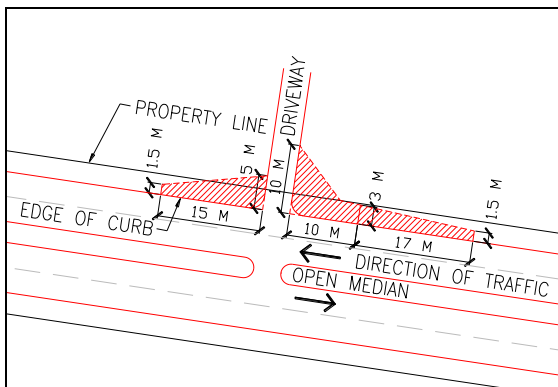


Figure 7.6.5.4.b Two Way Sight Lines

- c. At intersections, no portion of a low sign shall be placed in the "intersection sight lines" as shown in figure 7.6.5.4.c.

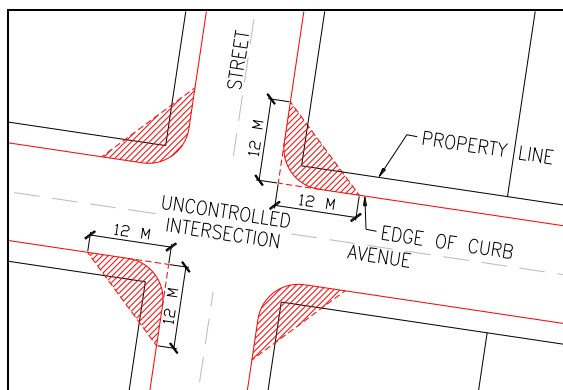


Figure 7.6.5.4.c Intersection Sight Lines

- d. No low sign, except for A-board signs in C1 districts, shall be placed within 1.5m from the face of curb within a public roadway.

## 7.6.6 Signs Considered in Zoning Classifications

1. In determining where particular sign types are permitted or discretionary uses refer to Chart 7.6.6.1.
2. To determine the regulations for each particular sign type refer to Section 7.6.7.

Chart 7.6.6.1

Sign Classification																		
Zoning Classifications Considered for Particular Sign Types																		
"P" - means the sign type is a permitted use in the particular district																		
"D" - means the sign type is a discretionary use in the particular district																		
Sign Type	Residential Zoning Classifications										Commercial \ Industrial Zoning Classifications						Other Classifications	
	R1	R1 A	R2 A	R2	R3	R4					C1	C2	M				US	UX
A-board sign						D					P	P	P					
Awning Sign					D	D					P	P	P					
Balloon Sign											D	D	D					
Banner Sign											P	P	P					
Billboard Sign																		
Canopy Sign					D	D					P	P	P					
Construction Site Identification Sign	P	P	P	P	P	P					P	P	P				P	P
Developer Marketing Sign	P	P	P	P	P	P												
Development Directional Sign	P	P	P	P	P	P					P	P	P				P	P
Directional Sign					P	P					P	P	P					
Election Sign	P	P	P	P	P	P					P	P	P				P	P
Electronic Message Sign (Fascia or window)											P	P	P					
Electronic Message Sign (Freestanding)											D	D	D				D	D
Event Directional Sign											D	D	D				D	D
Fascia Sign					D	D					P	P	P					
Fence Sign												D	P					
Flashing Sign																		
Freestanding Sign					D	D					P	P	P					
Garage Sale Sign	P	P	P	P	P	P												
Home Business Sign	P	P	P	P	P	P												
Multiple Tenant Sign											P	P	P					
Municipal Sign	P	P	P	P	P	P					P	P	P				P	P
Neighbourhood Identification Sign	D	D	D	D	D	D					D	D	D				D	D
Open House Sign	P	P	P	P	P	P												
Peddler Sign													D					
Picket Sign												P	P					
Pole Sign											P	P	P					
Portable Sign											P	P	P				P	D
Projecting Sign											P	P	P				D	
Real Estate Sign	P	P	P	P	P	P					P	P	P				P	P
Reverse-T Sign (not exceeding 90 days use)											P	P	P					
Roof Sign											D	P	P					
Wall Sign											P	P	P					
Window Sign											P	P	P					

## **7.6.7 Specific Regulations for Particular Sign Types**

### **7.6.7.1 A-Board Sign**

1. Except in a C1 district, an A-board sign shall:
  - a. not exceed 1.0m in sign height;
  - b. not exceed 0.8m<sup>2</sup> in sign area;
  - c. must be located on private property;
  - d. not be located in prohibited sign locations;
  - e. only be placed during business hours;
  - f. only be placed in front of the business it advertises; and
  - g. not located within 6.0m of any permanent sign.
2. In a C1 district, an A-board sign shall:
  - a. not exceed 1.0m in sign height;
  - b. not exceed 0.6m in sign width;
  - c. not be located within 0.3m of a curb line of a public road way;
  - d. not be placed so that that walking path width is not reduced to less than 1.2m unless approved in writing by the Development Authority;
  - e. only be placed in front of the business it advertises;
  - f. be located adjacent to a permanent fixture where possible;
  - g. not be located within 5.0m of another A-board sign advertising a business on the same property; and
  - h. only be placed during business hours.

### **7.6.7.2 Awning or Canopy Sign**

1. An awning sign or canopy sign shall:
  - a. not exceed a maximum vertical dimension of 1.5m;
  - b. have at least 2.4m clearance above finished grade;
  - c. not be suspended from the support structure in any way that poses a hazard to pedestrians or vehicles;
  - d. not extend above the parapet wall or roof line of the building; and
  - e. if on a residential, such as apartments or higher density property the sign shall:

- i. not be greater than 3.0m<sup>2</sup> in sign area;
- ii. provide the building name and address only; and
- iii. not be illuminated.

#### **7.6.7.3 Balloon Sign**

1. Balloon signs shall:
  - a. if mounted on the ground surface of a site:
    - i. not exceed 8m in height;
    - ii. be located at least 1.5m from all property lines with the exception of a corner lot where the sign must be set back a minimum of 6m from all property lines; and
    - iii. not interfere with the access to or from the site.
  - b. if mounted on a building, shall:
    - i. not have a combined building and sign height that exceeds the maximum building height allowed in the district; and
    - ii. be securely fastened to the building as per manufacturer recommendations.
  - c. A balloon sign may be illuminated.
  - d. No more than one balloon sign is allowed per site.
  - e. Balloon sign permits must be obtained every 90 days.

#### **7.6.7.4 Banner Sign**

1. A commercial banner sign can be placed for up to 90 days on one permit.
2. A banner sign that is attached to the face of a building must comply with the dimensional regulations for fascia signs.

#### **7.6.7.5 Billboard Sign**

1. Billboard Sign(s) shall be subject to the following regulations:
  - a. Billboard Sign may be allowed only on sites, which are an integral part of a commercial strip;
  - b. Billboard Sign permits may be approved for a period of eighteen months;
  - c. the maximum height of a Billboard Sign shall be 8.0m;
  - d. no part of any Billboard Sign shall be located within any required yard or setback;

- e. Billboard sign locations shall be separated from any other billboard sign location by a minimum of 100.0m. For billboard signs with an area of 20m<sup>2</sup> to 40m<sup>2</sup>, this separation shall be increased to 200.0m. For billboard signs over 40m<sup>2</sup>, this separation shall be increased to 300.0m. The separation shall be applied from the larger billboard sign location regardless of the size of any proposed billboard sign;
- f. Billboard signs may be illuminated;
- g. Billboard signs may include electronic copy or animation, subject to review of the Development Authority in consultation with qualified Town engineering staff. The applicant shall provide evidence that the proposed copy or animation does not cause undue distraction to pedestrian or vehicular traffic;
- h. All proposed billboard sign locations shall be reviewed in the context to the surrounding development, such as (but not limited to) the architectural theme of the area, any historic designations, the requirements of any statutory plan, any streetscape improvements and proximity to residential development. The Development Authority may require revisions to the application to mitigate the impact of a proposed billboard sign or may refuse a permit that, in the opinion of the Development Authority, adversely impacts the existing built environment.
- i. All billboards and the foundation for billboards must be designed by a professional engineer, licensed to practice in the province of Alberta. The installation of the foundation must be monitored by a professional engineer with written verification of installation compliance with design being provided by the engineer to the Development Authority prior to the installation of the sign on the foundation.

#### **7.6.7.6 Construction Site Identification Sign**

1. No development permit is required, provided that the sign:
  - a. is a freestanding or fascia sign;
  - b. does not exceed 3.0m in sign height;
  - c. does not exceed 3.0m<sup>2</sup> in sign area; and
  - d. is not erected for a period longer than twelve months from the issuance of a building permit.
2. No more than one construction site identification sign is allowed per site.
3. Each construction supplier is allowed to place one supplier sign during construction and for 60 days after occupancy of the building. No permit is required for the sign; provided
  - a. the sign is less than 3.0m<sup>2</sup> in sign area; and
  - b. the sign is a window sign or freestanding sign.

#### **7.6.7.7 Development Directional Sign**

1. A development directional sign must be located on private property adjacent to an arterial road right-of-way.
2. Development directional signs are discretionary in UR districts, for a period of time specified by the Development Authority and permits will be issued for a 90 day period.
3. A development directional sign must:
  - a. be freestanding;
  - b. not exceed 1.5m<sup>2</sup> in sign area;
  - c. not exceed 3.0m in sign height; and
  - d. be located a minimum of 30m from any arterial road intersection.

#### **7.6.7.8 Developer Marketing Sign**

1. No permit is required, provided that the sign:
  - a. is freestanding;
  - b. is not illuminated;
  - c. is located in a subdivision or development that is subject to a subsisting development agreement;
  - d. does not exceed 3.0m in sign area; and
  - e. does not exceed 3.0m in sign height.
2. No more than one developer marketing sign is allowed per parcel of land.

#### **7.6.7.9 Directional Sign**

1. A directional sign must be a freestanding, fascia or wall sign; and
  - a. if freestanding must not exceed 0.6m in sign area; or 1.2m in sign height; and
  - b. if a fascia sign, must not exceed 3.0m.

#### **7.6.7.10 Electronic Message Sign**

1. An electronic message board sign shall not be erected adjacent to a property within a residential district.

#### **7.6.7.11 Event Directional Sign**

1. Permits will be issued for up to three Event Directional Signs per event, provided the signs:

- a. are in place for no more than seven days;
- b. are not greater than 1.5m<sup>2</sup> in sign area;
- c. are not illuminated;
- d. are placed on private property, with written permission from the property owner;
- e. are not placed on vacant lands:
- f. are placed on public property, with written permission from the Town; and are placed not less than 3.0m from the curb.

#### **7.6.7.12 Fascia Sign**

1. A fascia sign shall:
  - a. not exceed a maximum vertical dimension of 1.5m;
  - b. have at least 2.7m clearance above finish grade;
  - c. not be suspended from the support structure in any way that poses a hazard to pedestrians;
  - d. not extend above the parapet wall or roof line of the building;
  - e. not extend more than 0.4m perpendicularly from a supporting building frontage; and
  - f. if on a higher density residential property shall:
    - i. not be greater than 3.0m in sign area;
    - ii. provide the building name and address only; and
    - iii. not be illuminated.

#### **7.6.7.13 Federal, Provincial, Municipal or School Election Signs**

1. No development permits are required for a federal, provincial, municipal or school election sign, or any other sign connected with the holding of a vote conducted under federal, provincial or municipal law.
2. An election sign must be placed on private property; however, shall not:
  - a. be located within 2.0m back of a curb line of a public road way;
  - b. be located within 3.0m of a vehicle access to a property;
  - c. exceed 0.9m in sign height;
  - d. exceed 2.18m<sup>2</sup> in sign area; and
  - e. present a safety hazard.

3. Federal, provincial, municipal or school election signs must comply with the following:
  - a. election signs may be posted only between:
    - i. 12:00 noon on nomination day and 72 hours after the closing of polling stations for municipal and school elections; or
    - ii. 12:00 noon on the day when an election is officially called and 72 hours after the closing of polling stations for federal and provincial elections.
  - b. in a residential district, election signs must:
    - i. not exceed 1.0m<sup>2</sup> in sign area;
    - ii. not exceed 1.2m in sign height; and
    - iii. be a freestanding or wall mounted sign.

#### **7.6.7.14 Fence Sign**

1. Fence signs are not allowed in residential districts unless they are a property address sign, an election sign or a real estate sign; where no permit is required.
2. In commercial and industrial districts, fence signs shall not exceed 3.0m<sup>2</sup> in sign area and shall not extend above the height of the fence.

#### **7.6.7.15 Flashing Sign**

1. Flashing signs are prohibited with the exception of an electronic message sign.

#### **7.6.7.16 Freestanding Sign**

1. In districts where a freestanding sign is a permitted use:
  - a. the sign height shall not exceed the maximum building height permitted;
  - b. the sign area shall not exceed 7.5m<sup>2</sup> unless the site upon which it is located has a frontage that is wider than 30m in which case it may be up to 1.2m<sup>2</sup> larger for each additional 10m of frontage; and
  - c. a freestanding sign must be separated by a minimum of 60m lineal separation from another freestanding sign or a billboard, on the same property.
3. In districts where a freestanding sign is a discretionary use:
  - a. the sign height shall not exceed 4.5m;
  - b. the sign area shall not exceed 4.0m<sup>2</sup> and;
  - c. shall be for an on-site business.

4. Angle bracing of signposts is not permitted.
5. The backside of a freestanding sign and the supporting posts must be painted and kept clean.
6. Freestanding signs must be placed at least 5m from other properties.
7. Freestanding signs must be placed at least 1m inside the private property.
8. No more than one freestanding sign is allowed per site, except for sites that are:
  - a. greater than 1.0 ha, or that contain commercial buildings with more than 10,000m<sup>2</sup> of gross floor area, where a maximum of three freestanding signs may be allowed, provided the site is located in a C2, C3, C5, M1, or M2 district; and at least one of the three signs is a multiple tenant sign;
  - b. greater than 0.5 ha where a maximum of two freestanding signs may be allowed, provided the site is located in a C2, C3, C5, M1, or M2 district; and the site contains a commercial building with more than 4000m<sup>2</sup> of gross floor area, and at least one of the signs is a multiple tenant sign; and
  - c. double fronting lots, in which case one freestanding sign is permitted per fronting side.

#### **7.6.7.17 Garage Sale Sign**

1. Garage Sale signs or notices are only permitted on Community Notice Boards and at the address of the garage sale, with no permit required.

#### **7.6.7.18 Home Business Sign**

1. Home business signs will be issued a permit provided the sign:
  - a. is not greater than 0.14m<sup>2</sup> in sign area;
  - b. is not illuminated; and
  - c. is a window sign, a sign attached directly to the face of the building, or a freestanding sign less than 0.6m in height and placed within 2.0m of the residential building.

#### **7.6.7.19 Neighbourhood Identification Sign**

1. A neighbourhood identification sign must:
  - a. be freestanding;
  - b. not exceed 3.0m<sup>2</sup> in sign area;
  - c. not exceed 2.4m in sign height; and

- d. incorporate the neighbourhood name specified by the relevant plans or bylaw in accordance with Town policy.

#### **7.6.7.20 Open House Sign**

1. An Open House sign is allowed with no permit required, provided:
  - a. the sign is either an A-Board sign or mounted on a stake firmly secured;
  - b. the sign is not greater than 0.6m in width or 1.0m in height;
  - c. the sign is setback at least 1.0m back from the curb edge;
  - d. the sign is placed on private property;
  - e. the sign indicates only the company logo, directional arrows, the salespersons' name and the words "Open House" or "Show Home";
  - f. the sign is only placed between 8:00 AM and 9:00 PM, provided the open house or show home is in operation; and
  - g. no more than one sign per company is placed at any intersection.

#### **7.6.7.21 Peddler Sign**

1. A permit will be issued for a peddler sign provided the sign is:
  - a. on the same site as the business;
  - b. on an A-board sign as per the regulations in 7.6.7.1; and
  - c. for businesses licensed to operate within the Town.

#### **7.6.7.22 Picket Sign**

1. Picket signs are allowed with no permits required in C1, C2, and M districts, provided the sign advertises for a business located on the site.
2. Picket signs shall not be greater than 0.7m in height.
3. No more than two picket signs shall be placed in front of any site.
4. Picket signs shall be completely located on private property.

#### **7.6.7.23 Pole Sign**

1. Pole signs must:
  - a. be entirely located on private property, including projections; and
  - b. not be located within 5.0m of the boundary of another site.

#### 7.6.7.24 Portable Sign

1. Portable signs are intended for temporary on-site advertising relating to the commercial activities of the landowners or tenants. Portable signs may only be located on a site not related to the location of an activity or event only in the case of a non-profit organization.
2. Permit applications for portable signs must include:
  - a. a completed sign permit application form;
  - b. a site plan showing the proposed location of the site; and
  - c. the applicable fee.
3. Permits for portable signs will be valid for 30 days and are subject to a \$50.00 permit fee, with the exception of off-site signage for non-profit organizations.
4. Portable signs are permitted uses in C1, C2, M, and US districts and in association with churches and public schools in any land use district provided that the sign:
  - a. does not exceed 5.6m<sup>2</sup> in sign area;
  - b. does not exceed a height of 2.7m from grade;
  - c. is located a minimum of 1.0m from the frontage property line inside the site;
  - d. is not located within 5.0m of the boundary of another site;
  - e. is two sided only, with advertising on both sides of the sign and that the advertising refers to a business, event, or land use located on the site;
  - f. is placed so the sign is within 75 mm if being horizontally level;
  - g. is securely but not permanently fastened to the ground;
  - h. portable signs must be 90m away from other portable signs on the same site, while also considering prohibited locations;
  - i. if sign's message is interfered with, the permit holder must ensure the message is corrected within 48 hours of being notified by the Development Authority;
  - j. the sign cannot be attached to a roof, or erected or placed on, or above a roof;
  - k. the portable sign must have a uniform background colour;
  - l. where the message on a portable sign relates to a specific dated event, the sign shall be removed within 48 hours after the end of the event or shall be subject to a violation notice and applicable fee;

- m. an off-site portable sign permit may be issued for up to 30 days provided:
  - i. the sign meets the placement criteria as outlined in this Bylaw;
  - ii. the sign is used by a non-profit organization; or
  - iii. a letter from the property owner authorizing the use of the property is attached to the application.
- 5. Town Owned Land:
  - a. The Development Authority may issue development permits on portable signs to be on land owned or controlled by the Town west of the CPR right-of-way, east of 50 Street, north of 48 Avenue and south of 53 Avenue ("Town Land").
  - b. Development Permits of portable signs on Town land shall be issued only to persons operating businesses in the C1, C2, and M Districts who are unable to place portable signs on their own property, or to not-for-profit organizations.
  - c. Signs on Town land shall be placed only in parking lots, and east of the fence separating the land from 50 St.
  - d. No more than two (2) portable signs shall be located on Town land at any time.
  - e. A person placing a portable sign on Town land must hold a current business license issued by the Town.

#### **7.6.7.25 Projecting Sign**

- 1. A projecting sign is a permitted use in the C1, C2, and M districts.
- 2. A projecting sign is a discretionary use in US and DC districts.
- 3. A projecting sign must:
  - a. not exceed 1.5m<sup>2</sup> in sign area;
  - b. be placed so that the distance between the nearest edge of the sign and the building to which it is attached, does not exceed 0.35m;
  - c. provide a minimum vertical clearance of 2.7m from finished grade to the bottom of the sign;
  - d. not project over public property, other than in a C1 district, in which case the sign is set back 0.7m from a curb line and the owner accepts full liability for the sign;
  - e. have proper clearance from any electrical power lines or other utilities, and provide for safe pedestrian movement or any other activities or use underneath the projecting sign; and

- f. except for corner locations, be located at right angles to the building facade.

#### **7.6.7.26 Wall Sign and Murals**

1. No development permit is required, provided:
  - a. a painted wall sign may be permitted on a wall, fence, or surface of any structure in a no-residential district, provided it will not, in the opinion of the Development Authority,
  - b. Distract motorists on any public road;
  - c. Interfere with the Town's image as presented in authorized historic murals;
  - d. Interfere with the amenities of the neighbourhood, or
  - e. Affect the use, enjoyment, or value of neighbouring properties.
2. No more than one real estate sign is allowed per site frontage. A mural is a visual depiction of a person, location, event, or thing which provides and constitutes an amenity and does not serve any advertising purpose. A mural which is painted onto a wall may encompass up to 100% of the wall to which it is applied, provided that the mural complies with the Town of Millet's Approved Visual Arts Guidelines Policy.
3. In residential districts, the real estate signs must be located on property at least 1m from public sidewalks.

#### **7.6.7.27 Reverse-T Sign**

1. Reverse-T signs may be used as a temporary sign from November 1<sup>st</sup> to April 30<sup>th</sup> in place of a freestanding sign provided a permit is obtained.
2. Professionally manufactured small Reverse-T signs, that meet the size regulations of A-board signs, can follow the regulations of A-board signs.
3. A Reverse-T sign shall:
  - a. not exceed 3.0m<sup>2</sup> in sign area;
  - b. be placed at least 1m into the private property;
  - c. be securely but not permanently fastened to the ground;
  - d. be maintained to its original approved design; and
4. A 90 day permit will be issued for Reverse-T signs and are subject to a \$50.00 permit fee.

#### **7.6.7.28 Roof Sign**

1. A roof sign must not exceed 6m<sup>2</sup> in sign area.
2. The maximum vertical dimension of a roof sign, measured from the roof or parapet where the sign is located, is 3.0m, however, the height of the sign, added to the building height, must not exceed the maximum height requirements of the district.
3. No more than one roof sign is allowed per building.
4. A roof sign shall not overhang a building.
5. A roof sign may be illuminated.

#### **7.6.7.29 Wall Sign**

1. The area of a wall sign that is part of a wall mural will be calculated based on the rectangular area of the advertising, and must not exceed 20% of the wall.

#### **7.6.7.30 Window Sign**

1. No permits are required for window signs

#### **7.6.8 Exempt Sign**

1. Provided they otherwise comply with this Bylaw, a development permit is not required for:
  - a. signs posted or exhibited inside a building;
  - b. window signs, provided they are not for the purpose of advertising a minor or major home based business or home office;
  - c. signs posted or exhibited in or on an operating motor vehicle, provided the vehicle is not temporarily or permanently parked for the purpose of displaying the sign;
  - d. municipal or provincial signs;
  - e. signs displayed on benches approved by the Town;
  - f. signs located on a community notice board;
  - g. signs erected pursuant to a development agreement;
  - h. emergency or warning signs placed on a public building, lot or utility lot;  
or
  - i. home address signs.

### **7.6.9 Development Authority Discretion**

1. Although this Bylaw is intended to regulate all signs, there may be signs without clear regulation. In such a case, the Development Authority may use discretion when making decisions regarding such signs. These decisions require notification of the decision to property owners within 76m of the subject property.

### **7.6.10 Existing Signs**

1. All fixed signs that have been issued a development permit previous to the adoption of this Bylaw are allowed to stay without conforming to these regulations. (Considered “legal non-conforming”).
2. All fixed signs that have not been issued a development permit and were in place prior to this regulation, advertising an onsite business, that do conform with this regulation will be issued a development permit at no cost.

### **7.6.11 Contravention**

1. The offences and fees for contravention to this Section of this Bylaw are outlined in Part 10.
2. Notwithstanding Part 10, where any sign is located in such a manner as to cause public safety concerns, the Development Authority or Bylaw Enforcement Officer may have the sign immediately removed from the area.

### **7.6.12 Sign Permit Fees**

1. If a development permit is required by this Bylaw, the permit fees shall be as follows:

a. an on-site sign for licensed business	included with business license fee
b. Non-Profit Organizations	No charge
c. portables	\$50.00 / permit
d. billboards	\$500.00 / permit

## **7.7 Lot Grading and Property Drainage**

1. All development applications must meet the requirements of the Town of Millet Design Standards.
2. All development applications for development on residential properties must conform to the residential lot grading guidelines, which fall under the Town of Millet Design Standards.
3. All development applications for development on commercial and industrial properties must conform to the commercial lot grading guidelines, which fall under the Town of Millet Design Standards.

4. All developments where grading is regulated by the Design Standards shall conform to the minimum standards of the Design Standards.
5. All roofs on buildings that have over 60m<sup>2</sup> in roof area, where the roof terminates within 2.0m of a property boundary shall be equipped with either roof drains or eaves troughs. Where eaves troughs are used the downspouts shall not discharge within 0.3m of the property line.
6. In all cases, grades within a parcel shall be compatible with the grades of neighbouring parcels, and in particular shall be established to prevent drainage from one parcel to the next.
7. All weeping tile shall empty into a sump, and effluent shall be disposed of to the satisfaction of the Development Authority.

## **7.8 Landscaping and Screening**

### **7.8.1 Section Purpose**

1. The intent of these Landscaping regulations is to contribute to a reasonable standard of liveability and appearance for developments, from the initial placement of the Landscaping through to its mature state, to provide a positive overall image for Millet and to encourage good environmental stewardship.

### **7.8.2 Applicability**

1. The provision of Landscaping, in accordance with this Bylaw, shall be a condition of the issuance of a Development Permit for any of the following types of new development:
  - a. single dwelling building, semi-detached housing, duplex housing ,triplex housing and fourplex housing and secondary suite housing in any residential district;
  - b. Row Houses and apartment buildings;
  - c. any development in a commercial district;
  - d. any development in an Industrial district;
  - e. any development in the urban reserve or urban service district; and
  - f. any development in all direct control district specifically modified or excluded in writing on the permit.
2. The provision of landscaping, in accordance with this Bylaw, shall also be a condition of the issuance of a development permit related to an existing development if the existing development shall be, as a consequence of the work that is the subject of the development permit, substantially enlarged or increased in capacity. This Section shall not apply to developments that consist solely of interior alterations or improvements or change of use that does not alter the building shell.

3. Landscaping for single dwelling buildings, semi-detached housing, duplex housing, triplex housing and fourplex housing and secondary suite housing shall be provided in accordance with the following:
  - a. the owner of the property, or the owner's successors or assignees, shall be responsible for the placement and proper maintenance of landscaping on the site. The Development Authority may require, as a condition of development permit approval, that the owner provide a guaranteed security in accordance with the provisions of Subsection 7.8.6 of this Bylaw;
  - b. all yards, visible from a public roadway, other than a lane, on a site developed with a single dwelling building, semi-detached housing, duplex housing, triplex housing and fourplex housing and secondary suite housing shall be seeded or sodded within 18 consecutive months of the occupancy of the development. Alternate forms of landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens;
  - c. each site developed with a single dwelling building, semi-detached housing, duplex housing, triplex housing and fourplex housing and secondary suite housing shall have a minimum of 35% of the site being covered with soft landscaping; and
  - d. the tree and shrub planting requirements of Subsection 7.8.4(6) shall not apply to single detached, semi-detached, duplex or secondary suite housing.

### **7.8.3 Landscape Plan and Content**

1. Every application for a development listed in Subsection 7.8.2(1) (b) through (e) shall include a Landscape Plan, drawn at a scale of 1:300 or larger, which clearly indicates and accurately identifies the following:
  - a. a key plan with a north arrow;
  - b. the property lines and dimensions of the site;
  - c. the approximate or estimated location of land uses, building perimeters, and landscaping on adjacent sites;
  - d. adjacent public area features, such as streets, lanes, driveways, vehicular entrances, street furniture and boulevard trees;
  - e. overhead, surface and underground utilities, and limits of easements;
  - f. outlines of all site structures to include the building footprints at grade, location and type of underground structures and overhangs within the first two storeys;
  - g. building entrances, porches, decks, steps, walkways, other hard-surfacing or hard landscaping features, parking areas, curbs, lighting,

fencing, walls, screens, recreational facilities and garbage collection areas. Materials, colours and patterns shall be indicated;

- h. existing and final site grading, including the established lot boundaries, elevations, berming shown in half-metre contours, direction of site drainage, proposed catch basin rim elevations, top and bottom of retaining wall elevations and existing elevations of plant material to be retained;
  - i. the height and materials of all fencing, screens and walls;
  - j. existing trees and shrubs labelled by common name, botanical name, size, and condition of health. The sizes shall be graphically illustrated by the spread or canopy. In addition, the calliper of tree trunks shall be identified. The landscape plan shall graphically illustrate the spread of the trees to be removed or relocated by the proposed construction;
  - k. proposed trees, shrubs, flower beds and ground covers labelled by common name, cross-referenced with a plant list identifying botanical name, quantity, size and method of planting; and
  - l. the method of watering the proposed landscaping.
2. The Development Authority may consider an application for a development permit that does not provide all the information required by Subsection 7.8.3(1) if, in the opinion of the Development Authority, the information provided is sufficient to show that the landscaping provisions of the bylaw shall be met.
  3. The Development Authority shall approve the landscape plan as a condition of the development permit approval. Any changes to an approved landscape plan require the approval of the Development Authority prior to the landscaping being installed.

#### **7.8.4 General Requirements**

1. All open space including required yards, at grade amenity areas, private outdoor amenity areas and separation spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hard-surfacing, in accordance with the landscape plan submitted pursuant to Subsection 7.8.3 and approved by the Development Authority. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with Subsection 7.8.8 of this Bylaw.
2. The Development Authority may require landscaping of areas within a site that are intended for future development if, in the opinion of the Development Authority, the lack of landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

3. Hard-surfaced areas such as walkways and plazas shall be enhanced with landscaping, at the discretion of the Development Authority. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the site.
4. Any parking lot having eight or more parking spaces that is visible from an adjoining site in a residential or commercial zone, or from a public roadway other than a lane, shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining residential or commercial zone, and enhance the view of the parking area from any adjacent public roadway or light rail transit line.
5. Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining site in a residential or commercial zone, or from a public roadway other than a lane, shall have screen planting. The location, length, thickness and height of such screen planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to block the view from any adjoining residential or commercial zone, or from the public roadway. Such screen planting shall be maintained to provide effective screening from the ground to a height of 1.85m. If, in the opinion of the Development Authority, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.
6. If the height of materials in an outdoor storage area would limit the effectiveness of screen planting required by Subsection 7.8.4(5), a fence, wall, earth berm, or a combination thereof, may be substituted, subject to the approval of the Development Authority.
7. Trees and shrubs shall be provided in accordance with Subsection 7.8.8. For development consisting of residential use classes, the number of trees and shrubs provided shall be determined on the basis of the following:
  - a. one tree for each 35m<sup>2</sup> and one shrub for each 15m<sup>2</sup> of any required yard or setback at grade; and
  - b. one tree for each 20m<sup>2</sup> and one shrub for each 10m<sup>2</sup> of required parking area islands. In no case shall there be less than one tree per required parking area island.
8. For development consisting of non-residential use classes, the number of trees and shrubs provided shall be determined on the basis of the following:
  - a. one tree for each 25m<sup>2</sup> and one shrub for each 15m<sup>2</sup> of any required yard or setback at grade; and
  - b. one tree for each 20m<sup>2</sup> and one shrub for each 10m<sup>2</sup> of required parking area islands. In no case shall there be less than one tree per required parking area island.

9. Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Authority, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the site may, at the discretion of the Development Authority, be credited to the total landscaping requirements.
10. All planting shall be installed to the finished grade. Where this is not practical in the opinion of the Development Authority, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.
11. The Development Authority may, where the Development Authority considers it appropriate, vary any or the entire general landscaping regulations of this Bylaw. Before granting a variance of the landscaping regulations, the Development Authority may require the applicant seeking the reduction of the minimum landscaping standards of this Bylaw to submit a report from a qualified landscape professional, such as a horticulturist, or landscape architect, explaining and justifying the reduction.

#### **7.8.5 Additional Landscaping Regulations for Specific Land Uses**

1. The Development Authority shall require the application of additional landscaping regulations to those specified in Subsection 7.8:
  - a. there is a likelihood that the proposed development shall generate undesirable impacts on surrounding sites, such as poor appearance, excessive noise, light, odours, traffic, litter or dust;
  - b. there is a likelihood that undesirable impacts may be generated on the site, and cause conflicts among use classes within the development; or
  - c. such additional landscaping is warranted due to combinations of use classes including, but not limited to the following:
    - i. Row house development, where the private outdoor amenity area of the Row house units faces single dwelling buildings or sites zoned for single dwelling buildings as a permitted use, public roadways other than lanes;
    - ii. low rise apartments, where developed on an infill basis abutting existing single detached housing or land sites for single detached housing as a permitted use;
    - iii. religious assembly development directly adjacent to a residential use class;
    - iv. any non-accessory parking development; or
    - v. vehicle oriented uses where located on a site adjacent to residential uses.
2. The additional landscaping that may be required at the discretion of the Development Authority may include, but is not limited to, the following:

- a. additional separation space between incompatible use classes;
  - b. the use of trees, shrubs, fences, walls and berms to buffer or screen use classes that generate negative impacts; and,
  - c. the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.
3. The Development Authority may consult with a qualified landscape professional, such as a horticulturist or landscape architect, in determining if additional landscaping requirements are to be imposed, and the type of additional landscaping required.

#### **7.8.6 Landscaping Letters of Credit**

1. The Development Authority may require, as a condition of development permit approval, a guaranteed security, from the property owner, to ensure that landscaping is provided and maintained for two growing seasons. Only the following forms of security are acceptable:
  - a. cash to a value equal to 100% of the landscaping cost; or
  - b. an irrevocable Letter of Credit in the amount of 100% of the landscaping cost.
2. The projected cost of the landscaping shall be calculated by the owner or the owner's representative and shall be based on the information provided on the landscape plan. If, in the opinion of the Development Authority, these projected costs are inadequate, the Development Authority may establish a higher landscaping cost figure for the purposes of determining the value of the landscaping security.
3. If cash is offered as the landscaping security, it shall be held, by the Town, without interest payable, until, by confirmation through inspection by the Development Authority, the landscaping has been installed and successfully maintained for two growing seasons. Partial refund after installation of the landscaping or after one growing season shall be considered upon request of the owner, at the sole discretion of the Development Authority.
4. If a Letter of Credit is offered as the landscaping security, it shall be in a form satisfactory to the Development Authority. The initial term of the Letter of Credit shall be eighteen months. The Letter of Credit shall be renewed by the owner 30 days prior to expiry and delivered to the Development Authority until such time as the landscaping has been installed and maintained for two growing seasons.
5. Upon application by the owner or the owner's representative, a Letter of Credit may be amended to a reduced amount, for attachment to the original Letter of Credit, at the discretion of the Development Authority, when any of the following events occur:
  - a. the required landscaping has been properly installed; and
  - b. the required landscaping has been well maintained and is in a healthy condition after one growing season.

6. Upon application by the owner or the owner's representative, a Letter of Credit shall be fully released if the required landscaping has been well maintained and is in a healthy condition after two growing seasons.
7. Any Letter of Credit shall allow for partial draws by the Town if the landscaping is not completed in accordance with the approved landscape plan(s) within one growing season after completion of the development; or the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping. The Town may draw on a cash security or a Letter of Credit and the amount thereof shall be paid to the Town for its use absolutely. All expenses incurred by the Town, to renew or draw upon any Letter of Credit, shall be reimbursed by the owner to the Town by payment of invoice or from the proceeds of the Letter of Credit.
8. In the event the owner does not complete the required landscaping, or fails to maintain the landscaping in a healthy condition for the specified periods of time, and the cash or the proceeds from the Letter of Credit are insufficient for the Town to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the Town immediately upon being invoiced. The Town shall provide an accounting to the owner indicating how the proceeds of the Letter of Credit were applied, within 60 days of completing or maintaining the landscaping.

#### **7.8.7 Inspections**

1. Upon receipt of a written request from the parties involved in the development, including but not limited to the property owner, condominium association or the issuer of the Letter of Credit, the Development Authority shall complete an inspection of the finished landscaping. Inspections shall be made during the normal growing season, between May 01 and September 30. All reasonable effort shall be made by the Development Authority to perform the inspection within 20 working days of receipt of the inspection request.

#### **7.8.8 Specifications for Plant Materials**

1. All plant materials shall be hardy to the Millet area and to the actual site conditions. The Development Authority shall use the most current edition of the "Alberta Horticultural Guide" as a reference.
2. All plant materials shall meet the horticultural standards of the most current edition of the "Guide Specifications for Nursery Stock", produced by the Canadian Nursery Trade Association.
3. All planting shall conform to the following:
  - a. the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50; and
  - b. the following mix of tree sizes shall be used:
    - i. 50% of required deciduous trees shall be a minimum 50 mm calliper and 50% shall be a minimum 75 mm calliper; and

- ii. 75% of required coniferous trees shall be a minimum of 2.5m in height and 25% shall be a minimum 3.5m in height.
4. The regulations regarding the required specifications for plant materials of this Bylaw may be waived by the Development Authority at the request of a qualified landscape professional, such as a horticulturist or landscape architect, acting on behalf of the property owner.

## **7.9 Building Separations**

1. In addition to the required building setbacks from property lines all buildings, except accessory buildings measuring less than ten square meters, must be separated from all other buildings on the same site by a minimum of 2.0m measured from the wall of one building to the wall of any other building and must meet or exceed the limiting distance requirements of the Alberta Building Code.
2. The wall construction and the exterior finishes of the walls must meet or exceed the minimum requirements of the building code based on the distance between buildings.
3. The minimum distance measured from the eave of one building to the wall of another building on the same site shall not be less than 1.4m.
4. The minimum distance between the eave of one building to the eave of another building on the same site shall not be less than 0.8m.
5. Where the wall of one principal building is within 3.2m of another principal building on the same site or adjacent site and where one of the buildings eaves are 1.5m or greater above the eaves of an adjacent building, the wall of the taller building must have an exterior finish that is of non-combustible material and the taller building must have the eaves protected to reduce the risk of fire spread from building to building.

## **7.10 Lighting of Sites**

1. Any outdoor lighting for any development shall be located and arranged so that no direct rays are directed at buildings or private spaces on any adjoining properties, or that interfere with the effectiveness of any traffic control devices.

## **7.11 Building Design, Character and Exterior Treatment**

1. The exterior design of a new building and the quality of the exterior building finishes shall be completed within eighteen months of the issuance of the development permit;
2. The exterior design and character of a building being considered for a development permit shall be approved by the Development Authority who shall be guided by the following principles:
  - a. in residential districts:
    - i. the building is designed to limit perceived building mass and large building surfaces;

- ii. large surfaces may be broken up by using a combination of exterior building finishes;
  - iii. the building finishes should either be of types and colours that are typical for the construction of the time period or suited to be similar with those already in the neighbourhood;
  - iv. roof slopes and roof styles should be used that are within a reasonable range of those that are characteristic of the neighbourhood; and
  - v. the style and character of accessory buildings shall be of similar style and complimentary to the principal building.
- b. in commercial districts:
- i. all buildings on a site shall be constructed using similar architectural theme and exterior finishes/colours, unless the function of individual buildings dictates a specific style or image associated with a company. In such instances, development must maintain harmony in terms of building lines, mass, as well as quality and colour of exterior treatment;
  - ii. all mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating it within the building roof;
  - iii. where a building has a floor area of greater than 2000m<sup>2</sup> or has an exterior wall length greater than 30m that is directly visible from a public roadway the roof line and building facade shall include design elements that reduce the perceived mass of the building and add architectural interest. As well, the use of landscaping adjacent to exterior walls which are visible from adjacent public roads, other than lanes, to minimize the perceived mass of the building and to create visual interest.
- c. in industrial districts:
- i. all buildings shall be constructed and finished with new durable materials designed to maintain the initial appearance of the development throughout the life of the project.
- d. in all other districts:
- i. shall be to the satisfaction of the Development Authority.

## **7.12 Excavation and Stripping of Land**

1. For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, top soil stripping, and construction of artificial bodies of water.

2. A person wishing to excavate, strip or grade land shall provide the following details in his application:
  - a. the location and area of the site on which the excavation, stripping or grading is to take place;
  - b. the existing land use and vegetation;
  - c. the type and dimensions of the excavation to be made, and the effect on existing drainage patterns;
  - d. the condition in which the excavation is to be left when the operations are complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action that is to be taken for restoring the condition of the surface of the land to be affected, for preventing, controlling or lessening the creation of erosion or dust from the land; and
  - e. if the application coincides with a subdivision of land or a site that is subject to an approved area structure plan that appropriate drawings stamped by appropriate professionals shall be submitted for review and consideration by the Development Authority and consideration.
3. The Development Authority shall consider every application for a permit to excavate land, and shall not issue a permit unless he is satisfied that:
  - a. the operation shall be carried out so as to create a minimum of dust and environmental disturbance;
  - b. the operation is one that, in the opinion of the Development Authority, is reasonably necessary for the use and development of the land in question, considering the need for preservation of prime agricultural land, the need for natural preservation, and the future need for soil on the site;
  - c. the operation shall not destroy, disturb, or alter any historical resource designated in accordance with the Alberta Historical Resources Act;
  - d. the operation shall not deter future development of the site; and
  - e. the operation will not leave the site in a condition that is not safe and is not easily maintained to an acceptable visual standard.
5. The Development Authority has been consulted and supports approval of the application with or without conditions.
6. The Development Authority may require, as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Development Authority for the prevention, or control of dust, or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.
7. The Development Authority may require that cash security be provided to ensure that the project is carried out in its entirety to the standards specified.

### **7.13 Utility Services to Sites**

1. Where an un-serviced site exists and municipal water, sanitary sewer and or storm sewer service mains are available, and a development permit application is made to construct or place a building on the site that requires service connections, the owner must enter into a development agreement with the Town regarding the cost of installing the necessary services.
2. Where an infill site exists that has been previously developed and the site was serviced with water and/or sanitary sewer, and a development permit application has been made to construct a building on the site, depending on the age of the service, the materials used and the condition of the existing services the applicant of the permit or the owner of the property may be required to install new water and sanitary sewer services to the site from the municipal mains and if the old services are not used will be required to pay the cost to remove the municipal services. The costs include road sub base and surface repair, curb and gutter repair, sidewalk repair, and boulevard landscaping.
3. Where a serviced site exists and a development permit application has been made to construct a building on the site where the existing services do not meet the size and capacity necessary to provide service to the proposed building or site, the owner must enter into a development agreement regarding the costs of installing the necessary services and restoring the surface and subsurface infrastructure.
4. Where a development permit application is made and due to building and fire codes a fire hydrant is required, the owner must enter into a development agreement regarding the cost of the necessary water service, the fire hydrant and related valves and mains to serve the hydrant.
5. Prior to the commencement of the work to install, remove or replace water, sanitary sewer or storm sewer services, or install a fire hydrant the applicant must:
  - a. have a contractor deemed qualified by the Town obtain a "Permit to Construct" from the Town's Development Authority for the proposed work;
  - b. provide the necessary cash security to the Town to ensure that the work will be completed to the Town's Design Standards;
  - c. arrange a satisfactory time frame with the Town's Development Authority for the work to be completed.

### **7.14 Sidewalk and Curb Crossings**

1. Where a development permit application has been made for a residential building on a site and a straight-faced curb is in place on the municipal road adjacent to the site and where it is desired to have vehicular access to the site, if the vehicular access is permitted pursuant to Section 7.17, the owner may be required to enter into a development agreement with the Town regarding the cost of modifications to the curbs and sidewalks and regarding the standards to which the modifications shall be completed.

2. Where a development permit application has been made for a development that is on a site that is classified for commercial, industrial or institutional development and vehicular access is required to the site, and the vehicular access is permitted pursuant to Section 7.17, the owner may be required to enter into a development agreement with the Town regarding the cost of modifications to the curbs and sidewalks and regarding the standards to which the modifications shall be completed.
3. If the above clauses 1 or 2 apply, then prior to the commencement of the work to remove or replace a portion of curb and gutter and or sidewalk to provide vehicular access to a site the applicant must:
  - a. have a contractor deemed qualified by the Town obtain a “Permit to Construct” from the Town’s Development Authority for the proposed work;
  - b. provide the necessary cash security to the Town to ensure that the work will be completed to the Town’s Design standards;
  - c. arrange a satisfactory time frame with the Town’s Development Authority for the work to be completed.

#### **7.15 Corner and Double Fronting Lots**

1. Where a site is adjacent to two streets, the Development Authority has the exclusive decision making power in determining which street shall be determined as the front street for the purpose of setbacks from property lines and regulations within the bylaw.
2. In making the decision, the Development Authority shall consider how the placement of buildings will affect the use and enjoyment of adjacent properties and how the decision will affect the intended layout of the neighbourhood as a whole.
3. Where the driveway of a residential garage accesses onto a street determined to be a side yard, the wall of the detached garage that has the vehicle access must be setback from property lines by a minimum of 5.5m.
4. Where a building is proposed with an attached garage on a corner lot, the garage must be placed closest to the side of the lot that is farthest from the intersection.
5. Where a site is adjacent to where two (2) public roads intersect, where a road intersects with a lane, or where a road or lane intersects with a perpendicular public walkway or park, the Development Authority, at their sole discretion, may restrict or limit any development, fences or other visual obstructions within a triangle measured 8.0m from the edges of the roads that may reduce visibility and safety at the intersection.
6. Notwithstanding any other provision of this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of a corner lot located within any district other than C1 Downtown Commercial, which lies within a triangle formed by a straight line drawn between two (2) points on the closest roadway curbs of the intersecting streets or lanes 8.0m from the point where the curbs would intersect if extended in a straight line.

7. Where two streets, lanes, or a street and lane intersect in the C1 Downtown Commercial District, a minimum corner cut-off building restriction of 2.0m will be required.

#### **7.16 Development on a Utility Right of Way**

1. The applicant for a development permit is responsible to provide a copy of all registered utility right of way documents registered against the subject site.
2. Where a utility right of way is registered on the title of a property, no development permit will be issued for a building or use that contravenes the rights of the grantee within the utility right of way document unless written consent has been obtained from the grantee.
3. Where a historical utility right of way exists and there is no evidence of an operating underground or overhead utility within the right of way, the Development Authority can consider issuing a development permit after consultation with all utility companies.
4. Where a known essential service utility main or primary line exists and no utility right of way is registered on the title of the property, the Development Authority may refuse or delay the approval of the application until an appropriate right of way is registered on the title of the property.
5. No building footing or cantilevered portion of the building or roof eave shall encroach into or above a utility right of way unless written consent has been obtained from the grantee.
6. Driveways, sidewalks, landscaping, fences and parking lots may be allowed on a utility right of way; however, are subject to compliance with the registered utility right of way documents.

#### **7.17 Vehicular Access to Sites**

1. If a front attached garage is a permitted use, a rolled curb is provided, and the adjacent road is not an arterial roadway and vehicular access will be permitted from the adjacent road to the driveway leading to the attached garage.
2. If a lane exists, driveway access to rear detached garage must be from the lane and in the case of corner lots from the lane or side streets and not from the front roadway.
3. Vehicular access to required parking lots from streets other than arterial roadways may be permitted dependant on traffic volumes. A letter of support must accompany the application from the Town's Development Authority.

#### **7.18 Limited Access to Major Streets**

1. Where a site has a residential zoning classification, the site fronts onto an arterial road, and the site has access to a road other than the arterial road or has access to a lane, no vehicular access will be permitted to the site from the arterial roadway unless granted written permission by the Town's Development Authority.

2. Where a site has a residential zoning classification, the site fronts onto an arterial road, and the site does not have access to a road other than the arterial road and has no access to a lane, the Town may allow a vehicular access to be constructed to gain limited vehicular access to the site under written permission from the Town's Development Authority.
3. Where a site has a commercial, industrial or urban service zoning classification, one vehicular access to the site may be considered from the arterial roadway provided the location and design of the vehicular access is approved in writing by the Town's Development Authority and the owner of the site has conformed with Section 7.14.
4. No median cuts will be permitted within medians on arterial or collector roadways unless a traffic impact assessment has been completed by an appropriate professional and the assessment indicates that the median cut meets the requirements of the municipal and provincial standards for traffic safety as determined by the Town's Development Authority.
5. Where two adjacent commercial properties both require vehicular access to an arterial roadway the Town provides strong consideration towards shared vehicular access points with joint crossing agreements in place.
6. Vehicular Access from an arterial road will require permission from Alberta Transportation.
7. There may be required setbacks for any construction near road side.

#### **7.19 Emergency Access to Buildings**

1. Access for fire department equipment shall be provided to one side of each building that exceeds 12m<sup>2</sup> in floor area by means of a public roadway, private roadway, or yard access.
2. Where the Alberta Building Code requires more than one access route to a building and public roads are not directly adjacent to the site on site fire access routes must be provided that meet the requirements of the building code regarding access routes, location of access routes and access route design
3. Where an onsite fire access route is required by the building code it shall be designed to handle the necessary firefighting equipment and should be designed in consultation and approval of the Town Fire Chief.

#### **7.20 Objects and Uses Prohibited or Restricted in Residential Districts**

1. From April 1 through October 31 inclusive, on a residential site, large recreational vehicles may be parked on a driveway, to within 1.0m of the interior edge of the municipal sidewalk or within 1.0m of the curb if there is no sidewalk provided they do not obstruct the visibility of motorists in an adjacent private driveway, alley or intersection.
2. For the purposes of Subsections 7.20.2 and 7.20.3, a "Large Recreational Vehicle" shall include:

- a. any motor home, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any similar vehicles.
3. For the purposes of Subsections 7.20.2 and 7.20.3, a "Large Recreational Vehicle" shall not include:
    - a. small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks, boats, snowmobiles, all-terrain vehicles, jet skis, or motorcycles and trailers to carry them.
  4. No person shall keep on any part of a site, outside of approved buildings in any residential zone:
    - a. any unregistered, inoperable, damaged, under repair, or un-roadworthy vehicle, stored outside of a building for more than 14 days;
    - b. open unprotected excavations without advisory signage, safety fencing or onsite security;
    - c. power generating wind turbines that create noise or exceed the height of the principal building;
    - d. construction or demolition debris for periods longer than ten day periods;
    - e. on-site or adjacent street parking for more than one vehicle with business signage per property;
    - f. containers designed for intermodal transfer of goods (sea cans);
    - g. unless approved in writing by the Development Authority, any storage of construction materials for longer than a six month period;
    - h. stockpiles of earth and landscaping materials for periods exceeding 90 days;
    - i. fire pits without appropriate fire department permits;
    - j. propane tanks exceeding 45 kg bottles;
    - k. container storage of flammable products exceeding 100 litres in total volume;
    - l. storage of excavation equipment such as backhoes, tractors other than riding lawnmowers; and similar equipment at the discretion of the Development Authority.
    - m. defined uses that are not listed as permitted or discretionary uses in that district or deemed to be legal non-conforming uses; and/or
    - n. any items deemed a nuisance under the Nuisance Bylaw.

## **7.21 Relocation of Buildings**

1. Other than buildings permitted under Sentence 7.21.2 through 7.21.9 and elsewhere in this Bylaw, no building shall be relocated from another site onto a site within the Town.
2. The relocation of a garden shed or residential storage sheds under 9.3m<sup>2</sup> in floor area; and under 3.6m roof peak height; is allowed without permits provided the building is placed at least 1.0m from property line and at least 2.0m from other buildings on the property. The relocation of sheds over 9.3m<sup>2</sup> requires a development permit.
3. New re-locatable buildings offered for sale are permitted to be placed, with no permits required, on commercial and industrial sites.
4. Portable school classrooms are allowed as permitted uses in US – Urban Service district.
5. Temporary construction job site buildings are allowed to be placed on job sites during the term of construction.
6. A person wishing to relocate an existing building on to a parcel shall make application for a development permit in the usual way but shall also provide the following information:
  - Age, size and structural condition of the building;
  - Photographs showing all sides of the building;
  - A statement of proposed improvements, including landscaping.
7. In making his decision the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is incompatible with the neighbourhood.
8. The Development Authority may travel to inspect the building which is proposed to be moved in, or he may request another qualified person to do so and to report back to him, and in either case the expenses of such inspection shall be paid by the applicant before any Development Permit is issued.
9. The Development Authority may issue a development permit for a moved-in building (other than a mobile home) without conditions, or subject to such conditions as he deems necessary to ensure that the building is renovated to a satisfactory standard, including a deposit of \$2,000, which shall be returned once the building has been brought up to the required standard.

## **7.22 Construction Damage Deposits**

1. A construction damage deposit shall be provided to the Town at the time of issuance of a development permit in the amount as approved by resolution of Town Council pursuant to Subsection 3.10, based on the type of development project. This requirement may be waived if, in the opinion of the

Development Authority, there are no improvements abutting the property that could sustain damage during construction.

2. It is the owner's or agent's responsibility to ensure that prior to commencement of construction or demolition there is no previous damage to existing requirements. If there is existing damage, it shall be reported within two (2) working days of the issuance of the development permit to the Development Authority and to have the damage documented and acknowledged in writing by the Development Authority.
3. It is the owner's responsibility to apply in writing to the Town's Development Authority for a damage deposit refund inspection and return of the damage deposit. This should only happen after the rough grading is complete and the black dirt is placed and graded in accordance with the approved grading plan. All required hard-surfaced areas shall be completed and any required tree and shrub planting must be complete.
4. The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspections by the Town.
5. The Development Authority shall perform the requested inspection and notify the owner of the results
6. If no damage has occurred, the deposit shall be refunded in full within 30 days.
7. If damage has occurred, the damage deposit will be used by the Town to repair or replace damaged curb stops, valve boxes, manhole covers, catch basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any other surface or underground improvements on or abutting the land which is caused by the construction or demolition activity.
8. If the cost to repair the damage is less than the amount of the damage deposit then the Town shall return the difference to the depositor.
9. If the cost to repair the damage is more than the deposit then the Town can invoice the owner and place the charges against the tax roll of the lands.
10. If one party places the damage deposit and that party is not responsible for the completion of the work in its entirety, the depositor can transfer the responsibility for compliance and the right to refund to a third party by providing a letter to the Town. The Town will do an interim transfer inspection for the Damage Deposit Transfer Fee as set out in accordance with Subsection 3.10.
11. The damage deposit placed in regards to one permit cannot be transferred to a different project.
12. If the Depositor does not apply for the inspection, the Town has the right to perform an inspection and make any repairs necessary as if the depositor has applied for an inspection.

### **7.23 Encroachments and Retaining Walls**

1. If any development is to encroach onto the slope of the lands, an engineering study and report is to be completed. No development will be allowed until an engineering certificate as to the stability of the development is received by the Town. Also, if the development is to encroach on the flood plain, the development must be flood proof.
2. Where extremes in elevation of adjoining lots require the construction of a retaining wall, such shall be indicated on the proposed grading plan and no work or construction will be permitted on the building lots which are the subject of or adjacent to the said retaining wall without a commitment by either the owner of the two lots involved to construct such retaining wall at the time of construction of the proposed building.

### **7.24 Payment of Off-site Levies**

1. All outstanding off-site levies owing in regards to a property shall be paid in full at the time of application for a development permit of the property.

### **7.25 Water Meter Installation Costs**

1. When a development permit application has been made for a building or use that will require a water meter to be installed, the deposit for the water meter shall be paid in full upon installation.

### **7.26 Restrictive Covenants**

1. It is not the responsibility of the Town to enforce the restrictive covenant in its issuance of a development permit unless the Town has registered the restrictive covenant.

### **7.27 Development Maintenance Standards**

1. Where a commercial, industrial or multi-family residential property was required to provide landscaping drawings and complete landscaping, paved parking, provide screening and refuse containers and have particular building façade features at the time of the development permit, the owner is required to maintain the items to meet or exceed the standard they were designed and originally constructed or installed.
2. Where a residential property was part of a development that had particular community features such as uniform fencing and subdivision signage the owners of the property must maintain the items to the standard they were constructed or installed.
3. All developments shall be maintained to ensure a visual standard that meets the standard of the neighbourhood and are not deemed a nuisance property under the Nuisance Bylaw.

## **7.28 Storage of Liquids or other Materials**

1. Any Parcel of land used for bulk storage of liquids or other materials, which in the opinion of the Development Officer, constitutes a danger or annoyance to persons on any property, will be considered a discretionary use and approval must be considered by the Town of Millet Municipal Planning Commission when a development application is received.
2. Regulations for setbacks and other conditions will be determined on an individual basis when the development permit is approved. The Municipal Planning Commission may require a written inspection by a qualified person for the containment system.
3. Persons liable shall take all reasonable steps to prevent any spills or releases of any liquids or materials onto any land within the storage area and outside the storage area. Reasonable steps may include but are not limited to:
  - I. A fence to prevent spreading by wind
  - II. A berm to prevent liquids from spreading
  - III. Lids or caps on storage containers
4. Observed substance spills and release events, create an immediate obligation to report the release. The persons responsible must repair, remedy, and confine the effects of the substance and all costs associated.
5. Any spills or leaks are required to be reported to the Town of Millet.
6. Any spill, release or emergency that may cause, is causing, or has caused an adverse effect to the environment must be reported immediately to Alberta Environment by calling the 24 hour Environmental Hotline at 1-800-222-6514.
7. Affected third parties must be notified that their property could be impacted if it is suspected that contamination has gone offsite.

## **PART 8: SPECIFIC USE REGULATIONS**

### **8.1.1 Day Home Operation**

1. A Day Home Operation is deemed a major home based business and must meet all of the requirements of Section 8.7.3. as well as this Section.
2. A development permit application for a Day Home Operation shall be accompanied by documentation that will show compliance with the following clauses within this Subsection.
3. The number of children cared for in a Day Home Operation shall not exceed six children under the age of 13 at any given time, and shall conform to the Province of Alberta Family Day Home Operations Standards Manual:
  - [http://www.child.alberta.ca/home/documents/childcare/Final\\_Client\\_Copy-FDH\\_Standards\\_Manual.pdf](http://www.child.alberta.ca/home/documents/childcare/Final_Client_Copy-FDH_Standards_Manual.pdf)
4. Outdoor play space shall be provided that meet or exceed the requirements of the Province of Alberta Family Day Home Operations Standards Manual.
5. Children in care shall be supervised in accordance with the Province of Alberta Family Day Home Operations Standards Manual.
6. A Day Home Operation shall have three parking spaces readily available for parent drop off and pick up of children either on-site or on the street directly in front of the Day Home Operation.

### **8.1.2 Child Care Service**

1. A Child Care Service shall provide outdoor play space in accordance with the following regulations:
  - a. drop-in centres, or those facilities that provide part-time and casual care for children for three or more consecutive hours each day, up to 40 hours a month per child, and
  - b. nursery schools, or those facilities that provide play-based activities for children for three or less consecutive hours each day, do not require outdoor play space;
  - c. out-of-school care centres, or those facilities that provide care for school-aged children before and after school, at lunch, and those days schools are closed, shall provide at least 7m<sup>2</sup> of outdoor play space per child. This space does not have to be fenced or adjacent to the facility. Alternative play space, such as a public park, is acceptable as long as the alternative play space is within 500m distance of the facility;
2. In addition to 8.1.2 (1), daycare centres, or those facilities that provide regular and extended periods of care for pre-school-aged children for more than three but less than 24 consecutive hours each day, shall provide outdoor play space and include the following elements:
  - a. each facility shall provide at least 7m<sup>2</sup> of outdoor play space per child and this space shall be abutting the daycare facility;

- b. outdoor play space shall be located at ground level in a safe location. Noisy, noxious or hazardous adjacent uses such as loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, or storm-water lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
  - c. if no reasonable or safe opportunity exists for at grade outdoor play space, the Development Authority may approve an above grade outdoor play space provided that the following conditions are met:
    - i. secure perimeter fencing is provided that is at least 1.85m in height and is set back a reasonable distance from the edge of the building and designed so that children cannot climb over it;
    - ii. roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless, the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;
    - iii. all landscaping and playground equipment is securely anchored against the effects of wind and normal use; and
    - iv. the play space and location of playground equipment is designed to provide a safe location for the play space;
  - d. outdoor play space shall be securely enclosed on all sides with the exception for developments proposed on zoned sites US where existing play fields are proposed as outdoor play space;
  - e. in a residential zone, outdoor play space may be allowed in any required yard, providing it is designed to limit any interference with other uses, or the peaceful enjoyment of the properties of nearby residents, through landscaping, buffering and the placement of fixed play equipment;
  - f. in any non-residential zone, the outdoor play space shall not be located in any required yard that abuts a public roadway unless the design, size and other characteristics of the proposed play space shall mitigate the potential impact of the traffic on the public roadway on children using the play space;
  - g. the length of the outdoor play space shall be no more than 1.5 times the width to maximize the usability of the space and allow opportunities for a variety of outdoor activities;
  - h. the outdoor play space shall have a shaded area, wind protection, adequate sunlight, and 25% of the total required area shall have a hard surface for the use of wheeled toys; and
  - i. in the case of a Child Care Service use that includes both a daycare centre and an out-of-school care centre, the facility must meet the outdoor play space requirements of each facility.
3. A Child Care Service shall provide exterior lighting of the facility for a well-lit environment.

4. Parking shall be provided according to the regulations outlined in this Bylaw. In addition, drop-off parking shall be provided as follows:
  - a. a separate on-site drop-off area shall be provided at the rate of one on-site drop-off space for every ten children;
  - b. each drop-off space shall be a minimum of 2.7m in width and a minimum of 5.5m length; and
  - c. the drop-off area shall be located within 60m from the main entrance of the Child Care Service facility.
5. All major indoor play spaces used by children shall have direct source of natural light from windows with an area equivalent to a minimum of 10% of the total floor area of the room.
6. In residential zones, the following conditions shall apply:
  - a. in all low density residential zones the Development Authority shall, in making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that would be located on a collector or an arterial road, on a corner site, adjacent to or in community facilities such as a school, park, church or community centre, or adjacent to commercial areas or multi-family development;
  - b. a Child Care Service in any residential zone shall not change the principal character or external appearance of the dwelling in which it is located. If a new building is constructed, it must retain the character of a residential dwelling. Any associated signage on the dwelling must not detract from the residential character of the neighbourhood;
  - c. no portion of a Child Care Service use, including the building or bay of building and outdoor play space, shall be located within 50m of a service station. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or vehicle oriented use building, depending on whichever is closest to the child care facility;
  - d. the Development Authority, in deciding whether to approve or refuse a Child Care Service in a commercial zone, shall consider the suitability of surrounding development, taking into account, among other matters, traffic, noise and proximity to hazardous uses, to ensure the proposed Child Care Service is in a safe location; and
  - e. all development permit applications for Child Care Services shall include plans that show all elevations, floor plans that show indoor play and rest areas including the location of windows, and a site plan that shows the required on-site parking, drop-off facilities and, where appropriate, the outdoor play area, its access from the building, location and type of fixed play equipment, shaded and sheltered areas, the hard surfaced area, as well as fencing, landscaping and any buffering to be provided.

## **8.2 Boarding and Lodging House**

1. Each sleeping unit in a boarding and lodging house must have access to:
  - a. a washroom, with toilet, sink and a bathtub or shower stall;
  - b. a shared kitchen facility with fridge, stove and sink; and
  - c. an outdoor amenity space.
2. Any sleeping unit in a boarding and lodging house shall be compliant with current codes regarding safe egress, exit signage, fire safety and early warning devices.
3. Any sleeping unit in a boarding and lodging house shall have a satisfactory annual inspection completed by the Town of Millet fire department
4. There shall be one on site parking stall provided for each sleeping unit in addition to parking required for other uses in the building.

### **8.3.1 Limited Foster Home**

1. No development permit is required for Limited Foster Homes where they are listed as a permitted use.

### **8.3.2 Foster Homes**

1. Applications for Foster Homes must be accompanied by a licensing authority that verifies the number of clients that the building is suited for; and, that verifies that all life safety issues of the building and fire code have been properly inspected and addressed.
2. No development permit fees will be charged for Foster Homes where they are a permitted use.

### **8.3.3 Limited Group Home**

1. Applications for Limited Group Homes must be accompanied by a licensing authority that verifies the number of clients that the building is suited for; and, that verifies that all life safety issues of the building and fire code have been properly inspected and addressed.
2. Applications for Limited Group Homes must be accompanied by a letter or form from the public approving or licensing authority verifying the number of staff that will be required to meet the expected supervision and care for the clients.
3. An application for a Limited Group Home will not be permitted within 76 metres of a previously approved facility.
4. Limited Group Homes in residential districts shall have a residential appearing exterior building design and landscaping features.

5. Adequate on site parking shall be provided for Limited Group Homes for maximum employees on shift. The Development Authority shall determine the number of required stalls that shall be provided. The Group Care operator shall encourage the staff to park in the parking provided.

#### **8.3.4 Group Home**

1. Applications for Group Homes must be accompanied by a letter or form from the public approving or licensing authority that verifies the number of clients that the building is suited for; and, that verifies that all life safety issues of the building and fire code have been properly inspected and addressed.
2. Applications for Group Homes must be accompanied by a letter or form from the public approving or licensing authority verifying the number of staff that will be required to meet the expected supervision and care for the clients.
3. An application for a Group Home will not be permitted within 76m of a previously approved Group Home or Limited Group Home.
4. Group Homes in residential districts shall have a residential appearing exterior building design and landscaping features.
5. Adequate on site parking shall be provided for Group Homes for maximum employees on shift. The Development Authority shall determine the number of required stalls that shall be provided. The Group Care operator shall encourage the staff to park in the parking provided.

#### **8.3.5 Institutional Group Home**

1. Applications for Institutional Group Homes must be accompanied by a letter or form from the public approving or licensing authority that verifies the number of clients that the building is suited for; and, that verifies that all life safety issues of the building and fire code have been properly inspected and addressed.
2. Applications for Institutional Group Homes must be accompanied by a letter or form from the public approving or licensing authority verifying the number of staff that will be required to meet the expected supervision and care for the clients.

#### **8.3.6 Support Home**

1. No development permit is required for a Support Home where they are listed as a permitted use.

#### **8.4 Temporary Shelter Service**

1. A development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. Typical uses are overnight shelters.
2. Temporary Shelter Services are a direct control use that must be approved by resolution of Town Council considering the following regulations:

- a. temporary shelter services must be within a permanent building that meets all Safety Codes regulations;
- b. temporary shelter services shall not be permitted on a site within of 200m from any site with a residential zoning classification;
- c. temporary shelter services shall not be permitted on a site within 100m of a site with operating retail store;
- d. the Development Authority must allow temporary shelter service without due notification process, with written direction from the Director of Disaster Services due to an emergency situation; and
- e. temporary shelter services must provide outdoor space or supervised indoor space for persons waiting to use the facility as overnight accommodation in order to deter loitering in the neighbourhood.

### 8.5.1 Secondary Suite

1. For the purpose of this Section in reference to secondary suites “floor area” means the floor area of the suite excluding stairways to a common landing and floor area of furnace rooms and shared common areas.
2. Where a secondary suite is proposed, the site area of the subject property must exceed the minimum site area for the zoning classification by at least 40m<sup>2</sup>.
3. One on-site parking stall shall be provided specifically for the secondary suite, in addition to the two on-site parking stalls parking required for the principal building.
4. The additional on-site parking stall shall not be located in the front yard or side yard of the property.
5. A secondary suite shall not be developed within the same principal building containing a group home or limited group home, or a major home based business, unless the secondary suite is an integral part of a bed and breakfast facility in the case of a major home based business.
6. A secondary suite shall remain accessory to and subordinate to the principal building and:
  - a. in the case of a secondary suite built partially or entirely above grade the floor area of the secondary suite shall not exceed 40% of the floor area of the principal building; or
  - b. in the case of a secondary suite, where the floor of the suite is below grade, the floor area of the secondary suite shall not exceed 85% of the floor area of the principal dwelling.
7. The floor area of a secondary suite shall not be less than 30m<sup>2</sup>.
8. A building containing a secondary suite will not be approved for conversion to condominium ownership.

### **8.5.2 Mixed Use Residential Suites**

1. Applications for mixed-use residential suites will be considered provided:
  - a. the building does or will, with renovation, meet the requirements of the Alberta Building Code and Alberta Fire Code;
  - b. the floor space is located above the first storey; or is located entirely in the back 60% of the floor space of the first floor of the building and any entrances to first floor suites is from the back or side of the building.
2. On-site parking is provided in addition to the parking and loading spaces required for the commercial or industrial space.
3. Prior to occupancy of any mixed-use residential suites a copy of all required satisfactory Safety Codes inspection report be provided to the Development Authority
4. Despite having a permit issued for a mixed-use residential suite, for the purpose of all municipal bylaws and regulations, the property is deemed a commercial or industrial property and not a residential property.

### **8.5.3 Apartment Building**

1. Notwithstanding the other regulations of this zone, where an apartment building directly abuts a site zoned to allow a single dwelling building as a permitted use, the following regulations shall apply:
  - a. a minimum landscaped setback of 7.5m shall be required from any apartment building to any property line common with a single dwelling unit. No surface parking or loading facilities shall be located within this setback area;
  - b. no outdoor parking, trash collection or outdoor storage areas shall be developed within 3.0m of any property line that abuts a site zoned to allow a single dwelling building as a permitted use;
  - c. a solid screen fence 1.8m in height, shall be installed along all property lines that abut a site zoned to allow a single dwelling building as a permitted use, except for common flanking front yard boundaries which shall be 1.0m in height;
  - d. design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
  - e. building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent single detached housing; and

- f. where an apartment building is to be developed directly adjacent to a site zoned to allow single detached housing as a permitted use, the maximum building height for the directly adjacent façade of such apartment building shall not exceed 9.0m or 2 ½ storeys, unless the portion of the façade which is above 9.0m is stepped inward from the lower façade by a distance equivalent or greater than height of the façade that is above 9.0m.
2. A minimum outdoor amenity area of 7.5m<sup>2</sup> per dwelling shall be provided. This area may include the area of balconies and patios.
3. Where an apartment building exceeds 20 suites, an on site children's playground shall be developed that provides at least 2.5m<sup>2</sup> of communal outdoor play space per suite.
4. All parking lots and walkways shall be well lit to provide for a safe, secure environment.
5. All signs related to the name of the building, sale, lease or rental of suites conform to Section 7.6.

#### **8.6.1 Manufactured Home**

1. Applications for the placement of a manufactured home, as defined, shall include the unit CSA certification number, the manufacturer name and model name, and shall supply a letter from the manufactured home community owner or manager supporting the application for placement of the manufactured home, deck or addition.
2. Manufactured homes shall be supported and tied down in accordance with manufacturers' specifications and the Alberta Building Code.
3. Additions, decks and porches require separate development permits or shall be specified to at the time of the original development permit application. The application shall include a letter from the manufactured home community owner or manager supporting the application for placement of the deck or addition.

#### **8.6.2 Modular Housing**

1. Applications for the placement of modular housing, as defined, shall include all information required by Section 4.2, and be treated the same as site built buildings.
2. In addition, applications must include a copy of a certificate indicating the CSA certification number, the foundation type and drawings, and indicate all decks, porches and site built additions such as garages.
3. Modular Housing must be placed on a permanent foundation equal to that of a site built home.

### **8.6.3 Residential Sales Centre**

1. A residential sales centre may be in the form of a show home(s) with a sales office, a show suite within a multi-family building, or as a separate temporary building.
2. Sites containing residential sales centres shall be located and developed such that their impacts on local roadways and surrounding residential development are minimized. In deciding upon an application, the Development Authority shall take into consideration the scale of the residential sales centre, its proximity to arterial or neighbourhood collector roadways, and to occupied residential development.
3. Where sites are located within 60m of existing development, the applicant shall demonstrate that sufficient parking is available on or adjacent to the site so that parking congestion shall not develop on that portion of local streets serving existing development in the vicinity of the residential sales centre.
4. The siting and development of residential sales centre buildings shall comply with the regulations of the land use zone applying to the site except that:
  - a. the Development Authority may attach conditions requiring additional setbacks to minimize any adverse impacts on adjacent development;
  - b. in the case of a temporary structure, the height of the building, including any hoardings or false fronts, shall not exceed one storey or 4.0m.

### **8.6.4 Private Swimming Pool**

1. A development permit is required for a permanent (120 days) private swimming pool, defined as: any permanent (120 days) private swimming pool, hot tub or spa with a water design depth greater than 600mm (24") at any point. All private swimming pools must be assembled and used according to the manufacturer's specifications.
2. Private swimming pools, hot tubs or spas will be permitted in residential zones, provided that:
  - i. The facility is secured against entry by the public other than owners, tenants or their guests in accordance with the requirements of the Safety Codes Act; and,
  - ii. The method and degree of treatment of water is to the satisfaction of the Health Officer.
3. An opening for access through a fence around a private swimming pool shall be protected by a gate that is the same height as the fence, equipped with a self closing device, equipped with a self latching mechanism located on the inside of the gate that is at least 1.5m above the ground level, and that is capable of being locked.
4. An outdoor hot tub that is equipped with a cover can carry a weight of 100 kg and that is capable of being latched and locked, can have the minimum fence height requirements of a fence or gate reduced to 1.0m.

5. A private swimming pool shall be setback at least 1.5m away from any property line.
6. A building that is built specifically to enclose a private swimming pool shall meet the same yard setback requirements as the principal building.

#### **8.7.1 Home Office**

1. A Home Office shall comply with the following regulations:
  - a. there shall be no exterior display or advertisement;
  - b. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c. the home office shall not employ any person other than a residents of the dwelling;
  - d. there shall be no outdoor business activity, or outdoor storage of materials or equipment other than office equipment associated with the business allowed on the site;
  - e. there shall be no business traffic or deliveries to the property;
  - f. the home office shall not change the principal character or external appearance of the dwelling involved; and

#### **8.7.2 Minor Home Based Business**

1. A minor home based business shall comply with the following regulations:
  - a. there shall be no exterior display or advertisement other than an identification plaque or sign as specified in 7.6.7.18;
  - b. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c. the minor home based business shall not employ any person on-site other than a resident of the dwelling;
  - d. there shall be no outdoor business activity, or outdoor storage of materials or equipment associated with the business allowed on the site. Indoor storage shall only be allowed inside the dwelling;
  - e. the minor home based business shall not change the principal character or external appearance of the dwelling involved; and
  - f. in addition to the information requirements of Section 4.2 of this Bylaw, each application for a development permit for the use class minor home based business shall include a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking.

### **8.7.3 Major Home Based Business**

1. A major home based business shall comply with the following regulations:
  - a. there shall be no exterior display or advertisement other than an identification plaque or sign as specified in 7.6.7.18;
  - b. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c. the major home based business shall be of a nature that will not cause excessive vehicular traffic, however, will allow business visits that do not cause unreasonable traffic flow to the residence;
  - d. the number of non-resident employees or business partners working on-site shall not exceed one at any one time;
  - e. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity is be allowed in either the dwelling or accessory buildings;
  - f. the major home based business shall not change the principal character or external appearance of the dwelling or accessory building;
  - g. a major home based business, operating as a bed and breakfast facility shall conform to Section 8.7.4, in addition to this Section;
  - h. a major home based business, operating as day home shall conform to Section 8.1.1. in addition to this Section;
  - i. in addition to the information requirements Section 4.2 of this Bylaw, each application for a development permit for the use class major home based business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
  - j. the major home based business will not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a commercial or industrial zone having regard for the overall compatibility of the use with the residential character of the area.
  - k. A major home based business shall not be allowed within the a principal dwelling containing a secondary suite, unless the home based business is a bed and breakfast facility and the secondary suite is an integral part of the bed and breakfast facility.

### **8.7.4 Bed and Breakfast Facility**

1. A bed and breakfast facility is deemed a major home based business and must meet all of the requirements of Section 8.7.3 as well as this Section.

2. A development permit application for a bed and breakfast facility shall be accompanied by documentation that will show compliance with the following clauses within this Subsection.
3. A bed and breakfast facility, located on a site with a residential zoning classification, shall be limited to three sleeping units dedicated for guests;
4. Sleeping units used for guests shall be rooms that are above grade;
5. There shall be no cooking facilities within guest rooms;
6. The sleeping units considered as guest rooms shall have a satisfactory inspection completed by the Town of Millet fire department prior to being used by guests and shall be compliant with current codes regarding safe egress, exit signage, fire safety and early warning devices;
7. The sleeping units shall have a satisfactory annual inspection completed by the Town of Millet fire department;
8. There shall be one clearly identified parking stall provided on site for each sleeping unit in addition to the stalls required for the primary residential use;
9. A bed and breakfast facility will be allowed to have one sign as permitted under Section 7.6.6.18; however, will be allowed to double the permitted sign area.
10. A bed and breakfast facility shall allow guests unlimited access to all outdoor amenity areas on the site.

## **8.8 Windmills and Solar Power Arrays**

1. A windmill attached to the roof of a building is deemed to be part of the building, but is not restricted by the height limits set by other parts of this bylaw.
2. A free-standing windmill is an accessory building.
3. A free-standing windmill shall be set back from the property boundary by the same distance as the overall height of the structure, including blades which extend above the top of the tower.
4. No development permit shall be issued for the construction or enlargement of any structure which would significantly reduce the amount of sunlight falling on any solar radiation collector system which is complete or under construction at the time of application for that development permit.

### **8.9.1 Pubs and Lounges**

1. All required parking for a pub or lounge shall be on the same site as the facility.
2. There shall be exit doors leading from the facility directly to the provided parking lots.

3. All pubs and lounges shall keep all doors, windows and other openings in the exterior walls closed, except for doors during the entrance and exiting of patrons, to prevent noise to the surrounding properties.
4. Noise from a pub or lounge shall be controlled so it does not emit beyond the boundaries of the site.
5. The Development Authority may consider limiting the hours of operation, as a condition of the Development Permit, if the site is adjacent to or across a street or lane from residential uses. Consideration would be based on potential outdoor noise and annoyances from traffic and pedestrian uses.

#### **8.9.2 Nightclubs and Bars**

1. All required parking for nightclubs and bars shall be on the same site as the facility.
2. There shall be exit doors leading from the facility directly to the provided parking lots.
3. All nightclubs and bars shall keep all doors, windows and other openings in the exterior walls closed, except for doors during the entrance and exiting of patrons, to prevent noise to the surrounding properties.
4. Noise from a nightclub or bar shall be controlled so it does not emit beyond the boundaries of the site.
5. The Development Authority may consider limiting the hours of operation, as a condition of the Development Permit, if the site is adjacent to or across a street or lane from residential uses. Consideration would be based on potential outdoor noise and annoyances from traffic and pedestrian uses.

#### **8.10 Outdoor Restaurant Patio**

1. Additional parking shall be provided to accommodate the patrons to the same parking ratio as the restaurant facility.
2. If an outdoor restaurant patio is within 75m of a property with a residential zoning classification, the development permit may restrict the hours of use.

#### **8.11 Licensed Outdoor Patio**

1. Additional parking shall be provided to accommodate the patrons to the same parking ratio as the licensed facility.
2. If a licensed outdoor patio is within 75m of a property with a residential zoning classification it shall be prohibited from use between the hours of 10:00 p.m. one day and 7:00 a.m. the next day.
3. A licensed outdoor patio shall be fenced and be designed to have the only access gained to the patio by entering through the licensed facility.

## **8.12 Booth Market**

1. A development permit is required for an outdoor booth market or for an indoor booth market on a property that classified anything other than urban service or shopping centre commercial.
2. A permit application for a booth market shall:
  - a. indicate the maximum number of vendors that will be taking part in the event;
  - b. indicate the specific dates that the event will be operating;
  - c. identify the parking that will be utilized for the vendors and for patrons;
  - d. include a drawing showing the layout of the booths; and
  - e. include separate applications for all signage within the Town that will be promoting the event.
3. The organizing party for any booth market shall ensure that proper exiting is in place and that it is maintained to the satisfaction of the Town of Millet Fire Chief.
4. Outdoor booth markets shall provide a minimum of one garbage receptacle for every four booths.
5. No development permit is required for a sunshade structure at a booth market; however they shall be set up to resist wind uplift.
6. Organizations that hold booth markets on a regular basis can obtain annual permits.

## **8.13 Tourist Campsite**

1. A tourist campsite must have access to a provincial highway or an arterial roadway and the road access including turning lanes must meet the Town of Millet design standards.
2. Tourist campsites must be not be placed within 150m of properties classified as residential.
3. Fire pits within tourist campsites must meet the Town of Millet fire regulations.
4. Patrons within tourist campsites must not exceed the noise regulations within the nuisance bylaw.
5. Tourist campsites must have washroom and shower facilities located on site.

## **8.14 Outdoor Amusement Establishment**

1. An outdoor amusement establishment placed, as a secondary use to a commercial development on a parking lot shall not reduce the onsite parking by more than 10% of the required stalls for the commercial development.

2. An outdoor amusement establishment placed on a separate site shall have at least eight on-site customer parking stalls.
3. An outdoor amusement establishment where potential noise is generated by the facility shall not be placed within 200m of a residential property, measured from the actual perimeter of the outdoor amusement establishment to the property boundary of the residential property.
4. An outdoor amusement establishment shall be fenced with chain link fencing with all entrance through a controlled gate.
5. An outdoor amusement establishment must have on-site washroom facilities, or have agreed access to public washrooms with the operator of an adjacent facility.

#### **8.15 Carnival**

1. A development permit must be applied for at least three weeks prior to set up for the event.
2. The application must include:
  - a. proof of Safety Codes certification,
  - b. a general layout of the proposed site,
  - c. an emergency vehicle access plan,
  - d. the location for storage of equipment and vehicles,
  - e. the hours of operation,
  - f. a policing and security plan, and
  - g. a litter control plan.
3. The Development Authority with consultation with the police, may require, that additional professional security be provided at the expense of the carnival operator.
4. The applicant may at the Development Authority's discretion be required to provide cash refundable security to ensure the site is left clean and tidy.
5. The carnival operator must arrange a meeting with the Fire Chief, RCMP, and ambulance personnel prior to public access to the site and review the emergency plans and gain the support of these officials.
6. The carnival operator must provide the names and immediate contact information of the top three carnival personnel to the Fire Chief and RCMP prior to the commencement of the carnival.
7. The Development Authority can make conditions regarding the hours of operation of the carnival.

## **8.16 Greenhouse and Plant Nursery**

1. Greenhouse buildings for public access must be designed by a professional engineer, and be constructed and maintained in accordance with the design. A generic design will be accepted provided the design meets Canadian standard.
2. Applications to place a greenhouse building intended for public access shall include the building design drawings.
3. Greenhouse buildings intended for year round placement shall be firmly attached to a permeable surface and shall be able of surviving 120 km/h winds.
4. Greenhouse buildings placed in parking lots intended for commercial businesses shall not reduce the available parking spaces to a number less than the number of required parking stalls for the commercial use.
5. Greenhouse buildings less than 80m<sup>2</sup> in floor area shall meet or exceed the minimum building setback requirements of accessory buildings and not exceed the height requirements of accessory buildings.
6. Greenhouse buildings 80m<sup>2</sup> or greater in floor area shall meet or exceed the minimum building setback requirements of principal buildings and not exceed the maximum height requirements of the principal buildings.
7. All materials or goods stored outdoors shall be kept in a neat and tidy order at all times.
8. Storage of bulk landscaping materials shall be kept on pallets or in constructed bins.
9. Greenhouse buildings located on residential properties are deemed an accessory building.

## **8.17 General Industrial Uses**

1. This use class shall only be used when the use class does not fit into any other classification defined in this Bylaw.
2. Applications for this use class shall include a detailed written description of the industrial activity intended for the site.
3. Applications for this use class shall clearly fit within the definition outlined in Part 2 of this Bylaw.
4. The applicant shall, at time of application, provide written verification of their intent and agree to comply with the Industrial Performance Standards outlined in the district regulations in Part 6 of this Bylaw.
5. Applications for this use class will require written approval for the proposed use from the Town Fire Chief prior to the issuance of a development permit.

## **8.18 Higher Risk Industrial Uses**

1. All fuel storage tank systems for bulk fuel facilities must be designed, installed, and operated in accordance with the Alberta Fire Code.
2. All fuel storage tank systems must have a permit to install from the Petroleum Tank Management Association of Alberta.
3. All fuel storage tank systems must not be located within 100m of a residential property measured from the proposed tanks to the residential property line.
4. Prior to use of the fuel tank systems, the applicant shall submit a letter of installation compliance addressed to the Town from the designing engineer.
5. Every facility at which the transfer of propane takes place shall have a risk and safety management plan. If the facility handles greater than 30,000 USWG, the risk and safety management plans must be approved by a professional engineer.
6. Bulk propane handling facilities with a vessel not greater than 5,000 USWG shall be located at least 320m from a residential property and bulk propane handling facilities with a vessel not greater than 30,000 USWG shall be separated from residential properties by 640m.
7. All other uses that are deemed a High Hazard Industrial Occupancy (F1) under the Alberta Building Code must be located at least 250m from any property classified as residential and located south and \ or east from residential properties.

## **8.19 Automotive and Equipment Repair Shop**

1. The design for an Automotive and Equipment Repair Shop, that includes the outdoor storage of tires, must be reviewed for compliance with the fire code and be approved in writing by the Fire Chief prior to development permit application.
2. The application for an Automotive and Equipment Repair Shop that includes the outdoor storage of tires must include a fire protection plan that has been approved by the Fire Chief.
3. An Automotive and Equipment Repair Shop that provides for the repair of motor vehicles shall have a minimum of 1.5 paved parking stalls for each service bay.
4. Any parking or storage of dismantled vehicles or equipment at a site approved as an Automotive and Equipment Repair Shop shall be within a fenced and screened compound.
5. Any fenced compound on a site approved for an Automotive and Equipment Repair Shop shall not be placed within 12m of the front property line.
6. The storage of dismantled vehicles and equipment within a fenced compound shall not cover more than 450m<sup>2</sup> or it shall be deemed an Auto Recycling and Salvage Yard.

7. The storage area of an Automotive and Equipment Repair Shop must be hard-surfaced and be kept free of vegetation.
8. The placement of overhead doors within an Automotive and Equipment Repair Shop shall allow for on site manoeuvring of vehicles and queuing of vehicles that are entering and leaving the building.

## **8.20 Auto Recycling and Salvage Yard**

1. The design for an Auto Recycling and Salvage Yard must be reviewed for compliance with the fire code and be approved in writing by the Fire Chief prior to development permit application.
2. The application must include a fire prevention plan that has been approved by the Fire Chief.
3. The site of an Auto Recycling and Salvage Yard must be fenced to a height of 2.4m with commercial grade chain link materials including privacy slats.
4. The maximum storage height within the storage area shall be 3m.
5. The fenced area of an Auto Recycling and Salvage Yard must be set back at least 12m from the front property line.
6. The front 12m of the property must include 40% of the area as soft landscaping.
7. At least five on-site parking stalls shall be provided within the front yard for customers and staff.
8. An application for an Auto Recycling and Salvage Yard must be accompanied by a Storm Water Management Plan that meets the Town of Millet Design Standards and that has been approved in writing by the Development Authority prior to the issuance of a development permit.
9. The storage area of an Auto Recycling and Salvage Yard must be hard-surfaced and be kept free of vegetation.
10. An Auto Recycling and Salvage Yard shall be equipped with a private on site fire hydrant that meets the Town of Millet Design Standards.
11. No storage of salvage or unlicensed vehicles shall be kept outside of the fenced area.
12. An Auto Recycling and Salvage Yard shall have a permanent building that is equipped with offices and washroom facilities.

## **8.21 Vehicle Oriented Uses**

### **8.21.1 Application of Subsection**

1. Developments in the following use classes shall comply with the special regulations of this Section:
  - a. Drive-in Food Service;

- b. Service Station;
  - c. Rapid Drive-through Vehicle Service
2. The Development Authority may also require that developments not included in the use classes listed in clause (1) above, such as drive-through automated teller machines or other similar uses, shall comply with the regulations of this Section if such developments provide drive-in service or service in which patrons remain within their vehicle.

### **8.21.2 Development Regulations**

1. Sites shall be located:
- a. at the intersection of two or more public roadways, but not including lanes, provided that a site may be located between intersections where there is a service road or a centre median; or
  - b. as part of a shopping centre or in conjunction with other commercial development, if the Development Authority is satisfied that the development shall not adversely affect the functioning of surrounding public roadways, or traffic circulation on the site.
2. The minimum frontage shall be 30m of the lot.
3. Service Stations and Rapid Drive-through Vehicle Services shall have a minimum lot depth of 30m.
4. Site area and coverage shall be provided as follows:
- a. the minimum site area for Drive-in Food Services, or developments defined in Subsection 8.26.1(2) shall be 930m<sup>2</sup>, and the maximum site coverage shall be 15%;
  - b. the minimum site area for a Service Station as an independent development shall be 1200m<sup>2</sup> and the maximum site coverage, including pump islands, shall not exceed 20%;
  - c. where two or more of the aforementioned uses are part of a mixed use development on the same site, the total site area requirements shall be the sum of the requirements of the uses computed separately, unless the applicant can demonstrate to the Development Authority that there is a complementary use of space which would warrant a reduction in site area requirement.
5. Queuing Space shall be provided as follows:
- a. for Drive-in Food Services and other developments having a drive-through service window, a minimum of eight in-bound queuing spaces shall be provided for vehicles approaching the drive-through service window, and two out-bound queuing spaces shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle;

- b. for Rapid Drive-through Vehicle Services a minimum of four in-bound and two out-bound queuing spaces shall be provided for each service bay, except in the case of:
    - i. a complete service car wash or a multi-bay single entrance self-service car wash the number of required queuing spaces shall be as follows:
      - A. a minimum of five in-bound to a maximum of ten queuing spaces for facilities with up to ten bays, and a minimum of two out-bound queuing space shall be provided;
      - B. a minimum of five in-bound to a maximum of 15 queuing spaces for facilities with 11 or more bays, and a minimum of two out-bound queuing space shall be provided;
    - ii. a multi-bay multi-entrance self-service car wash a minimum of two in-bound and a minimum of one out-bound queuing space shall be provided for each bay. The actual number of queuing spaces shall be determined to the satisfaction of the Development Authority.
  - c. for Rapid Drive-through Vehicle Services and Drive-in Food Services, access aisles and queuing spaces associated with these use classes shall be located no less than 3m from any property line where the site containing these use classes abuts any site containing existing residential or residential-related uses, including situations where such sites are separated by a road or lane 10m or less in width. The orientation of access aisles, queuing spaces and on-site vehicular circulation shall be designed to the satisfaction of the Development Authority, in consultation with the Development Authority, having regard to the minimization of traffic circulation conflicts, and to other on-site and off-site impacts, particularly with regard to existing off-site and adjacent residential or residential-related uses; and
  - d. all queuing spaces shall be a minimum of 6.5m long and 3m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.
6. Service Stations shall adhere to the following additional regulations:
- a. all pump islands shall be located at least 6m from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site; and
  - b. any canopy over a gas pump island shall be no closer than 3m to any boundary of the site, and shall be designed, finished, and of a height such that the canopy is not obtrusive, and maintains consistency with the design and eave line of the principal building on site. The canopy area shall not be included in the calculation of site coverage for the purpose of this Subsection and

- c. where these use classes are adjacent to sites zoned residential or separated from them by a lane, or are directly visible to residential uses across a public roadway, the design, finishing, lighting and siting of development, including the orientation of gas pump islands and service bays with the intent of achieving a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways.
- 7. Rapid Drive-through Vehicle Services and Drive-in Food Services shall adhere to the following additional regulations:
  - a. the design, finishing and siting of such development shall achieve a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways; and
  - b. these use classes shall be located not less than 15m from any property line where the site containing these use classes abuts any site zoned residential or any site containing residential or residential-related uses, including situations where such sites are separated by a road or lane 10m or less in width. This 15m minimum setback distance may be reduced at the discretion of the Development Authority, if the Development Authority is satisfied that impacts on the residential or residential-related uses shall be minimal due to structural and design measures incorporated into the proposed development;
  - c. where these use classes and associated access aisles and queuing spaces are located within 30m of a property line where the site containing these use classes abuts any site zoned residential or any site containing existing residential or residential-related uses, including situations where such sites are separated by a road or lane 10m or less in width, the following fencing and landscaping requirements shall apply:
    - i. solid, screen fencing constructed of wood or suitable wood-like synthetic substitute, 1.8m in height; and
    - ii. required fencing shall be augmented with tree and shrub planting designed to soften the visual effect of the required fencing, and shall be provided in accordance with the standards identified in Part 7.
- 8. Drive-in Food Services and other developments having a drive-through service window shall adhere to the following additional regulations:
  - a. the location, orientation and setback of drive-through service windows shall be to the satisfaction of the Development Authority in consultation with the Transportation and Streets Department, having regard to the minimization of on-site and off-site traffic impacts.

### **8.22.1 Temporary Storage Yard**

- 1. A temporary storage yard shall only be used as an interim use for a period of time not exceeding eighteen months under any development permit. A permit may be renewed annually at the discretion of the Development Authority.

2. No alteration to the grade of the site shall take place without a development permit to excavate.
3. Prior to constructing a fence to enclose a temporary storage yard, the owner shall provide the necessary surveying information to the Town Development Authority to indicate that the grades at the fenced property lines are at or near proper elevations to control storm water within the vicinity of the site.
4. Intermodal containers and portable tent structures may be allowed to be stored in a temporary storage yard under a separate permit.
5. Storage on the site must be kept safe and orderly to allow access throughout the site and must not be for the storage of salvage or in operable vehicles.
6. Vegetation must be controlled in a temporary storage yard to a growth height of less than 100 mm and the site must be kept free of noxious weeds.
7. Access to the site must have appropriate curb cuts as approved by the Town's Development Authority.

### **8.22.2 Temporary Building**

1. An application for a temporary building shall be accompanied by the following:
  - a. information required under Section 4.2;
  - b. the development permit fee as prescribed pursuant to in Section 3.11 which will include an annual fee;
  - c. \$1,000 deposit fee to ensure removal of the temporary building by the development permit expiry date; and
  - d. information regarding the exterior appearance of the building.
2. A temporary building shall meet all yard setback requirements and building separation requirements required in the district zoning classification regulations.
3. The maximum time period a Development Authority may issue a development permit for is eighteen months from date of development permit approval. The Development Authority may, at their discretion, issue one extension of up to one additional year.
4. Failure to remove the temporary building on, or before the expiry date, will result in:
  - a. penalties;
  - b. per day fines pursuant to Section 10; and
  - c. use of the deposit fee to have the building and contents removed from the site.

### **8.22.3 Tent Structure**

1. An application for a tent structure, as defined, shall be accompanied by the following:
  - a. information required under Section 4.2;
  - b. the development permit fee as prescribed pursuant to in Section 3.11;
  - c. documentation to verify that the tent structure will support local snow loads; and
  - d. information regarding the exterior appearance of the building for consideration by the Development Authority.
2. A tent structure shall meet all yard setback requirements and building separation requirements required in the district zoning classification regulations.
3. A permit holder intending to use a tent structure for the public assembly of persons shall arrange for inspection and gain written approval from the Fire Department to ensure the fire safety and the public meets egress requirements of the appropriate codes prior to access.
4. Tent structures shall be no closer to the front property line than the leading edge of the principal dwelling.
5. Tent structures shall meet all regulations as outlined for a detached garage.
6. Tent structures placed on properties with commercial, industrial or urban service zoning classifications intended for longer term use shall be kept in a neat and tidy appearance without wind damage or tears.
7. Uses within tent structures on properties that are within the vicinity of residential uses, as determined by the Development Authority, are limited to storage uses only and not industrial activities.

### **8.22.4 Intermodal Container Storage**

1. The placement of an intermodal container on property classified as commercial or industrial for longer than 14 days requires a development permit.
2. The placement of an intermodal container on property classified as residential is prohibited, unless used for storage on a site while the building is under construction.
3. Intermodal containers must be placed so that they meet or exceed all yard setback requirements specified for the specific zoning classification for the property.
4. Intermodal containers must not be placed on landscaped areas and be limited to hard surface areas capable of carrying the truck traffic.
5. Intermodal containers placed on commercial sites must:

- a. have a well maintained exterior;
  - b. be fully painted; and
  - c. be free of graffiti.
6. Intermodal containers must be placed so they do not restrict site drainage.
  7. The Development Authority can issue a development permit for periods of up to eighteen months. Upon expiry, the Development Authority can consider renewal provided the above conditions have been met.

### **8.23 Stockpile Site**

1. Other than a site approved for development work related to an approved subdivision, approved building project, or for municipal work, no person or party shall create a stockpile of materials without first obtaining a development permit to do so.
2. An application to place a stockpile on a site shall be accompanied by a letter signed by the property owner, stating the guaranteed date of removal of the stockpile and the name of the party responsible to remove the stockpile.
3. Any stockpile shall be kept in a safe and manageable manner and not be deemed a nuisance or unsafe property under the nuisance bylaw.
4. Any stockpile shall be kept free of noxious weeds.
5. No person shall create a stockpile of materials that have been relocated from a site where the soils may have been contaminated with environmentally sensitive materials.
6. No person shall create a stockpile within 200m of an existing residential property without the site being fully fenced to discourage the access of persons and having signs placed to advise of the dangers.
7. The Development Authority may require the applicant to provide financial security to ensure that the stockpile is removed from the site within agreed timelines.

### **8.24 Auctioneering Establishment**

1. Indoor auctioneering establishments shall have on site parking provided at a ratio of one stall per two patrons based on building code occupancy load calculations.
2. Outdoor auctioneering establishments shall 25% of the site dedicated for patron parking.

### **8.25 Mini Storage Facility**

1. Mini Storage Facilities shall be entirely fenced with chain link fencing.
2. Access Gates to enter the Mini Storage Facilities site shall be set back from the front property line by at least 7m and shall not swing outward.
3. Building spacing and layout shall meet the requirements of the Alberta Building Code

### **8.26 Security Suite**

1. Security suites shall not exceed 80m<sup>2</sup> in floor area.
2. Security suites must be designed and constructed to meet all building code requirements.
3. The occupier of a security suite must be accepting of all surrounding and commercial and industrial uses and associated noise and traffic.

## **PART 9: LAND SUBDIVISION CONSIDERATIONS**

### **9.1 Purpose**

1. The purpose of this Part is to provide regulations, reference of documents and other regulations to persons considering applying for subdivision of land and the development of such land into serviced lots of the items they must consider before application. This does not cover all items however does provide a basic understanding of the planning considerations.

### **9.2 Minimum Parcel Sizes**

1. Except as specified in 9.2.2 or 9.2.3, the minimum size of any lot that is proposed in a subdivision of land shall meet the minimum lot sizes and areas for the proposed zoning as specified.
2. Where an Area Structure Plan has been approved prior to the effective date of this Bylaw and the minimum parcel sizes meet the requirements of Bylaw 96/06, the West Central Planning Agency may approve the subdivision.
3. In situations where existing parcels cannot be logically subdivided, an application can be made to Town Council for a variance to the minimum parcel sizes. The decision is at the sole discretion of Town Council.

### **9.3 Engineering Design Standards**

1. All infrastructure and municipal improvements related to subdivision of land within the Town shall be designed and constructed in accordance with the "Town of Millet Design Guidelines and Construction Standards for Developments".
2. The "Town of Millet Design Guidelines and Construction Standards for Developments" outline practices acceptable to the Town, amended from time to time, and approved by resolution of Town Council.
3. Any discretion in the interpretation of the "Town of Millet Design Guidelines and Construction Standards for Developments", lies solely with the Town Manager or his designate.

### **9.4 Provincial Regulation**

1. Applications for subdivision must consider provincial Land Uses Policies.
2. When considering subdivision application it is highly recommended that a person be familiar with, or have parties engaged, that understand the requirements of the following legislation:
  - a. the Municipal Government Act, Part 17;
  - b. The Subdivision and Development Regulation;
  - c. The Land Titles Act; and
  - d. The Environmental Protection Act.

3. The subdivision applicant will be required to prove that the land is suitable for the proposed subdivision and uses.

### **9.5 Area Redevelopment Plans**

1. Established areas of the Town may have an approved plan in place for the redevelopment of a neighbourhood, called an Area Redevelopment Plan.
2. Persons considering consolidation or subdivision of lots in established areas should refer to any Area Redevelopment Plans.

### **9.6 Documents Registered on the Land Title**

1. When considering subdivision of land, a person must be prepared to meet all obligations of the documents registered on the Land Title. It is recommended that the applicant be fully aware of these obligations.

### **9.7 Servicing Availability and Servicing Master Plans**

1. Persons considering subdivision must be aware that utility servicing may or may not be available to properties and should consult with the appropriate utility provider prior to making application for subdivision of land to understand the consequence and associated costs.
2. Where land is available for multi lot subdivisions, persons considering application should consult with appropriate planning professionals or civil engineers.

### **9.8 Costs Associated with Subdivision**

1. In general terms all costs associated with the subdivision of lands are the costs of the Developer.
2. Once the land has been subdivided and has had the municipal improvements installed to the satisfaction of the Town and survived the prescribed maintenance period, the Town will accept the responsibility for maintenance.
3. The Developer will be required to enter into a development agreement with the Town regarding, among other things, the costs associated with the subdivision of land.

## **PART 10: CONTRAVENTION, VIOLATIONS AND PENALTIES**

### **10.1 General**

1. The enforcement powers granted to the Development Authority under this Bylaw are in addition to any enforcement powers the Town or any of its officers may have under the Municipal Government Act or any other applicable legislation. The Development Authority may exercise all such powers concurrently.
2. The Council of the Town shall from time to time, taking into account social and economic factors including the resources available to it and the various demands made upon those resources by the residents of the Town, allocate resources to the Chief Administrative Officer, who shall then determine the extent of enforcement made under this Bylaw so as to optimize use of those resources.

### **10.2 Violation Notices**

1. If a Development Authority or Enforcement Official finds a violation of this Bylaw, the Town shall notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this Bylaw, by:
  - a. issuing them an order under Subsection 10.4; and/or
  - b. delivering a violation notice delivered either in person or by ordinary mail:
    - i. to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or
    - ii. to the owner of the sign, at a location where the owner carries on business; or
    - iii. in the case of non-fixed signs, verbal notification to the sign owner; or
    - iv. by delivering a violation notice in person to the sign owner or by ordinary mail or by facsimile to an address where the sign owner carries on business.
  - c. such notice shall state the following:
    - i. nature of the violation of this Bylaw;
    - ii. corrective measures required to comply with this Bylaw; and
    - iii. time within which such corrective measures must be performed.

### **10.3 Offences**

1. Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:

- a. contravenes this Bylaw; or,
  - b. causes, allows or permits a contravention of any provision of this Bylaw;  
commits an offence.
2. It is an offence for any person;
    - a. to construct a building or structure;
    - b. to make an addition or alteration thereto; or
    - c. to place a sign;
    - d. to place a Fence; or
    - e. to commence excavation on a site;for which a development permit is required but has not been issued or is not valid under this Bylaw.
  3. If the corrective measures described in a violation notice issued pursuant to Subsection 10.2 are not completed within the time specified by the violation notice, the person to whom the violation notice was issued is guilty of an offence and will be issued a violation ticket and shall pay the penalty amount specified in Schedule 10A to the Town.
  4. It is an offence to display a non-fixed sign or fixed sign without a valid development permit.
  5. It is an offence to have a sign in an abandoned state on a site.
  6. It is an offence to use any property or building without a valid development permit where the use is listed as a permitted or discretionary use in the zoning classification regulations.
  7. It is an offence to use any property or building without a valid development permit where the use is not listed as a permitted or discretionary use in the zoning classification regulations, unless the use is deemed to be legal non-conforming;
  8. It is an offence to continue with a use or a development after a development permit has been revoked.
  9. It is an offence to continue with a use or a development after a development permit has expired.
  10. It is an offence to have a non-fixed sign that does not conform to sign regulations.
  11. If a person does not comply with an order issued pursuant to this Bylaw, or obstructs or hinders any person in exercise of the person's powers granted to them under this Bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

## 10.4 Orders

1. If a Development Authority finds that a development, or land use or use of a building is not in accordance with:
  - a. the Act or regulations under the Act;
  - b. a development permit or a condition thereof;
  - c. a subdivision approval or condition thereof;
  - d. an agreement pursuant to a development permit or a subdivision approval;
  - e. this Bylaw, or
  - f. a violation ticket issued under this Part

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

- g. stop the development or use of the land or building in whole or in part as directed by the notice,
- h. demolish, remove or replace the development, or
- i. carry out other actions required by the notice so that the development or use of the land or building complies with the Act, regulations under Part 17 of the Act, this Bylaw, and a development permit or subdivision approval within the time specified by the notice.

## 10.5 Enforcement of Orders

1. If a person fails or refuses to comply with:
  - a. an order directed to the person under Section 645 of the Act,
  - b. an order of the Subdivision and Development Appeal Board under Section 687 of the Act,

the Town may, in accordance with Section 542 of the Act, enter onto the land or building and take any necessary action to carry out an order.

2. The Town may register a caveat under the Land Titles Act with respect to the order, where a person fails or refuses to comply with the order, against the certificate of title for the land that is subject of the order.
3. Where the Council or a person acting under the authority of this Bylaw carries out an order under Section 646 of the Act, the expense and costs occurred in carrying out the order will be added to the tax roll of the parcel of land and deemed to be a tax from the date it was added to the tax roll and form a special lien against the parcel of land in favour of the Town.

4. If a person does not comply with an order issued pursuant to this Bylaw, or obstructs or hinders any person in exercise of the person's powers granted to them under this Bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

#### **10.6 Penalties**

1. A person who is found guilty of non-compliance with an order is liable to a fine of not more than \$10,000, or to imprisonment for not more than eighteen months, or to both fine and imprisonment.
2. Penalties imposed on a conviction of non-compliance with an order under this Bylaw are an amount owing to the Town.

#### **10.7 Court Order to Comply**

1. If a person is found guilty of an non-compliance with an order, the court may, in addition to any other penalty imposed, order the person to comply with:
  - a. this Bylaw;
  - b. an order issued pursuant to this Bylaw;
  - c. a development permit or a condition of a development permit;
  - d. a subdivision approval or a condition of subdivision approval;
  - e. an agreement pursuant to a development permit or a subdivision approval;
  - f. a decision of the Subdivision and Development Appeal Board; or
  - g. a decision of the Municipal Government Board respecting a subdivision.

#### **10.8 Cancellation of Permit**

1. The Development Authority may revoke a development permit where any person undertakes or causes or permits any development on a site contrary to the development permit.
2. The Development Authority shall notify the development permit holder and the owner of the land, building, structure or sign (if not the same) of the cancellation of the development permit. The revocation is effective upon receipt of the notice by the development permit holder.
3. Any person who undertakes, causes or allows any development after a development permit has been revoked shall discontinue such development forthwith and shall not resume such development unless a new development permit has been issued.
4. All developments continuing after the development permit has been revoked shall be deemed to be developments occurring without a development permit under this Section.
5. The Development Authority may cancel a development permit where required fees have not been received.

## Schedule 10A – Fines for Offences

1. The following table indicates the fines for offences outlined in Subsection 10.3

<b>Failure to Comply with Violation Notice</b>	<b>10.3(3)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Failing to obtain a Development Permit prior to development</b>	<b>10.3(2)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Failing to obtain a Development Permit prior to commencing with a permitted or discretionary use of a property or building</b>	<b>10.3(6)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Failing to obtain a Development Permit prior to commencing excavation</b>	<b>10.3(3)e</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Using a building for a property for a use that is not a permitted or discretionary use</b>	<b>10.3(7)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Placement of a Sign without a valid development permit</b>	<b>10.3(2)c</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Displaying a Sign without a valid development permit</b>	<b>10.3(4)</b>	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
<b>Having an abandoned sign on a property</b>	<b>10.3(5)</b>	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
<b>Commencing with construction of a building, or structure without a valid Development Permit</b>	<b>10.3.(2)a</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Continuing with a Use or Development with an expired Development Permit</b>	<b>10.3(9)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Continuing with a Use or Development After Revocation of the Development Permit</b>	<b>10.3(8)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Non compliance of a non-fixed sign with any prescribed regulations</b>	<b>10.3(10)</b>	
First Offence		\$100.00
Second Offence		\$200.00

## **PART 11:CLASSIFICATION OF LAND INTO LAND USE DISTRICTS**

### **11.1 The Land Use District Map**

1. The Land Use District Map, Part 11, Schedule A, divides the Town into land use classifications and specifies the land use classifications applying to particular lands. The map is for demonstrative purpose only.

### **11.2 Land Use District Boundaries**

1. Should uncertainty or dispute arise relative to the precise location of any Land Use Classification boundary, as depicted on the Land Use District Map, the location shall be determined by applying the following rules:
  - a. where a Land Use Classification boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof;
  - b. where a Land Use Classification boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Land use classification for that portion of the Land Use Classification boundary which approximates the site boundary;
  - c. where a Land Use Classification boundary is shown approximately following Town limits, it shall be deemed to be following Town limits;
  - d. where a Land Use Classification boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;
  - e. where a Land Use Classification boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
  - f. where features on the ground are at variance with those shown on the Land Use District Map or in other circumstances not mentioned above, the Development Authority shall interpret the Land Use Classification boundaries. Any such decision may be appealed to the Subdivision and Development Appeal Board; and
  - g. where a Land Use Classification boundary is not located in conformity to the provisions of clauses (1) to (8) above, and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly scaled from that map.
2. Schedule B identifies the zoning of each property within the Town as of the effective date of this Bylaw.
3. Schedule C will list all the amendments made to this Bylaw after the effective date of this Bylaw.

### **11.3 Street and Highway Boundaries**

1. Notwithstanding anything contained in this Bylaw, no Land Use classification shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the Town Manager.
2. Where any public roadway is closed pursuant to the provisions of the Act, the land contained therein shall there upon be deemed to be classified as US – Urban Service until reclassified by an amendment to this Bylaw, or until such a time that the title for the closed road is consolidated with another property, in such the closed road shall be classified the same as the other property.