BYLAW No. 1128

BEING A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA TO AMEND LAND USE BYLAW NO. 1066

WHEREAS, under the provisions of the Municipal Government Act, being Chapter M-26.1, Division 5 and Section 692(1) of the Revised Statutes of Alberta 2000 R.S.A., a municipality may amend an adopted Land Use Bylaw;

AND WHEREAS the Council of the Town of Mayerthorpe determined it necessary to amend Town of Mayerthorpe Land Use Bylaw No. 1066 for the purpose of ensuring that the said Bylaw remains a current document;

NOW THEREFORE, the Council of the Town of Mayerthorpe in the Province of Alberta, duly assembled, hereby enacts as follows:

1. THAT Section 8 of the Town of Mayerthorpe Land Use Bylaw be amended to read as follows:

   Updates to Section numbers, references to specific sections of legislation, typographical and clerical errors, and name changes, such as Ministries of the Government of Alberta may be made by Council through Bylaw without a public review or hearing pursuant to Section 692(6) of the *Act*.

2. THAT Council authorizes a consolidation of Bylaw 1066 as described on attached Schedule "A", including all amendments listed in the Table of Updates, repagination, update of the Table of Contents, and the footer to read "Bylaw No. 1066 with amendments to September 2020".

3. THAT this Bylaw becomes effective upon its' final passing.

READ a first time this 26th day of October A.D. 2020.

READ a second time this 23rd day of November A.D. 2020.

READ a third time this 23rd day of November A.D. 2020

Janet Jabush, Mayor

Karen St. Martin, CAO

SCHEDULE "A"
BYLAW NO. 1128

LAND USE BYLAW

JUNE 2017
BYLAW NO. 1066
CONSOLIDATED SEPT. 2020

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EXPLANATION NOTES:

EXPLANATION NOTE: *Passages using this symbol are not a formal part of this Bylaw. They are placed within the text of this Bylaw as an aide to the reader.*

LAND USE BYLAW UPDATES	
Bylaw No.:	**Purpose:**
Bylaw 1080	Amend Section 42(4), Section 128 & Section. 104.
Bylaw 1081	District change from R3 to C1, Lot 8, Blk 22, Plan 6104 HW
Bylaw 1092	District change of Lot 1, Blk 6, Plan 373CL from R1 to C1 District.
Bylaw 1094	Cannabis amendment to Section 22, 89, 129, 130 and 131.
Bylaw 1099	Section 129, addition of "manufacturing services" to the list of uses.
Bylaw 1111	Plan cancellation: Lots 5 and 6a, Blk 10, Plan 8339ET to Lot 5A
Bylaw 1112	Plan cancellation: Plan 6104HW, Blk 22, Lots 7, 8, and north 24' of 9.
Bylaw 1128	Amend Section 8 and authorize an overall Bylaw consolidation.

PART 1: INTRODUCTION

SECTION 1: TITLE

This Bylaw is to be known as the "*Town of Mayerthorpe Land Use Bylaw*" or "*LUB*", adopted pursuant to Bylaw No. 1066 and the provisions of the *Municipal Government Act, R.S.A. 2000* (hereinafter known as "the *MGA*" or "*MGA*"), as amended.

SECTION 2: SCOPE AND APPLICATION

Subdivision and Development applications shall be processed and determined in accordance with the provisions of this Bylaw.

Where enforcement measures warrant the application of Section 545/546 Orders or the issuance of a Stop Order, it shall be in accordance with the applicable provisions of this Bylaw and those of the *MGA*, as amended.

EXPLANATION NOTE: *STOP ORDERS are best suited for physical structures or uses that are not easily relocated.*

Easily moved structures such as vehicles and trailers, unsightly yards or public safety issues are often better enforced through Section 545 of the MGA.

The Town may issue violation tickets pursuant to the Town of Mayerthorpe Miscellaneous Rates and Fees Bylaw No. 1061.

SECTION 3: PURPOSE

The purpose of this Bylaw is to, amongst other things:

1) To divide the Town into Land Use Districts, and to prescribe and regulate for each District the purpose for which land and Buildings may be erected and used;

2) To establish the municipal Development Authority and the Office of the Development Officer;

3) To establish an application submittal, review and decision making process for development permit applications;

4) To provide minimum standards for the notification of decisions made by the Development Authority;

5) To implement statutory plans of the Town; and

6) To provide forms for applications for Development Permits, Subdivision applications, land use bylaw and Statutory Plan amendments.

SECTION 4: PREVIOUS BYLAWS

Upon third reading of this Bylaw, the *Town of Mayerthorpe Land Use Bylaw No. 890 and amendments thereto are* rescinded in full. No provision of Bylaw No. 890 or other preceding Land Use Bylaw shall apply to Development within the Town.

SECTION 5: EFFECTIVE DATE

The effective date of this Bylaw shall be the date of third and final reading thereof.

SECTION 6: OTHER LEGISLATION AND BYLAWS

This Bylaw has been prepared to be consistent with the policy directions and goals provided in the *Town of Mayerthorpe Municipal Development Plan Bylaw No. 1067, hereinafter known as the MDP,* and in conformity with the provisions of the *MGA* and its applicable regulations, as amended. This Bylaw is intended to complement related statutory and administrative requirements as they concern land within the Province of Alberta's Legislative authority, with specific reference to the following:

- *Traffic Safety Act*
- *Water Act*
- *Public Lands Act*
- *Land Stewardship Act*
- *Line Fence Act*
- *Safety Codes Act*
- *Alberta Health Act*
- *Alberta Environmental Protection & Enhancement Act.*

SECTION 7: INTERPRETATION

1) The word "shall" means that an action is mandatory.

2) The word "should" means that an action is discretionary, but is an expression of desire.

3) The word "may" means that the action is discretionary. Actions taken are based upon sound planning goals and principles as well as best practices.

4) Words in singular may also mean plural as applicable. A corporation is regarded as a person and any reference to a gender includes both genders and identities.

SECTION 8: TECHNICAL AMENDMENTS

Updates to Section numbers, references to specific sections of legislation, typographical and clerical errors, and name changes, such as Ministries of the Government of Alberta may be made by Council through Bylaw without a public review or hearing pursuant to Section 692(6) of the *Act.* (Bylaw 1128)

SECTION 9: FORMS

For the purpose of administrating the provisions of this land use bylaw, the Council, shall, by resolution, authorize the preparation and the use of such forms and notices as it may determine necessary. Forms and notices as required to administer the duties of this Bylaw may be updated or amended by Administration.

SECTION 10: MEASUREMENTS

Submissions for applications in this Bylaw should be made in metric measurements. Where measurements are made in Imperial measurement they may be converted to Metric by the Development Authority or Subdivision Authority for processing purposes.

SECTION 11: INVALID SECTIONS

If one or more sections of this Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

SECTION 12: FEES

Fees and charges pursuant to this Bylaw and any amendments thereto; with respect to development permit applications, zoning compliance applications and amendments to this Bylaw, shall be established by Council pursuant to the Town of Mayerthorpe Miscellaneous Rates & Fees Bylaw.

PART 2: PLANNING AUTHORITIES

The following municipal authorities are established though this Bylaw.

SECTION 13: DEVELOPMENT AUTHORITY

1) Town of Mayerthorpe Development Authority, hereinafter known as the Development Authority, is established pursuant to Section 624 of the *MGA*.

    a. The Development Authority is that person(s) appointed by Council pursuant to this Bylaw. These persons are known as Development Officer(s).

    b. As applicable, the Municipal Planning Commission established by Bylaw pursuant to the *MGA* also acts as the Development Authority.

    c. Within Direct Control Districts Council acts as the Development Authority except where that authority is deferred through Bylaw to the Development Officer or the Municipal Planning Commission.

2) The Development Authority is responsible to carry out those duties as described in the *MGA* and its regulations, and this Bylaw, as amended from time to time.

3) The Development Officer is an authorized person of the Town and is a "Designated Officer" as provided for in the *MGA*.

4) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto. This Bylaw shall also be posted on the Town's Website. The Development Officer shall keep a register of all applications for Development, including the decisions thereon and the reasons therefore.

5) For the purpose of application of Section 542 of the *MGA*, the Development Officer is hereby designated as authorized by the Town to discharge the relevant powers and functions.

SECTION 14: SUBDIVISON AUTHORITY

1) The Town shall establish the Subdivision Authority through Bylaw.

2) The Subdivision Authority shall keep and maintain for the Town all records related to the Subdivision applications within the Town.

3) The Subdivision Authority shall apply this Bylaw as part of the decision-making process for Subdivision applications, extensions, and endorsements.

SECTION 15: APPEAL AUTHORITIES

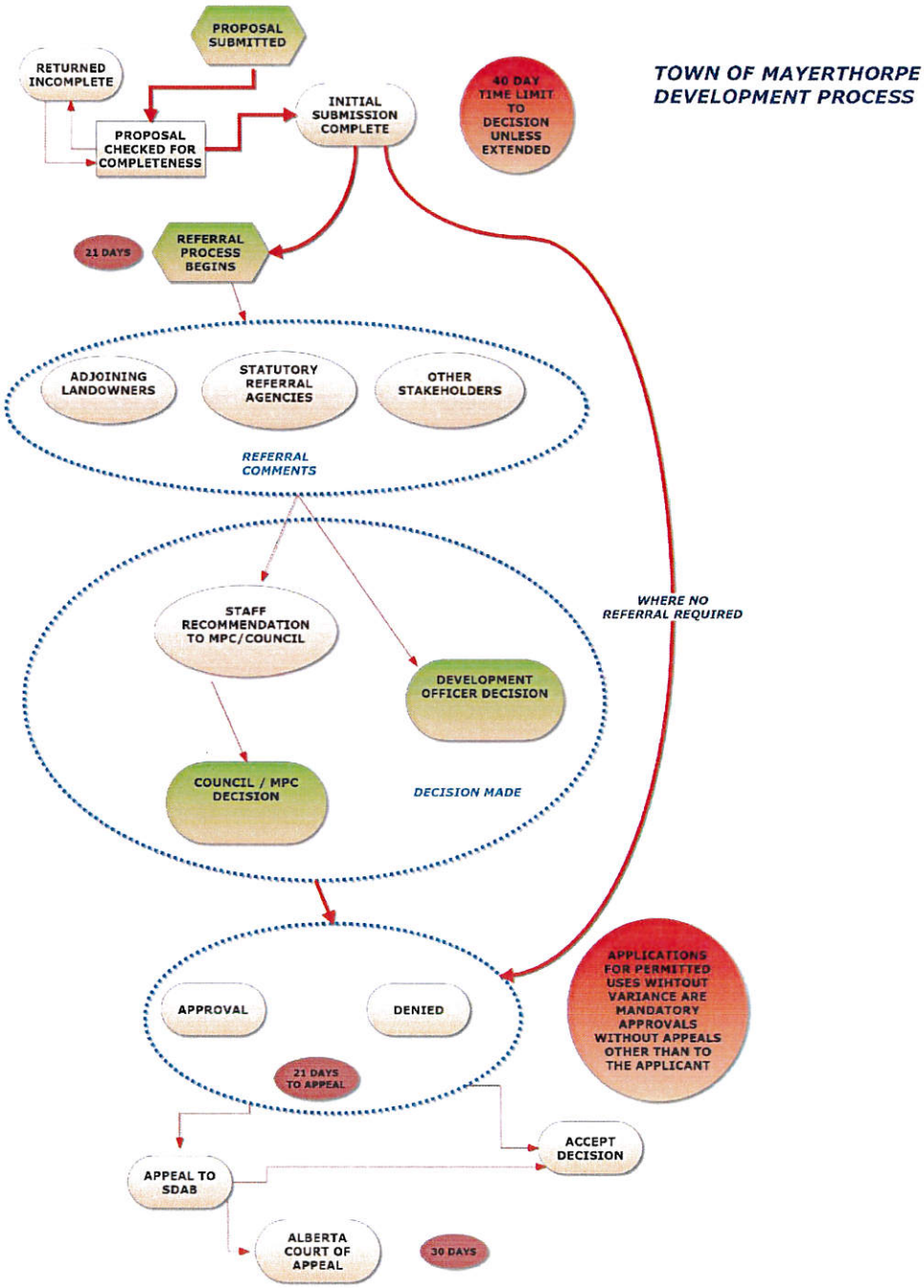
1) The Subdivision and Appeal Board is established by the *Town of Mayerthorpe Subdivision and Development Appeal Board Bylaw No. 1032,* as amended from time to time by Council.

2) The Subdivision and Development Appeal Board shall perform the duties and functions as described in this Bylaw and the *MGA*.

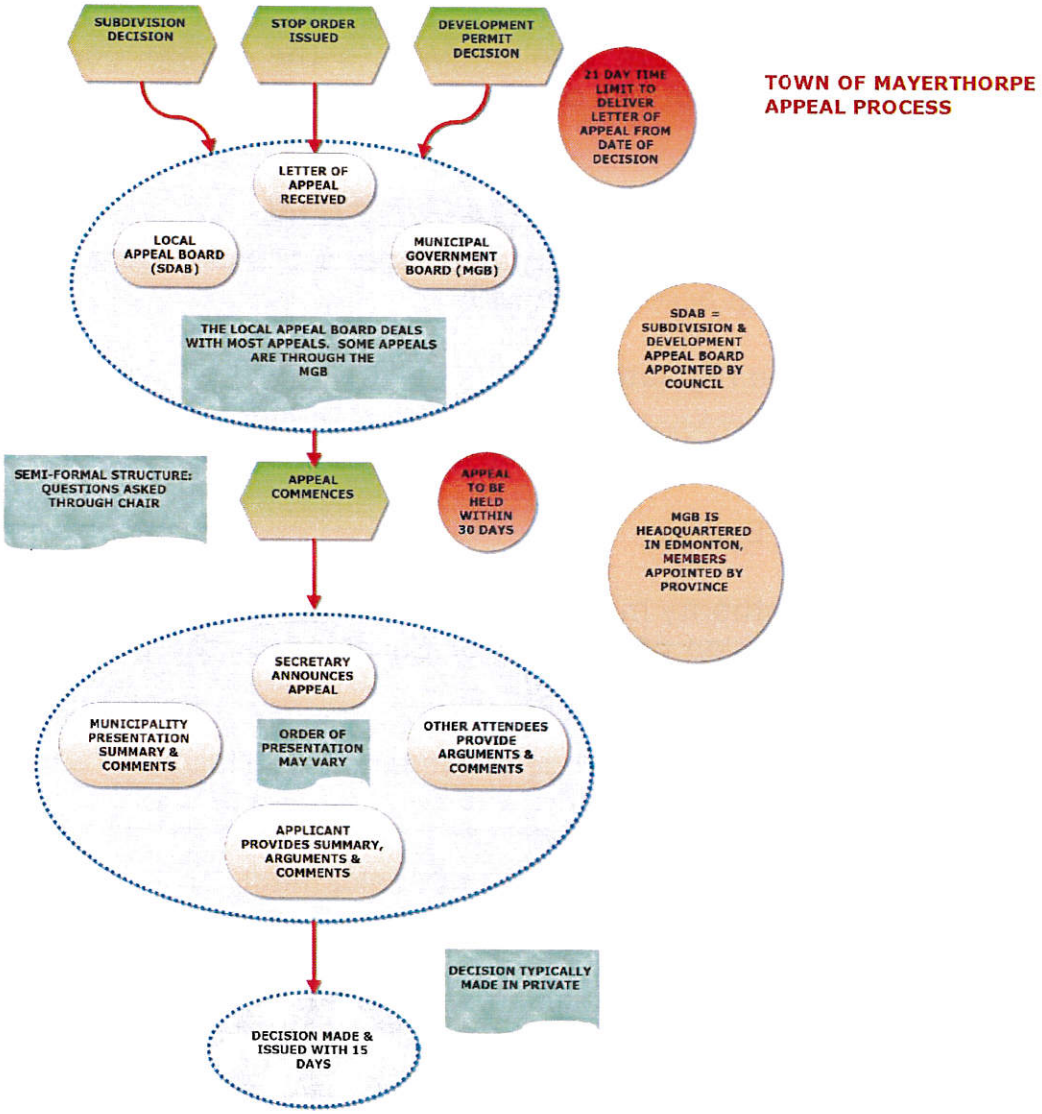
3) The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for Development appeals, stop order appeals, and Subdivision appeals.

4) Reviews of orders pursuant to Section 545 of the *MGA* are made to Council.

DEVELOPMENT PERMIT PROCESS FLOWCHART



Appeal Process Flowchart



PART 3: ADMINISTRATION

SECTION 16: DEVELOPMENT CONTROL

1) Development Permits are required to ensure that all Development is achieved in an orderly manner and in keeping with the municipal development strategy as described in the *MDP*.

2) Development Permits are also integral to the Safety Codes process as a Building Permit cannot be obtained without first obtaining a Development Permit.

SECTION 17: BYLAW CONTRAVENTION

1) Where a Development Authority finds that a Development or Use of land or Building(s) is not in accordance with:

   a) the *MGA* or the regulations, or

   b) a Development Permit or Subdivision approval, or

   c) this Land Use Bylaw,

the Development Authority may, by notice in writing, order the Registered Owner, the person in possession of the land or Buildings, or the person responsible for the contravention or all of them to,

   a) stop the Development or Use of the land or Buildings in whole or in part as directed by the notice, or

   b) demolish, remove, or replace the Development, or

   c) take such other measures as are specified in the notice so that the Development or Use of the land or Buildings is in accordance with the *MGA*, the regulations, a Development Permit, Subdivision approval or this Bylaw.

2) Where a person fails, or refuses to comply with an order directed to him under Subsection (1) or an order of the Subdivision and Development Appeal Board under Section 645 of the *MGA* within the time specified, a Designated Officer may, in accordance with the *MGA*, enter upon the land or Building and take such action as is necessary to carry out the order.

   Whereby it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be registered as a caveat under the *Land*

Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the *MGA*.

3) Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:

   a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the *MGA* the order is being carried out, and

   b) The alternatives and processes which the person responsible for the contravention may pursue to correct the contravention, and

   c) A time frame in which the contravention must be corrected prior to the Town pursuing action, and

   d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

SECTION 18: ENFORCEMENT

1) This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

2) A person who:

   a) contravenes any provision of the *MGA* or the regulations under the *MGA*,

   b) contravenes this Bylaw,

   c) contravenes an order under Section 29 of this Bylaw and/or Section 645 of the *MGA*,

   d) contravenes a Development Permit or Subdivision approval or condition attached thereto, and/or

   e) obstructs or hinders any person in the exercise or performance of his powers or duties under the MGA, the regulations under the MGA or this Bylaw;

   is guilty of an offense and is liable to a fine prescribed in Section 566 of the *MGA*.

3) If a person is found guilty of an offense under this Section or Section 557 of the MGA, the Court may, in addition to any other penalty imposed, order the person to comply with:

    a) the *MGA* and the regulations under the *MGA*;

    b) this Bylaw;

    c) an order under this Section and/or Section 645 of the *MGA*; and/or

    d) a Development Permit or Subdivision approval or a condition attached to a Development Permit or Subdivision approval.

4) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:

    a) delivered personally to the person, or their agent, it is directed to,

    b) delivered through electronic communication under agreement with the said person or agent, or

    c) mailed by certified mail to the last known address of the person it is directed to.

5) If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to comply with the *MGA*, this Land Use Bylaw, or a Development Permit.

SECTION 19: BYLAW AMENDMENT PROCESS

1) A person may apply to amend this Bylaw, in writing, to the Development Authority, by completing the proper form. All proposed amendments to this Bylaw shall be made in accordance with Section 692 of the *MGA*.

2) An application to amend this Bylaw shall include the following information:

    a) reasoning in support of the application;

    b) right of entry privileges to the Development Officer and any other authorized person(s) that may need to visit the Site to assess the application;

    c) the current and proposed Use of the subject Parcel;

    d) current and proposed servicing of the subject Parcel; and

e) written authorization from the landowner of the Parcel, if not the applicant.

and the applicable fee payable to the Town.

3) Upon receipt of a complete application, the Development Officer of other designated person shall carry out any necessary investigation or analysis of any land use issues related to the proposal, and prepare a report to Council for consideration.

4) Should the Town not decide to proceed with the amendment in its current form, the applicant may be advised to modify the amendment or withdraw the application.

5) Once all necessary technical reviews have been conducted the application shall be forwarded to Council with a recommendation for consideration.

EXPLANATION NOTE: *Note that Section 188 of the MGA requires an amending Bylaw to be passed within 2 years of first reading in order to remain valid.*

It is required that a formal public hearing be held prior to considering of second reading of an amending Bylaw.

It is possible under special circumstances to consider all three readings of an amending Bylaw in the same Council Meeting.

First reading should be considered as nothing other than an administrative action and not a sign of Council being in favour or against the proposed Bylaw.

6) Should an amendment application to this Bylaw be rejected by Council, a same or similar application may not be considered by Council for six (6) months.

SECTION 20: CONTROL OF DEVELOPMENT

1) No Development other than that designated by the Town as not requiring a Development permit approval shall be undertaken within the Town unless an application for it has been approved and a Development Permit has been issued.

2) Should a proposed Development not require a Development Permit pursuant to this Bylaw, but requires a Development Permit in order to be able to obtain another required approval such as a safety codes permit, a Development Permit may be issued for the said Development pursuant to this Bylaw.

SECTION 21: DIRECT CONTROL DISTRICTING

1) Direct Control Districts should only be used for the purpose of facilitating Subdivision and Development that, due to their unique characteristics, innovations or unusual Site and environmental constraints, require specific Land Use Bylaw regulation that is not provided in other land use districts included in this Bylaw.

2) Direct Control Districts should not be used where another land use district in this Bylaw could be used to achieve the same result either with or without a variance(s) of this Bylaw.

3) Innovative Direct Control Districts are intended to enable innovative Subdivision and Development where traditional land use districts are unable to accommodate the specialized characteristics of the property or the Development proposed. Innovative Direct Control Districts should be used in a manner that will allow Developers to express a vision for a property that is unique, complementary to the surrounding neighbourhood and unable to be accommodated through traditional land use districts.

PART 4: TERMS AND DEFINITIONS

SECTION 22: TERMINOLOGY

The following definitions and terms are to be applied within this Bylaw. Undefined terms within this Bylaw shall take the definition that is commonly or legally attributed to it. Some definitions may reference "*Use Specific Regulations*" as described in this Bylaw.

ACCENT LIGHTING - means outdoor lighting that is entirely used to illuminate architectural features, art, landscaping features, monuments, or trees and is only directed at such features.

ACCESSORY BUILDING - means a Building which is separate from the principal Building on the Parcel where both are located and subordinate to that of the Principal Building. Buildings that are separately defined and are not stated in the Use Specific Regulations as being an Accessory Building shall be subject to their own unique definition and Use provision within this Bylaw.

ACCESSORY FOOD SERVICE - means a temporary or permanent food service that is accessory, secondary, or complementary to the Principal Use on the Parcel.

ACCESSORY LIQUOR SERVICE - means a temporary or permanent liquor sales and consumption outlet that is accessory, secondary, or complementary to the Principal Use on the Parcel.

ACCESSORY USE - means a Use that is incidental or subordinate to the Principal Use on the Parcel.

ADJACENT LAND - means land that is contiguous to the Parcel of land that is being subdivided and includes:

a) Land that would be contiguous if not for a Highway, road, river, or stream; or

b) Any other land identified in the land use Bylaw as Adjacent Land for the purpose of notification.

ADULT ENTERTAINMENT BUSINESS - means a Use:

a) That may operate in conjunction with another approved Use;

b) Where live performances, motion pictures, video tapes, video disks, slides, or any type of electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of a person, are performed or shown; or

c) Where each separate viewing area has a maximum viewing capacity of 20 seats.

AMENITY AREA or AMENITY SPACE - means an area that shall be provided, indoor or outdoor, subject to the regulation of this Bylaw; and which must be developed for passive or active recreation and enjoyment. Such an area may be for either private or communal Use and may be under either individual, common, or public ownership.

AMUSEMENT ESTABLISHMENT (INDOOR) - means any Building or place or part thereof where patrons are normally, but not necessarily participants. Typical uses include, but are not limited to: billiard parlors, electronic games, arcades, bowling alleys and theatres.

AMUSEMENT ESTABLISHMENT (OUTDOOR) - means a Development providing outdoor facilities where patrons are normally, but not necessarily participants. Typical uses include, but are not limited to: amusement Parks, go kart tracks, miniature golf establishments and golf courses.

ANIMAL CARE FACILITY (LARGE ANIMAL) - means the accommodation and care or impoundment of animals which may include commercial Livestock within an enclosed Building including, but not limited to, veterinary clinics and a place to house or contain animals under the care of a veterinary clinic.

ANIMAL CARE FACILITY (SMALL ANIMAL) - means the accommodation and care or impoundment of household pets within an enclosed Building including, but not limited to, veterinary clinics, small animal shelters, and kennels.

AREA REDEVELOPMENT PLAN - means a plan accepted or adopted by Council as an Area Redevelopment Plan pursuant to Section 634 of the *MGA*, as amended.

AREA STRUCTURE PLAN - means a plan accepted or adopted by Council as an Area Structure Plan pursuant to Section 633 of the *MGA*, as amended.

ARTERIAL ROAD – means a road that generally has no private accesses onto it other than those that are necessary to service vehicular traffic.

AUCTION SALES - means a Use for the purpose of auctioning goods and equipment, and may include a storage yard.

AUTOMOBILE SALES - means a Use for the display, purchase and sale of automobiles that are stored either or both indoor and outdoor on the Parcel.

AUTOMOBILE SERVICE CENTRE - means a Building that may be a Principal Use or an accessory to another Use on the same Parcel where automobiles are serviced.

BALCONY - means a horizontal platform that is attached to and forms part of a Building above the first Storey floor level and is intended for Use as an outdoor Amenity Area.

BARE LAND CONDOMINIUM – means a Condominium as defined under the *Condominium Property Act*, as amended. Generally, Units of land are privately owned while Parks, open spaces, roads, and other property that are jointly owned by the members of the Condominium.

EXPLANATION NOTE: *In a Bare Land Condominium, what would normally be referred to as Lots are legally called "Units". As applicable in this Bylaw, references to "Lots" are applicable to "Units" in the context of a Bare Land Condominium. A Unit is the landowner's property. Common property usually consists of roads, alleys, Parks, utility areas, community Buildings and other lands that are shared amongst the various landowners (Members of the Condominium).*

BARE LAND UNIT - means land described as a Unit in a Condominium plan by reference to boundaries governed by monuments placed pursuant to the provision of the *Survey's Act*.

BASEMENT - means that portion of a Building which is located below the first floor and is either partially or wholly below Grade.

BASEMENT SUITE - means a suite in the Basement of a Dwelling other than an apartment that can be rented by the owner of the Dwelling, where both are registered under the same certificate of title and complies with Alberta Building Code requirements. A Basement Suite is listed as a Secondary Suite under the Special Use Provisions and Land Use Districts of this Bylaw.

BAY WINDOW - means a window that projects outward from the facade of a Building, but does not include an opening that is intended to give access to a Building.

BED AND BREAKFAST OPERATION - means a Minor and ancillary/subordinate commercial Use of a residence where accommodation is provided for periods of fourteen (14) days or less in an approved guest room(s).

BUILDING COVERAGE - means the area of a Parcel which is covered by a Building excluding:

a) portions of the Building located entirely below Grade;

b) portions of the Building greater than 2.4 metres (7.9 ft.) above Grade and with a depth of less than 1.0 metres (3.2 ft.), measured from the wall directly below;

c) portions of eaves, roofs, pergolas, and other similar elements with a depth of 1.0 metres (3.2 ft.), measured from the wall directly below;

d) Patios and any covered and enclosed area located directly below; and

e) Decks, landings, uncovered stairs, and any external areas located below.

BUILDING includes anything constructed or placed on, in, over or under land but does not include a Highway or public roadway or a bridge forming part of a Highway or public roadway.

BUILDING SETBACK - means the distance from a property line to the point on a Parcel where a Building is located measured at a right angle from the property line to which it relates.

BULK FUEL DISTRIBUTION CENTRE - means a facility for the bulk storage and sale of oil and fuel products, including propane. A Bulk Fuel Distribution Centre is different from a petroleum facility in that it is much larger in size, primarily serves or is serviced by large trucks or pipelines, and may include both refined and un-refined products.

CANNABIS *– means a plant, oils, seeds and other products belonging to the genus "cannabis" as is defined under the Government of Canada Cannabis Act, and its regulations. (Bylaw 1094)*

CANNABIS ACCESSORY *– means rolling papers, holders, pipes, water bongs and vaporizers for the purpose of being used in the consumption of cannabis; or other products that are permitted to be legally sold at the same point of sale within a cannabis retail facility. (Bylaw 1094)*

CANNABIS COMMERCIAL CULTIVATION *– means the growing of cannabis on a large scale within a greenhouse facility for wholesale distribution. (Bylaw 1094)*

CANNABIS HOME GROWN *- means cannabis that is grown at a residential proeprty for personal consumption. (Bylaw 1094)*

CANNABIS MANUFACTURING *– means the manufacturing of cannabis products for wholesale distribution in accordance with legislation enacted by the Governments of Canada and Alberta. (Bylaw 1094)*

CANNABIS RETAIL SALES *– means a store front retail store where cannabis and accessory products may be sold. (Bylaw 1094)*

CANOPY - means a projection extending from the outside wall of a Building normally for the purpose of shielding a part of the Building from the sun.

CARPORT - means a roofed Structure used for storing or Parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.

CAMPGROUND & R.V. PARK - means the Development of land which has been planned and improved for the Use of holiday trailers, motor homes, Park Model Homes, tents, campers, and similar recreation vehicles.

CAR WASH - means a Building or area used for the purpose of washing motor vehicles and other Chattel such as tow trailers.

CEMETERY - means a place where dead people or animals are buried. A Cemetery is not an Accessory Use to a Place of Worship.

CHATTEL - means a moveable item of personal property.

CHILD CARE SERVICES - means a Use that is devoted to the caring of children on a temporary basis such as day homes or Day Care Facilities.

CLUSTER HOUSING - means a group of Dwellings, either detached or attached, located on a single Parcel with shared yard and Parking provisions.

COMMERCIAL ACCOMMODATION - means a hotel, motel, motor lodge or hostel from which rooms are rented on a short-term basis for the accommodation of the public. Commercial accommodation units shall contain at least one bed for each unit and may include a kitchen. Commercial accommodation may also include Restaurant Services, laundry, meeting

rooms, and recreational activities such as swimming pools, hot tubs, or fitness facilities.

COMMERCIAL ACCOMMODATION (LONGER TERM) – means a Commercial Accommodation where extended accommodation stays are available.

COMMERCIAL LIVE/WORK - means a neighbourhood that is developed to provide both a residential and commercial Use such as owner/operator businesses, a Veterinary Clinic and kennel or other similar combination of residential and commercial enterprise.

CONCESSION STAND - means a Minor eating and drinking facility which services non-alcoholic beverages, contains no dedicated seating spaces, and includes operations as burger stands, ice cream stands, and other related Developments.

CONDOMINIUM - means individual ownership of a Unit or Units in a Multi Unit Building or a Parcel of land that is part of a Condominium plan registered at Land Titles and includes ownership in a share of Common Property such as hallways, Parking areas and landscaping areas administered by a Condominium association in accordance with provisions of the *Condominium Property Act*, as amended.

EXPLANATION NOTE: *Common property usually consists of roads, alleys, Parks, utility areas, community Buildings and other lands that are shared amongst the various landowners (Members of the Condominium).*

CONVENIENCE SERVICES - means a variety store used for the retail sale of goods required by the neighbourhood residents or employees on a day-to-day basis, including: confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, or printed matter.

CORNER - means the intersection of any two property lines of a Parcel.

CORNER PARCEL - means a Parcel that abuts two streets which intersect at an angle not exceeding 135 degrees.

COUNCIL - means the Council of the Town of Mayerthorpe.

CREMATORIUM - means a Building which includes a facility for the cremating of remains of the deceased.

CHARACTER – the unique attributes of the natural and built environment which establish a sense of place. It includes elements such as Street width, Street names and amenities, development intensity, land use type, the

natural environment, neighbourhood design, community spaces and architecture.

COLLECTOR ROAD – means a road that connects to an Arterial Road and is accessed primarily by local roads.

COMMON PROPERTY – means that portion of the Condominium plan that is not privately owned, but is owned in common by the Condominium membership. Common property may include Parks, utility areas, roads and reserve land that is not subject to Part 17 of the *MGA*.

CONDOMINIUM PROPERTY ACT – means the *Condominium Property Act*, R.S.A., 2000, as amended.

CONSERVATION EASEMENT – means a private, legal agreement through the *Alberta Land Stewardship Act*, as amended; whereby a landowner voluntarily restricts certain rights or opportunities related to their land use in favour of a qualified organization (i.e., a land trust, government agency, municipality, or other recognized conservation organization) to support identified conservation goals. The agreement is registered on title, and binds all future landowners.

DAY CARE FACILITY - means a facility and program for the provision of care, maintenance, and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, and is intended to be operated for at least (12) consecutive weeks per year.

DECK - means an uncovered horizontal Structure with direct access to the ground that is intended for use as an outdoor Amenity Area.

DENSITY - means a quantitative measure of the average number of persons, families, or Dwelling units per unit of area. Density may also mean the number of Lots or Units created per Parcel, where applicable.

DESIGNATED OFFICER - means a person(s) authorized by Bylaw to carry out the powers, duties and functions of the Development Officer as provided in this Bylaw.

DEVELOPABLE AREA - means an area of land suitable for a Building Site as defined in this Bylaw.

DEVELOPER - means an owner, agent, or any person, firm or company required to obtain or having obtained a Development Permit.

DEVELOPMENT AGREEMENT - means an agreement that may be required between a Developer and the Town in the form of a signed document which establishes specific requirements of the Town for municipal improvements to be undertaken within the municipality in accordance with a Development or Subdivision decision.

DEVELOPMENT AUTHORITY - means a Development Authority established pursuant to Section 624 of the *MGA* and may include one or more of the following: a Development Officer, Municipal Planning Commission, Council, or any other person or organization that has been authorized by Bylaw to exercise Development powers on behalf of the municipality;

DEVELOPMENT OFFICER - means the official or officials of the Municipality with the responsibility of receiving, considering, and deciding on applications for Development, matters related to enforcing this Bylaw such as Stop and Contravention Orders, and representing the Town at Subdivision and Development Appeal Board Hearings.

DEVELOPMENT PERMIT - means a certificate or document permitting a specified Development. This permit is separate and distinct from a Building permit.

DISCONTINUED - means the time at which substantial construction activity or a Non-Conforming Use or conforming Use has ceased.

DISCRETIONARY USE - means a Use of land or Buildings provided for in the District Regulations of this Bylaw, for which a Development Permit may be issued with or without conditions.

DOUBLE FRONTING PARCEL - means a Corner Parcel which is not a flanking Parcel, but also includes a Parcel which abuts two public streets (except alleys as defined in the *Highway Traffic Safety Act*), which are parallel or nearly parallel where abutting the Parcel.

DRIVE THROUGH - means an accessory to an establishment which services customers traveling in motor vehicles driven onto the Parcel without requiring the customer to leave their vehicle while being serviced.

DWELLING - SINGLE DETACHED - means any Building used principally for human habitation and which is supported on a permanent Foundation extending below ground level. A Dwelling – Single Detached, does not include a Mobile Home or Manufactured Home, but does include a Modular Home.

DWELLING - MANUFACTURED HOME - means a C.S.A[1]. certified Dwelling unit which is constructed with a chassis that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the Dwelling. A Manufactured Home may be a single Structure (single wide) or two parts which when put together (double wide) comprise a complete Dwelling. A Manufactured Home does not include a Mobile Home, Modular Home or Single Detached Dwelling as defined under this Bylaw.

DWELLING - MOBILE HOME - means a Dwelling which was constructed prior to January 1, 1991, does not meet the National Building Code of Canada CAN/C.S.A. A277 standard, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the Dwelling. A Mobile Home does not include a Modular Home, Manufactured Home, temporary living accommodation or Single Detached Dwelling as described in this Bylaw. A Mobile Home may be a single Structure (single wide) or two parts which when put together (double wide) comprises a complete Dwelling.

DWELLING - MODULAR HOME – means a Single Detached Dwelling that is primarily constructed off-site in one or more pieces or modules. A Modular home is otherwise no different than a Single Detached Dwelling under this Bylaw.

DWELLING - MULTI UNIT - means a Dwelling which forms part of a larger Structure that includes (2) or more Dwellings and may include hallways, internal Amenity Areas or other accessory structures that are intended to service the occupants of the Building. A Dwelling-Multi-Unit, shall feature separate external entrances or common entrances to an internal hallway, and may include:

- Duplex: two Dwellings located side by side or on top of each other with each Storey being a separate Dwelling;
- Triplex: three Dwellings located side by side;
- Fourplex: four Dwellings located side by side or on top of each other;
- Row Housing: more than four Dwellings side by side; or
- Apartment: five or more Dwellings with multi-storeys, separate entrances to the outdoors or internal hallway entrances.

[1] Canadian Standards Association.

DEVELOPER – means the person, organization, or other legal entity responsible for the Development of a Parcel of land.

DEVELOPMENT – means those Buildings, uses or other activities as defined in Section 616 of the *MGA,* as amended.

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

ENVIRONMENTAL IMPACT STATEMENT (EIS) – means a study that assesses the potential impact of a Development proposal which is prepared by qualified professionals such as an environmental engineer, ecologist, wildlife biologist or hydrologist. An EIS provides a technical assessment of a Development proposal explaining if and to what extent the proposed Development might impact the biological and physical characteristics and functions of an area. An EIS identifies potential adverse impacts of a proposal and recommends ways to avoid, minimize or mitigate these impacts and, if possible, enhance the natural area.

ENVIRONMENTALLY SENSITIVE LANDS (ESL) – means land containing sensitive or significant environmental attributes that are established with the intent to protect natural features and functions, including, but not limited to wildlife and waterbodies.

FLANKAGE - means in the context of a corner Lot, the longer of the two lines facing a Street, unless both lines facing the Street are of equal length then either Lot line could be considered Flankage, but not both.

FLOOR AREA - means the greatest horizontal area of a Building above Grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls but not including the Floor Areas of Basements, attached Garages, sheds, open porches, or breezeways.

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

FRONT YARD SETBACK - means the Setback from the property line.

FRONTAGE - means the linear length of a property line shared with a Street.

FUNERAL HOME - means a Building used for viewing and funerals/memorials for the deceased by mourners. A Funeral Home does not include a Crematorium.

GARAGE - means an Accessory Building (detached Garage) or part of the principal Building, designed and used primarily for the storage of motor vehicles.

GARAGE SUITE - means a self contained Dwelling unit in compliance with Alberta Building Code standards that is located on the second floor of a Garage.

GAS BAR - means a facility for the sale of gas on a retail basis for smaller vehicles.

GENERAL INDUSTRIAL USE - means a Development where;

(a) raw materials are processed, and/or

(b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or

(c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or

(d) materials, goods and equipment are stored and/or transshipped, and/or

(e) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or

(f) personnel are trained in industrial operations.

General Industrial Uses may take place outside of a Building or without a main Building on-site. General Industrial land uses shall have in the opinion of the Development Authority a reasonable Character and appearance as viewed from a public roadway or land within an adjoining land use district.

GRADE - means the ground elevation established for the purpose of regulating the number of storeys and the height of a Building. The Building Grade shall be the level ground adjacent to the walls of the Building if the finished Grade is level. If the ground is not entirely level the Grade shall be determined by averaging the elevation of the ground for each face of the Building.

GROSS FLOOR AREA - means the total area of all floors of all Buildings including Accessory Buildings located on any Parcel, excluding the area of

Basement floors, EXCEPT THAT Basement Suites in apartment Buildings shall be included in the calculation of gross Floor Area.

GROUP CARE FACILITY - means a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled, or undergoing rehabilitation, and provided services to meet their needs. This includes the following such similar uses as Group Homes (all ages), halfway houses, resident schools, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals, young offender's facilities.

GROUP HOME - means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Alberta for the accommodation of six or fewer persons, exclusive of staff, living under minimal supervision in a single housekeeping unit and who, because of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. This Use does not include such uses as open custody young offender's facilities, or psychiatric care facilities.

HABITABLE ROOM - means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens. Non-Habitable Rooms include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in Basements and cellars used only for recreational purposes or any space in a Dwelling providing a service function and not intended primarily for human occupancy.

HARD SURFACED LANDSCAPED AREA - means an area with a surface consisting of materials that are generally regarded as impermeable and restrict water percolation to the soil or sub-soil. Typical surfaces would include: pavement, rock, brick, or cement.

HIGHWAY – means that portion of Highway No. 22 and Highway No. 43 which are within or adjacent to the corporate boundary of the Town.

HOME OCCUPATION - means any occupation, trade, profession, or craft, including a Bed and Breakfast operation and Home Day Care as defined in this Bylaw, carried on by an occupant of a residential Building as a Use secondary to the residential Use of the Building and which does not change the Character thereof or have any exterior evidence of such secondary Use.

HOME DAY CARE means a facility and program for the provision of care, maintenance, and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours.

HOUSING DENSITY - means the number of housing units within a defined area usually expressed in housing units per hectare. Unless otherwise stated in this Bylaw, Housing Density includes primary residents, secondary suites, rental apartments, granny suites and other forms of permanent accommodation.

INDOOR EATING ESTABLISHMENT - means an establishment where a combination of food and non-alcoholic drink are intended to be consumed within the confines of the establishment.

IN-FILL – means the Development of vacant or mostly vacant land within built up and fully serviced areas of existing neighbourhoods.

INTENSIFICATION – means the Development of a property, Site or area at a higher density than currently exists through Redevelopment or infill Development.

INTENSIVE AGRICULTURE - means the commercial Use of Parcels of land for non-animal husbandry uses such as greenhouses, market gardens, sod farms, nurseries, tree farms, etc.

KENNEL - means a Development in which three or more dogs and/or cats over six months in age are maintained, boarded, bred, trained, or cared for in return for remuneration or kept for the purposes of sale.

LAND STEWARDSHIP ACT – means the *Province of Alberta Land Stewardship Act, S.A. 2009*, as amended.

LAND USE FRAMEWORK – means a land use plan for the Upper Athabasca Watershed as provided by the Land Use Secretariat for the Ministry of Alberta Environment and Parks.

LANE - means a roadway that is primarily intended to give access to the rear of Buildings and Parcels.

LIGHT INDUSTRIAL USE" - means a Development where;

(a) raw materials are processed, and/or

(b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or

(c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or

(d) materials, goods and equipment are stored and/or transshipped, and/or

(e) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or

(f) personnel are trained in industrial operations.

Light Industrial Uses must take place entirely within an enclosed Building. In addition, the Light Industrial Use will be one in which the operations shall take place such that, in the sole opinion of the Development Authority, they are not offensive. Light industrial uses include motor vehicle body and paint shops, but does not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the Light Industrial Use activities identified above. The Floor Area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total Floor Area of the Building or Buildings devoted to the Light Industrial Use.

LIVE/WORK - means a Parcel that is designed to feature both a principal residence and a commercial Use or Building where the residents on the Parcel are related to the operators of the business on the same property.

LIVESTOCK - means cattle, swine, poultry, sheep, horses, fish, game, fur bearing animals and similar animals.

LOADING SPACE - means an off-Street space on the same Parcel as a Building or group of Buildings, for the temporary Parking of a commercial vehicle while commodities are being loaded or unloaded.

LOCAL ROAD AUTHORITY – means the Town of Mayerthorpe.

LOT - means a Parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered Plan of Subdivision. Lot may also be used to refer to a "Unit" within a Bare Land Condominium as defined in the *Condominium Property Act*.

MAIN BUILDING - in a residential Parcel means a Building containing one or more Dwelling Units, but does not include any Accessory Buildings.

MANSE - means a residence attached or located on the same Parcel as a Place of Worship. A Manse shall not be considered an Accessory Use in any land use District.

MANUFACTURING SERVICES - means the making, fabricating or processing of raw materials into a finished product on a large scale.

MEDICAL SERVICES - means services provided to humans may include, but not necessarily be limited to in-patient and out-patient care and counseling offices.

MINI STORAGE - means a Development that provides walk-in sized cubicles for public rent or ownership in the form of a Condominium, for the storage of goods.

MINISTER'S LAND USE POLICIES – means policies adopted by the Minister of Municipal Affairs pursuant to the *MGA*.

MINOR - means where added as a prefix to a permitted or Discretionary Use, a Use which due to its nature or relatively small size will, at the discretion of the Council, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area.

MIXED USE – means allowing more than one type of Use in a Building or set of Buildings and may include one or more of the following uses: residential, commercial, office or institutional.

MODULAR CONSTRUCTION - means a method of constructing whereby most of the parts of a Building have been constructed in an off-site manufacturing facility and transported to a Parcel where the parts are assembled and anchored to a permanent Foundation.

MOVING OR CARTAGE - means a commercial Use or Building that involves the movement of goods on large vehicles vehicle oriented marshalling yards.

MUNICIPAL DEVELOPMENT PLAN - means a plan adopted by Bylaw as a Municipal Development Plan pursuant to Section 632 of the *MGA*. May be referred to as an "*MDP*".

MUNICIPAL GOVERNMENT ACT - means the *Province of Alberta Municipal Government Act, R.S.A. 2000*, as amended. May be referred to as "the *MGA*" or "*MGA*".

MUNICIPALITY means the Town of Mayerthorpe.

NEW CONSTRUCTION - means construction that takes place on-site or in the case of a Building that is re-located from another location, a Building that has is in good repair and condition and has never been used for the intended purpose.

NON-CONFORMING BUILDING - means a Building:

a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the Building or land on which the Building is situated becomes effective; and

b) that may operate in conjunction with another approved Use, or

c) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed 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 of the Land Use Bylaw or any amendment thereof affecting the land or Building becomes effective, and

b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a Building under construction, will not comply with the Land Use Bylaw.

OFF-STREET PARKING - means an off-Street facility for the Parking of vehicles to accommodate the Use on that Parcel.

ON-SITE SEWAGE COLLECTION AND DISPOSAL SYSTEM - means a sewage collection and disposal system constructed in accordance with the *Province of Alberta Safety Codes Act*, and its regulations.

ON-SITE WATER SUPPLY SYSTEM - means a potable water source other than that provided by Town's municipal water service.

ON-STREET PARKING - means Parking accommodated on a public roadway within the Town to accommodate Parking demands from an approved Use within the municipality.

OUTDOOR SALES AND SERVICE - means the use of larger tracts of land or Parcel for the sale and servicing of large equipment or vehicles. This Use will typically include farm and industrial equipment sales and service.

PARCEL - means:

a) the aggregate of the one or more areas of land described in the certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office, or

b) a Bare Land Condominium Unit created under a Condominium Plan.

PARCEL AREA - means the total area of a Parcel.

PARCEL COVERAGE - means the cumulative Building Coverage of all Buildings and improvements on a Parcel excepting sidewalks and driveways.

PARCEL DEPTH - means the length of a line joining the mid-points of the front property line and the rear property line.

PARCEL WIDTH - means the distance between the side property lines of a Parcel measured at a right angle to the mid-point of the shortest side property line.

PARK - means an active or passive recreation area together with any Accessory Buildings or uses complimentary to the said recreational purpose. Though usually under public ownership, a Park may be privately owned and operated upon approval from the Town.

PARK MODEL HOME - means a Recreational Vehicle designed to be transportable and primarily designed for long-term or permanent placement at a destination where an RV is allowed. When set up, Park Models are connected to the utilities necessary to operate home style fixtures and appliances. Park Models are further defined by the Canadian Standards Association.

PARKING FACILITY - means the area or Structure 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. A Parking facility may be part an approval of Parking services.

PARKING SERVICES - means the provision of Parking services on a not-for-profit or for-profit purpose and that may provide Parking opportunities for more than one business or residence on the same or nearby Parcel. An approval for Parking services includes the Development of a Parking facility as defined in this Bylaw.

PARKING STALL - means a space set aside for the Parking of a vehicle.

PATIO - means an uncovered horizontal Structure with a surface height, at any point; no greater than 0.60 metres above Grade, intended for Use as an outdoor Amenity Area.

PERMITTED USE - means a Use of land or Building that is listed as such Use in a land use district.

PERMITTED USE – CONFORMANT - means a development permit application for a Permitted Use in a Building or on a Parcel where the proposed Development conforms to all applicable requirements and rules of this Bylaw.

PERMITTED USE - VARIANCE REQUIRED - means a development permit application for a Permitted Use in a Building or on a Parcel and the proposed Development does not conform to one or more of the applicable requirements and rules of this Bylaw.

PERSONAL SERVICES - means the provision of services related to the care and appearance of the body or the cleaning and repair of personal effects and may include services such as: barber shops, beauty salons, tailors, cobblers, or dry cleaning. Personal services are not Medical Services.

PETROLEUM FACILITY - means a Parcel that is primarily used for the storage and sale of petroleum products in larger quantities than in a standard Service Station or Gas Bar.

PICK UP & DROP OFF STALL - means a motor vehicle Parking stall intended only for a motor vehicle to stop while picking up or dropping off passengers. These stalls are usually included as part of a Loading Space.

PLACE OF WORSHIP - means Development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, Manses, classrooms, dormitories, and Accessory Buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

PLAN OF SUBDIVISION - means a Plan of Subdivision registered or approved for registration at the Northern Alberta Land Titles Office (Alberta Registries).

POP-UP RETAIL – means use of retail commercial space for temporary or seasonal business.

PORTABLE BUILDING - means a canvas or tarp shed or movable Garage comprised of a metal frame with the tarp or canvas stretched over it, and is designed to be used to shelter Chattels from the outdoor weather. Portable Buildings are Accessory Buildings under this Bylaw.

PRINCIPAL BUILDING – means a Building which:

a) occupies the major or central portion of a Site;

b) is the chief or main Building among one or more Buildings on the Site; or

c) constitutes by reason of its Use the primary purpose for which the Site is used.

There shall be no more than one Principal Building on each Site unless otherwise permitted in this Bylaw.

In a Mixed-Use Site where more than one Building could be regarded as a "Principal Building", the Building that is more consistent with the objectives of the subject land use district shall be considered the Principal Building.

PRINCIPAL USE - means the primary purpose in the opinion of the Development Authority for which a Building or Site is used. There shall be no more than one Principal Use on each Site unless specifically permitted in this Bylaw.

In a Mixed-Use Site where more than one Use could be regarded as a "Principal Use", the Use that is more consistent with the objectives of the subject land use district shall be considered the Principal Use.

PRIVATE CLUB OR LODGE - means a Development used for a meeting, social or recreational activity of members of not-for-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include an on-site residence.

PRIVATE CONDOMINIUM ROADWAY - means an area of land that provides access to a Parcel and is contained within a Condominium Plan.

PROFESSIONAL SERVICES - means Development for the provision of professional management, administrative, consulting and financial services such as legal, accounting, surveying, engineering, banks, government, or similar services.

PROVINCIAL ROAD AUTHORITY – means Alberta Transportation.

PUBLIC USE - means a Development which is publicly owned, supported, or subsidized involving public assembly or Use. Public uses typically may include the following and similar uses as Parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities.

PUBLIC UTILITY - means the right-of-way for one or more of the following: telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power, heating systems, or sewage systems and any Buildings incidental to these services, but not including an office as defined under "Public Utility Building".

PUBLIC UTILITY BUILDING - means a Building to house a Public Utility, offices, or service equipment necessary for public services.

QUASI-PUBLIC USE - means a Development which is used for the meeting, social or recreational activities of its members, which may or may not include the public. Typical quasi-public uses include commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, and libraries plus any Use which may be described as an eating and drinking establishment, when designed in conjunction with the above uses.

REAL PROPERTY REPORT - means a report prepared by a Member of the Alberta Surveyor's Association that contains pertinent information on a Parcel of land and the physical Development that exists on the subject Parcel.

REAR YARD SETBACK - means the Setback from the subject Building or Use to the rear property line, extending across the full width of the Parcel.

RECREATIONAL VEHICLE - means a vehicle that provides temporary accommodation for recreational or travel purposes and includes, but is not limited to fifth wheel trailers, motor homes, Park model homes, tent trailers, etc.

REDEVELOPMENT – means replacement, remodelling, or adaptive reuse of existing structures or lands to accommodate new Development.

REGISTERED OWNER - means:

a) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land any assignee of the purchaser's interest

that is the subject of a caveat registered against the Certificate of Title, or

b) in the absence of a person described in paragraph (a), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

RESTAURANT SERVICES - means a Development that prepares and serves food and drink for consumption on and/or off-site. Restaurant Services includes cafes, tea rooms, licensed restaurants and take out restaurants. On larger Parcels Restaurant Services, may include catering services, dancing, or theatre. Restaurant Services does not include Drive Through services.

RETAIL SERVICES - means the retail sale of groceries, household goods, clothing, jewelry, furniture, appliances, apparel, hardware, printed matter, photography, postal services, gifts and souvenirs, office equipment and similar goods. Retail Services does not include liquor sales.

RETAINING WALL - means a Structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials.

SALVAGE YARD - means a Parcel where vehicles and other equipment is stored, dismantled, sold for parts, or crushed for recycling.

SCHOOL - means a facility through which an education program is offered to a student by:

- Public: A universally accessible and publicly funded School operated by a School Board overseen by the Province of Alberta,
- Separate: A universally accessible and publicly funded School operated by a School Board overseen by the Province of Alberta with a Roman Catholic or Protestant faith component as part of the curriculum and/or admission requirement,
- Private: A School established under the *School Act* that requires tuition for enrolment,
- Charter: A public School that is operated on a not for profit basis and offers an innovative or enhanced program under the *School Act*,
- Early Childhood: A School that offers an early childhood program authorized under the provisions of the *School Act*.

SCREEN, **SCREENED** & **SCREENING -** means a visual or sound barrier to separate one Building or Use from another, usually on an adjoining Parcel.

SECONDARY SUITE - means a self-contained Dwelling that is located within a primary Dwelling and in compliance with Alberta Building Code requirements.

SENIOR'S RESIDENCE - means a residence other than an independent adult residence or Supportive Living residence as defined in this Bylaw, for the housing of senior citizens. A Senior's Residence may include some Minor out-patient Medical Services.

SERVICE STATION - means a Development that includes a Gas Bar and service area for repairs of vehicles; and may include a Car Wash and Convenience Services;

SETBACK - means the distance that a Development, or a specified portion of it, must be Setback from a property line. The Setback shall be measured from the Building Foundation to front, rear, or side property lines.

SHIPPING CONTAINER (sea-cans) - means a standardized, reusable container that is or appears to be originally designed for or used in the packaging, shipping, movement or transportation of freight or commodities, or designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. Intermodal containers made of corrugated metal and any Shipping Container used for storage is included in this definition.

SHOPPING CENTRE - means a group of commercial establishments that are planned or managed as a unit and provide a wide variety of goods and professional, retail and Personal Services.

SHOW HOME AND SALES OFFICE - means a home that serves to advertise a home builder product and provides an office to conduct the sale of property and homes within the neighbourhood.

SIGN - means an object or device intended for the purpose of advertising or calling attention to any person, matter, or event.

SIGN OWNER - means any person who is described on a Sign; whose name, address or telephone number appears on a Sign; who is in control of a Sign; or who is the subject of or intended to benefit from a Sign. There may be more than one Sign owner of a Sign.

SHOW HOME - means a permanent Dwelling which 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;

SITE - means one or more Lots or Parcels for which an application for a Development Permit or Subdivision approval is made.

SITE TRIANGLE - means that triangle formed by a straight line drawn between two points on the exterior boundaries of a Parcel to a specific distance from the point where they intersect. The specified distance in a Laneway intersection is 3.05 m (10 ft.) while the distance for other roads is 6.1 m. (20 ft.).

SOLAR COLLECTOR - means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal (solar-thermal) or electrical (solar-voltaic) energy.

SPLIT LEVEL - means a Dwelling that has three separate or more living areas, each separated from the next by one half-Storey, not including the Basement.

STATUTORY PLAN - means a land use plan such as an Area Structure Plan, Area Redevelopment Plan, *MDP* or Inter-Municipal Development Plan adopted pursuant to Part 17 of the *MGA*.

STOREY means the habitable space between the upper face of one floor and the next above it. The upper limit of the top Storey shall be the ceiling above the topmost floor. A Basement or cellar shall be considered a Storey in calculating the height of a Building if the upper face of the floor above it is more than 6.0 ft. (1.83 m) above Grade.

STREET - means:

a) any public road, including boulevards, sidewalks, and improvements, but excluding a Lane, bridge, or walkway; or

b) a private Condominium roadway; or

c) the internal roadway within a residential Park community.

STRUCTURE - means a Building as defined in this Bylaw.

SUBDIVISION AUTHORITY - means a person or body appointed as a Subdivision Authority in accordance with the *MGA*.

SUBDIVISION & DEVELOPMENT APPEAL BOARD - means the Town of Mayerthorpe Subdivision and Development Appeal Board, established by Bylaw.

SUBDIVISION - means the process of dividing and combining Parcels of land pursuant to Part 17 of the *MGA*.

SUPPORTIVE LIVING - means Buildings or units in Buildings that are intended for permanent residential living where an operator also provides or arranges for services in order to assist residents to live as independently as possible.

SURVEILLANCE SUITE - means a single residential unit forming part of a Development and used solely to accommodate a person or persons related as a family whose official function is to provide surveillance for the maintenance and safety of the Development or business.

SWIM POOLS OR HOT TUBS - means a Swimming Pool or Hot Tub that is used for recreational purposes.

SCHOOL AUTHORITY – means the Northern Gateway Public Schools.

SIDE YARD SETBACK - means the Setback from the subject Building or Use to the side property line, extending from the Front Yard to the Rear Yard Setback line.

SUBDIVISION – means the consolidation, separation, or creation of Parcels/Lots pursuant to Part 17 of the *MGA*.

TECHNICAL AMENDMENT – means an amendment that does not materially affect a Bylaw in principle or substance as provided for in Section 693(6) of the *MGA*.

TEMPORARY BUILDING - means a Structure which is permitted to exist for a specific and limited time.

TRAVEL INFORMATION CENTRE - means a Building and Use devoted to the advertising of tourism, cultural and business services available within the Town and surrounding area. A Travel Information Centre may include a retail service that is focused on travel related souvenirs.

UNIT - means a Dwelling or a property as defined under the *Condominium Property Act*.

USE - means a permitted, prohibited or Discretionary Use.

EXPLANATION NOTE: *Use definitions may not be amended by the Development Authority, Council, or an appeal body without an amendment to this Bylaw.*

UTILITY BUILDING - means a Building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility.

VETERINARY CLINIC - means a medical facility that is designed to offer in-patient and out-patient services to pets and Livestock. A kennel or animal holding pen is a separate Use from a Veterinary Clinic. Where the clinic includes Livestock facilities, the Use "*Animal Care Facility - Large* Animal" shall be included in the list of uses within the respective land use district.

VISITOR PARKING STALL - means a vehicle Parking stall intended only for the use of visitors to Dwelling Units and Live/ Work Units.

WALK OUT BASEMENT - means a Basement in a Building which has a door that exits directly from the Basement to the exterior at Grade that is substantially at the same level as the Basement floor.

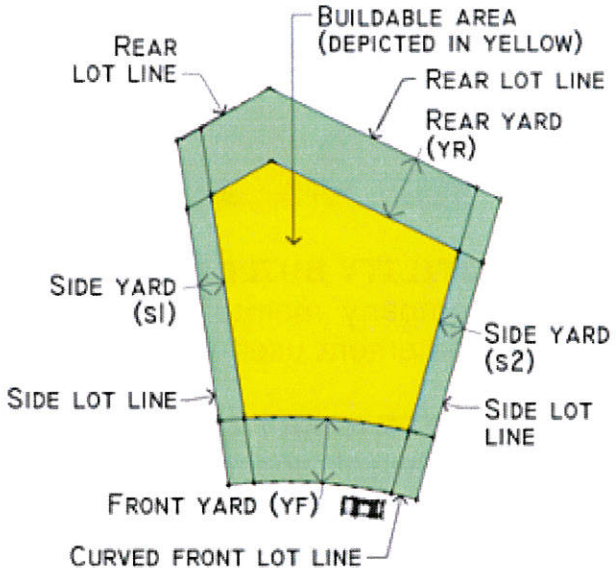
WAREHOUSE SALES - means a large Building used for storage and distribution of raw materials, processed or manufactured goods, and establishments providing services for those purposes.

WINDMILL - means a machine that converts wind energy into rotational energy by means of vanes called sails or blades.

YARD – FRONT - means that portion of the Parcel extending across the full width of the Parcel from the front property line of the Parcel to the front wall of the Principal Building.

YARD - means a required open space unoccupied and unobstructed by any Structure or portion of a Structure above the general ground level of the Graded Lot, unless otherwise permitted by this Bylaw.

YARD - REAR means that portion of the yard extending across the full width of the Parcel from the rear property line of the Parcel to the exterior wall of the Principal Building.



YARD – SETBACK - means a required open space unoccupied and unobstructed by any Structure or Use above the general ground level of the Graded Parcel, unless otherwise permitted in this Bylaw. On irregular shaped Lots the Setback may be calculated as an average of the Setback throughout the yard.

YARD – SIDE means that portion of the Parcel extending from the Front Yard to the Rear Yard and lying between the side property boundary of the Parcel to the exterior wall of the Building.

ZERO LOT LINE means a Lot line where the property line Setback is reduced to 0.0 metres.

ZONE OF INFLUENCE means the sub-surface ground (approximately a maximum of 3.0 m. (9.8 ft.) from the well shaft on a geo-exchange well) from which heat is extracted by a geo-exchange well.

EXPLANATION NOTE: *Use definitions may not be varied by the Development Authority or the Subdivision and Development Appeal Board.*

PART 5: DEVELOPMENT PERMIT PROCEDURES

SECTION 23: SAME OR SIMILAR USES

1) The uses which are listed in the Permitted and Discretionary Use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific land use does not conform to the wording of any definition, the Development Authority may, at its discretion, determine that the Use conforms to the spirit and intent of the purpose of the land use district and is determined to be similar to other uses in that land use district.

2) Notwithstanding the above, all uses determined as "*same or similar*" shall be considered discretionary.

3) Same or similar provisions may not be used in any District where the proposed Use is clearly defined and an allowable Use in a different land use district.

4) Uses or Buildings that have special provisions in this Bylaw that prohibit the said Use being eligible for a "*same or similar Use*" application are not applicable under this Section.

EXPLANATION NOTE: *As an example, same or similar Use cannot be used for a post office in one land use district if post office is a specific Use in another land use district.*

SECTION 24: DEVELOPMENT NOT REQUIRING A PERMIT

1) Except as provided in subsection (2) no person shall commence any Development unless he has been issued a Development Permit in respect thereof.

2) A Development Permit is not required for the following Development provided that the proposed Development conforms to all provisions of this Bylaw and any other relevant land use related Bylaw adopted by the Town:

   a) the maintenance or repair of any Building if the work does not include structural alterations, or the enlargement of a Structure; or

   b) the completion of a Development which was under construction in accordance with a lawful Development Permit issued at the effective date of this Bylaw provided that the Development is completed within the time limit of such a permit; or

c) the completion, alteration, maintenance or repair of a Street, Lane, or utility, undertaken upon a public thorough-fare or utility Easement, or undertaken to connect the same with any lawful Use of Buildings or land; or

d) temporary signs in compliance with the Town's Sign Bylaw, or

e) landscaping where the proposed Grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a Development and requires a Development Permit; or

f) the erection or construction of gates, fences, walls, or other means of enclosure (other than on corner Parcels or where the front and rear yards are both active roadways) less then 0.61 m (2.0 ft.) in height in front yards, and less than 1.83m (6 ft.) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure provided height maximums herein prescribed are not exceeded; or

g) a temporary Building, the sole purpose of which is incidental to the erection or alteration of a Building or Development, for which a permit has been issued under this Bylaw, provided that the temporary Building shall be removed within one (1) year of the commencement of construction or upon completion of the Building or Development where it is completed in a period of less than one (1) year; or

h) the construction of sidewalks and driveways provided that such sidewalks and driveways shall be located in a manner where they do not constitute a traffic hazard and shall be maintained in a clean, tidy, and safe condition; or

i) hard-surfacing of any yard area upon a residential Parcel to provide vehicular access from a public roadway to an on-Parcel Parking stall provided that such hard surfacing does not exceed 7.5m in width and does not direct surface drainage onto Adjacent Lands;

j) the construction of a Accessory Building less than 11.1 m^2 (120 ft^2) in area, 2.5 metres (8.2 ft.) in height, or a Patio less than 14.86 m^2 (160 ft^2), provided that the side and rear setbacks are maintained and the value is less than $5,000; or

k) in all land use districts, television or communication aerials, masts, or towers, where such things are freestanding, attached to or placed on a Building, provided that the Structure does not exceed the maximum height of 12.2 m (40 ft.) nor does it encroach onto any adjacent property

or roadway, is not located within the Front Yard Setback, no variance of any provision or regulation applicable thereto in this Bylaw is requested or required; or

l) Above ground swimming pools that have a volume less than that which requires a permit under the *Safety Codes Act*. Currently (2016) a pool with a design depth in excess of 600mm (24"); or

m) Home schooling of a student within the Dwelling occupied by the said student; or

n) Flag poles within any yard provided a minimum 1.0 metre (3.3 ft.) Setback from the property line is maintained, the height of the pole is no greater than 6.0 metres (19.7 ft.) and the Structure is not located within a sight triangle or a vehicular access or driveway; or

o) Personal use playground equipment, landscaping features, sand boxes, bird houses, etc. in an Amenity Area; or

p) Official municipal and provincial notices; or

q) Temporary Signs in accordance with Town of Mayerthorpe Community Standards Bylaw No. 1051.

r) The demolition of a Accessory Building less than 11.1 m^2 (120 ft^2) in area.

s) Home based businesses that have no non-resident employees, no signage, client visitations and is otherwise indistinguishable from the principal residential Use.

t) Decks less than 0.6 metres above grade, provided the site is properly drained. Decks less than 0.6 metres above grade may encroach into the rear and side yard setback to the rear of the building.

u) Home Grown Cannabis in compliance with Section 89 of this Bylaw. (Bylaw 1094).

SECTION 25: MAKING AN APPLICATION

1) An application for Development shall be submitted to the Development Officer on the applicable form(s) with the required fee as posted by the Town.

2) The application shall:

a) be signed by the Registered Owner or agent where a person other than the owner is authorized by the owner to make the application.

i. The Development Officer may require a statutory declaration to verify land ownership;

ii. In the case where there are multiple landowners not under a joint tenancy each landowner must provide written consent to the proposed Development; or

iii. Where the subject property is within a Condominium Plan, written authorization from the Condominium Association/Board is required;

b) state the proposed Use or occupancy of all the land and Buildings, and such other information as may be required by the Development Officer; and

3) A site plan shall be provided as part of the application. The site plan shall be provided at a scale satisfactory to the Development Officer in letter sized format. The Development Officer may require the site plan to include the following:

a) a dimensioned outline of the subject property, adjoining roadways, and Lanes;

b) outline of existing and proposed Building including roof overhangs, distance of the Foundation and roof overhangs to the nearest property line;

c) north point;

d) legal description and municipal address of the property;

e) Grades of adjoining streets, Lanes and sewers servicing the property;

f) the lowest finished floor elevation in either the Basement or main floor in the principal and Accessory Buildings where applicable;

g) storm drainage, landscaping, and grading plan;

h) description of landscaped and Amenity Area(s); and

i) any other pertinent information or test as required by the Development Officer.

4) At the discretion of the Development Officer; a letter from the registered landowner authorizing right of entry to lands or Buildings as required for investigation of the proposed Development.

SECTION 26: PRELIMINARY NOTIFICATION

1) Prior to consideration of a development permit application, the Development Officer may require at the Developer's cost:

   a) notification of the proposed Development to be prominently posted on the subject property;

   b) a similar notice to be published once in the Mayerthorpe Freelancer; and

   c) a similar notice to be sent through mail or an approved electronic means to all assessed property owners within 60 metres (196.9 ft.) of the subject property.

2) Notifications in (1) above shall be no less than seven (7) days prior to consideration of the proposal.

SECTION 27: DEVELOPER CONSULTATION

1) As part of the review process for a Development or Subdivision application, application to amend this Bylaw or a Statutory Plan, the Town may require the applicant:

   a) to consult with adjoining landowners/residents/occupants, applicable agencies, and government departments on the merits of the application;

   b) the form of consultation shall be approved by the applicable authority, but may include electronic communication, open houses, door to door visitations or other appropriate forms;

2) At the conclusion of the consultation, the applicant shall provide the approving authority with a summary report that includes:

   a) The person(s) contacted;

   b) A list of issues, concerns, or recommendations; and

   c) A response to (b) including any revisions or additions to the proposal that should be considered.

SECTION 28: PERMITTED USE - CONFORMANT

1) The Development Officer shall approve a development permit application and issue the Development Permit where the proposed Use or Building is determined to be a *Permitted Use – Conformant*.

2) The Development Officer may, as a condition or issuing a Development Permit for a *Permitted Use – Conformant*, require the applicant to construct or pay for the construction of the following that are necessary to serve the Development:

    a) public utilities, other than telecommunication systems or works, and

    b) vehicular and pedestrian access.

3) The Development Officer may, as a condition or issuing a Development Permit for a *Permitted Use – Conformant*, impose conditions in respect of the following matters:

    a) an environmental assessment, pursuant to the requirements of Section 3.17 of the *MDP*;

    b) a phasing plan for the Development;

    c) a drainage plan to direct surface drainage off the subject property and into an approved receiving area;

    d) compliance with other municipal Bylaws and regulations; and

    e) Development of identified landscaping and Amenity Areas.

4) The Development Officer may, as a condition of issuing a Development Permit for a *Permitted Use - Conformant*, require the applicant to enter into an agreement with the Town pursuant to Section 650 and 651 of the *MGA*.

5) The Development Officer may, as a condition of issuing a Development Permit for a *Permitted Use - Conformant*, require the applicant to:

    a) compensate the Town for third party costs for planning, engineering and legal services required to process and administer the application and approval;

    b) comply with Town requirements for Street addressing or site grading; or

    c) compensate the Town for damage done to municipal property or improvements during construction.

6) The Development Officer may require that certain conditions be satisfied prior to commencement of the proposed Development.

SECTION 29: DISCRETIONARY AND VARIANCE PERMITS

1) The Development Officer may, where the proposed Use or Building is determined to be a *Permitted Use – Variance Required* or *Discretionary Use*:

   a) deny the development permit application; or

   b) approve the development permit application, with or without conditions; or

   c) grant a relaxation of the requirement or rule to which the proposed Use does not conform.

2) The Development Officer shall consider the following when deciding a development permit application for a Discretionary Use or Building:

   a) any plans and policies affecting the Parcel;

   b) the purpose statements in the applicable land use district;

   c) the suitability and appropriateness of the location and Parcel for the proposed Development;

   d) the compatibility and impact of the proposed Development with respect to adjoining Development and the surrounding neighbourhood;

   e) the merits of the proposed Development;

   f) municipal servicing requirements;

   g) access, vehicle, and pedestrian circulation within the Parcel; and

   h) sound planning principles.

3) Consideration of a development permit application under Section 29(1) above is subject to the following criteria and considerations:

   a) the proposed Development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring properties;

b) the purpose of the land use district;

c) compatibility of the proposed Development with existing Development or uses; and

d) sound land use planning principles.

4) The Development Officer may require fulfillment of specific conditions of approval prior to commencement of Development.

5) The notice of decision for a *Permitted Use – Variance Required* or *Discretionary Use* shall be given to the applicant in writing. Where the decision is a refusal it shall include reasons for the refusal.

6) The Development Officer may, as a condition of issuing a Development Permit for a Discretionary Use, impose conditions in respect of the following matters:

a) actions to be performed or carried out prior to the commencement of the Development;

b) construction or maintenance of the proposed Development in accordance with the submitted and approved plans;

c) the appropriate performance of a Use;

d) an environmental site assessment;

e) the time or times a Use may be carried out;

f) phasing of the proposed Use;

g) limits imposed on the Development;

h) construction of or payment for public utilities, other than telecommunications systems or works, and vehicular and pedestrian access that are necessary to serve the Development; and

i) the implementation of sound planning principles.

SECTION 30: VARIANCE DECISIONS

1) Subject to (2) below, the Development Officer shall consider and decide all applications that request variance to this Bylaw.

2) The Development Officer may refer any application for development permit approval or any other matter within the mandate of the Development Authority to the Municipal Planning Commission for decision.

3) Within a Direct Control District, the Development Officer shall decide those permit applications where the authority has been specifically delegated from Council to the Development Officer.

SECTION 31: DIRECT CONTROL APPLICATIONS

1) Upon receipt of a completed application for a Development Permit pursuant to a Direct Control District, Council may, prior to making a decision, refer the application to the Development Officer, any municipal department or external agency for comment.

2) At some point as determined by Council, prior to deciding upon the development permit application before it, Council may provide public notice through means and to whom it considers necessary, that a decision on a Development Permit pursuant to a Direct Control District is to be made and that Council may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

3) Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.

SECTION 32: REFERRAL REQUIREMENTS

1) The Development Officer may refer any development permit application or notice of decision to a government agency or a third-party organization for review and comment prior to determining the application and issuing a notice of decision. In particular, referrals may include, but not be limited to:

   a) The Provincial Road Authority, for any Development or sign permit application that is on land adjoining to Highway No. 43 or Highway No. 22;

   b) A Safety Codes provider with respect to any permit that requires a safety codes permit in order to comply with possible conditions of development permit approval;

   c) Alberta Health where the development permit application may require consultation to ensure that all land use issues related to health are addressed;

   d) Alberta Environment where the development permit application includes issues related to site drainage, groundwater use, impacts on flood plain lands, etc.;

e) Lac Ste. Anne County where the land subject to the development permit application requires access from a roadway where Lac Ste. Anne County is the Local Road Authority; or

f) Lac Ste. Anne County where the proposed Development could, in the opinion of the Development Officer, adversely impact existing Development on lands adjoining the corporate limits of the Town.

SECTION 33: NOTIFICATION REQUIREMENTS

1) After deciding a development permit application for a Permitted Use with variance or a Discretionary Use the Development Officer shall:

   a) provide the applicant with the written decision, and

   b) include written reasons for refusal of the development permit application where the said application has been refused.

2) Approvals of permits other than Permitted Use-Conformant Buildings or uses shall be posted on the subject Parcel or published in the Mayerthorpe Freelancer newspaper. The posting/advertisement shall include:

   a) the location and proposed Use of the Building or Parcel,

   b) the date a decision on the development permit application was made,

   c) that an appeal may be made by a person affected by the decision by serving written notice of the intent to appeal to the Subdivision and Development Appeal Board within (14) days after the date the notice of decision was made.

3) The Town may use electronic notification such as posting decisions on the municipal web-page or Facebook page.

4) The Development Authority may electronically communicate decisions on Development Permits with the applicant and/or other person(s) where an agreement for electronic communication has been established.

EXPLANATION NOTE: *The date of mailing of the notice or the date of publication in the newspaper don't count towards the 14 days! For mailing, an additional week is required for out of province mailings.*

5) Where a notice of decision for a development permit application is provided through written notice, the appeal deadline shall be fourteen (14) days from

the date of issuance of the notice plus an additional seven (7) days[2] for a total of (21) days where the notice was delivered through the postal system to an Alberta address.

6) The Development Authority may provide written notice of any application or decision for development approval to additional landowners within a specified distance of the subject Parcel.

7) There is no right of appeal to a Development Permit to a Permitted Use – Conformant, except where provisions of this Bylaw may have been relaxed, varied or misinterpreted.

SECTION 34: PERMIT EXPIRY

1) The Development Officer may impose a time limit on a Development Permit where the proposed Use or Building is intended to be active on a temporary basis or is dependent on other uses or Buildings that have time limits imposed on them.

2) The expiry date shall be clearly marked on the Notice of Decision.

SECTION 35: EFFECTIVE DATE

1) The effective date on an approved Development Permit is date following the expiry of the appeal period if not otherwise marked on the Notice of Decision.

2) Any Development carried out prior to the effective date of the appropriate Development Permit is done solely at the risk of the applicant.

3) A Development Permit remains in effect until:

    a) the date of its expiry,

    b) it's suspended or cancelled by the Development Officer, or

    c) it has lapsed due to failure to commence Development as required on the notice of decision.

SECTION 36: PERMIT TRANSFERABILITY

1) Permits are generally determined to "run with the land". Change of ownership of the Parcel will not impact a Development Permit except where the notice of decision for uses or Buildings that may include, but not necessarily be limited to:

    a) Home based business, or

[2] Section 22 and 23, *Alberta Interpretation Act, R.S.A. 2000.*

b) Content of a Sign where the general advertising purpose of the Sign changes in a significant manner.

SECTION 37: COMPLETENESS & DEEMED REFUSALS

1) A development permit application is determined to be complete twenty days following receipt of the application, unless the date is extended through agreement between the applicant and the Development Officer.

2) Once determined to be in complete form, an application for a Development Permit may be deemed to be refused by the applicant should a decision not be made within (40) days unless an extension to that time period has been agreed to by the applicant and the Development Officer.

3) A consented to e-mail address, written letter or facsimile may be used by the Development Officer to communicate the status of an application for Development approval.

SECTION 38: SUBSEQUENT APPLICATIONS

1) If a development permit application has been refused by the Development Officer or on an appeal to the Subdivision and Development Appeal Board; the Development Officer may decide to not accept another application for a same or similar Use on the same Lot for six (6) months from the date of refusal.

SECTION 39: MANDATORY REFUSALS

1) The Development Officer shall refuse a development permit application when the proposed Development:

   a) is neither a permitted or Discretionary Use or Building in the applicable land use district;

   b) does not qualify as a same or similar Use;

   c) is for a Use containing a restriction in its definition that is not met by the proposed Use; or

   d) cannot be adequately serviced by current infrastructure or fulfillment of conditions were a Development Permit to be issued.

SECTION 40: NON-CONFORMING BUILDINGS & USES

1) Non-conforming Buildings and uses are generally regulated in accordance with Section 643 of the *MGA*.

2) Notwithstanding the above, pursuant to Section 643(5)(c) of the *MGA*, the following improvements may be made to a Non-Conforming Building within

the Town on a discretionary basis, subject to the approval of the Development Officer and conformance to this Bylaw:

a) additions to Buildings, provided they don't increase the Floor Area of a Building by more than 10%;

b) new exterior openings to a Building;

EXPLANATION NOTES: *In a residential setting, this section of the Bylaw may be applied for repair of roofs, siding, Foundations, steps, Decks; or structural additions such as Carports, Decks, upgraded windows, or exterior finishing.*

Seasonal uses are often grandfathered by the Courts, even if they area not operating for six consecutive months.

c) replacement of a maximum of 10% of the structural elements in a Building; or

d) replacement or repair of existing structural elements that serve the purpose of providing occupant safety or security of the Building.

3) All Development approved under this Section shall not increase a variance to a property line Setback or encroachment.

SECTION 41: SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

1) If, after a Development Permit has been issued, the Development Officer becomes aware that:

a) the application for the Development Permit contains a misrepresentation,

b) facts concerning the application or the Development were not disclosed which should have been disclosed at the time the application was considered, or

c) the Development Permit was issued in error.

the Development Officer may suspend or cancel the notice of decision or the Development Permit by notice, in writing, to the holder of the permit, or

d) The applicant may request that a permit be suspended through written notice provided that the commencement of the Use or Development or construction has not occurred.

2) If a person fails to comply with a notice under Section 645 of the *MGA*, the Development Officer or Council may suspend or cancel any existing Development Permit by notice, in writing, to the holder of the permit.

3) A person whose Development Permit is suspended or cancelled under this Section through written notice may appeal to the Subdivision and Development Appeal Board.

PART 6: GENERAL REGULATIONS

SECTION 42: ACCESSORY BUILDINGS

Determining Status of Building:

1) Where an Accessory Building is attached to the Principal Building on a Parcel by a roof or an open or enclosed Structure, except Carports, and vehicular access to the Rear Yard is not obstructed; said Accessory Building is to be considered part of the principal Building and not an Accessory Building and shall, therefore, adhere to the Setback requirements for Principal Buildings as specified in the land use districts.

2) Residential Accessory Buildings include Garages, Carports, sheds, storage Buildings, Decks, Patios, or balconies, permanently installed private swimming pools, hot tubs, and other accessory structures such as portable Buildings, non-commercial television and radio antennas, flag poles and satellite dishes.

3) Commercial and Industrial Accessory Buildings include all Buildings that are not determined to be the Principal Building or Use on the Parcel, and may include: Garages, product storage Buildings, materials stockpiles, outdoor storage, etc.

Standards:

4) Except where noted in the respective land use district (Residential, Live/Work or Urban Reserve) or applicable special regulation, Accessory Buildings shall:

   a) be no closer to the fronting Street than the closest portion of the Principal Building unless varied by the Development Officer due to existing Building footprints not being able to accommodate full compliance with this requirement;

   b) be no closer to a flanking Street than the closest part of the Principal Building;

   c) be no higher than the height of the main Building or 4.5 metres 14.76 feet), whichever is less;

   d) not used as a Dwelling except where conformant with Accessory (Secondary) Suite provisions (Section 84) of this Bylaw;

e) not have Garage vehicle doors closer than 6.0 metres (20 feet) from the facing property line;

f) have no less than a 0.3 metre (1.0 ft.) roof overhang separation from the facing property line;

g) be no less than 1.0 metres (3.2 ft.) from the rear property line,

h) be no less than 1.2 metres (3.8 ft.) from the side property line within the rear yard of the lot; and *(BYLAW 1080)*

i) not be located on top of an Easement or right of way without the 4written consent of the Easement/right of way holder.

SECTION 43: BUILDING DEMOLITION

1) An application to demolish a Building shall not be approved without a statement or plan, which indicates:

(a) how the operation will be carried out so as to create a minimum of dust or other nuisance, and

(b) the final reclamation of the Parcel, and

(c) the manner in which site safety will be maintained,

to the satisfaction of the Development Authority.

SECTION 44: BUILDING HEIGHT

1) No Building shall be constructed within the Town that exceeds 9.1 metres (30 feet) above Grade unless it is:

a) serviced with a standpipe and sprinkler system, and

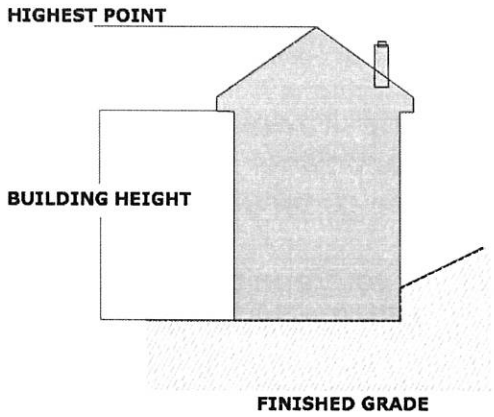
b) is serviced for fire and rescue in a manner satisfactory to the Town, or

c) the portion of the Building is not normally accessible by persons as with communication towers, steeples, or facade improvements.

2) No Accessory Building shall exceed the height of the Principal Building on a Parcel.

3) The height of an Accessory Building shall be in proportion with the principal and Accessory Buildings on the subject Parcel and adjoining Parcels, and shall be in keeping with the surrounding neighbourhood.

4) The height of a Building shall be measured from the average Grade of the Parcel.



5) For Development that is to exceed 10 metres (32.8 ft.) above Grade where the adjoining Parcel is districted to a low density residential district, the Setback from the common property line shall be increased at a rate of 80% of the additional Building height to a maximum height of 16 metres (52.4 ft.) above Grade.

SECTION 45: CHARACTER & APPEARANCE

1) The design, Character and appearance of any Building, or series of Buildings, Structure or Sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to:

    a) amenities such as daylight, sunlight, and privacy,

    b) the Character of existing Development in the district, and

    c) its effect on adjacent Parcels.

SECTION 46: CIVIC ADDRESS

1) All properties that features a Principal Building shall include a prominently displayed civic address, as determined by the Town in accordance with municipal requirements.

2) The Town may require signage at the intersection of the alley and adjoining Street where the civic address references a Building only accessible through an alley.

SECTION 47: COMMUNITY ENTRANCE FEATURE

1) A community entrance feature is a landscape attraction, monument or Sign displayed on a Parcel that identifies a residential community,

2) A community entrance feature may be placed on a property where:

    a) the owner of the land consents to the placement of the feature on the property,

b) the feature is constructed of maintenance free-materials, whenever possible, and

c) does not encroach upon a right of way or impact traffic safety.

3) The Town may require the landowner, Condominium Association, or Landowner Association to enter into an agreement for the maintenance of the community entrance feature.

4) A community entrance feature may encroach into the Setback requirements of a Parcel, subject to (2) above.

SECTION 48: CURB CUTS

1) Curb cuts shall be provided as required by the Town in a manner that minimizes loss of On-Street Parking opportunities and for the safe and efficient movement of pedestrians.

SECTION 49: DEVELOPMENT NEAR PROVINCIAL HIGHWAY LANDS

1) Development proposals that are adjoining Highway No. 22, 52nd Street or Highway No. 43, within or adjoining the future Highway No. 43 and Highway No. 22 interchange area shall be referred to the Provincial Road Authority for their review and comment.

2) The applicant shall be responsible to obtain any necessary approvals from the Provincial Road Authority prior to commencement of Development.

SECTION 50: DEVELOPMENT NEAR SLOPES

1) No permanent Buildings may be allowed within 30 m (98 ft.) of the top of bank of the Little Paddle River or within any slope that exceeds 15%, unless the proposal is supported by a qualified professional engineer registered in the Province of Alberta.

2) The Development Authority or Subdivision Authority may require that a restrictive covenant in favour of the Town that addresses the slope issue be registered against the certificate of title for the proposed property as a condition of approval.

3) Where the design of a Building may impact a sloped area, the Little Paddle River, or its flood plain, the Development Authority may require that the design for the Building be approved by a professional engineer.

4) The Development Authority may increase the minimum Setback requirements described in the applicable Land Use District to address a Building site issue applicable to this Section.

5) Development near slopes shall conform to Section 3.2 of the *MDP*.

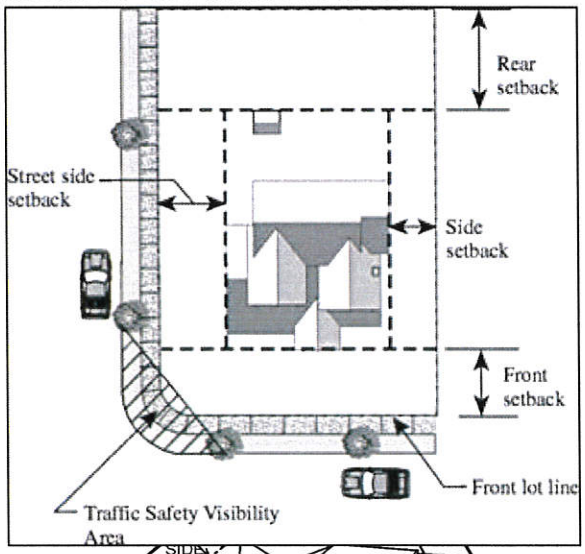
SECTION 51: DOUBLE FRONTING PARCELS

1) A Parcel abutting two or more streets shall have a Front Yard Setback on each Street in accordance with the Front Yard requirements of this Bylaw.

2) One flanking yard on a Parcel may be subject to Side Yard Setback requirements in all land use districts unless a separate flanking Setback is described in the subject land use district.

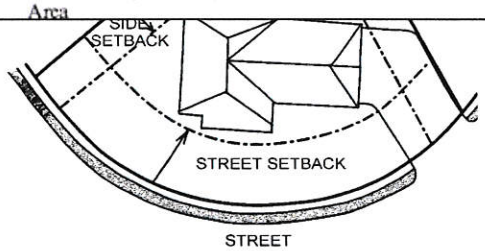
3) No person shall erect, place or maintain within the Site Triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 metres (3.0 ft.) in height above the lowest Street Grade adjacent to the intersection.

Finished Grades within the Site Triangle shall not exceed the general elevation of the roadway by more than 0.6 m. (2.0 feet).



SECTION 52: DWELLING UNITS ON A PARCEL

1) The number of Dwelling units allowed on a single Parcel shall be one (1) except for the following:



a) where provision is made in this Bylaw for one or more Secondary Suite(s); or

b) in Multi Unit structures such as Condominiums, apartment blocks, senior's housing, residential exclusive use areas, and row housing.

SECTION 53: EMERGENCY ACCESS TO BUILDINGS

1) All Parcels shall be designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all Buildings and Parcels in accordance with municipal and provincial fire authorities having jurisdiction.

SECTION 54: ENVIRONMENTAL ASSESSMENTS & RESTORATION

1) The Development Officer may require, as part of the Development Permit process, the applicant to prepare an environmental assessment in accordance with Policy 3.17 of the *MDP*.

2) Where an environmental assessment has been conducted and the land is to be subject to a reclamation process, the Development Officer may require a Development Permit. Where a Development Permit is issued for environmental assessment and reclamation, the following conditions shall be included where determined to be applicable:

    a) the Site to be fenced and posted with contact information to discourage trespassing;

    b) operating hours for stripping, moving, treatment, cleaning of debris within the Site;

    c) a haul route and identified disposal area;

    d) an emergency response plan;

    e) a drainage and if necessary, de-watering plan;

    f) location of access; and

    g) security for impacts on municipal infrastructure.

SECTION 55: EXCAVATION, STRIPPING, AND GRADING

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, topsoil stripping, removing trees and construction of artificial bodies of water.

2) An application for a Development Permit for the excavation, stripping or grading of land, which is proposed without any other Development on the same land, shall include with his or her application all of the following information:

   (a) Location of the Parcel, including the municipal address, if any, and legal description;

   (b) The area of the Parcel on which the excavation, stripping or grading is proposed;

   (c) The type and purpose of the excavation, stripping or grading proposed, showing the dimensions of the operation and/or the area of the land and depth to which the topsoil is to be removed;

   (d) Location on the Parcel where the excavation, stripping or grading is to take place; and

   (e) The condition in which the excavation, stripping or grading is to be left when the operation is complete and the Use of the area from which the topsoil is removed.

3) Where, in the process of Development, areas require leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following the completion of the work. The affected area shall be Graded and landscaped to the satisfaction of the Development Officer.

4) Where significant excavation and fill is proposed, the Development Officer may require that same be conducted in accordance with engineered plans bearing the seal and signature of a professional engineer registered in the Province of Alberta.

5) As a condition of a Development Permit, the Development Officer may require that the Developer provide financial guarantees, in a form acceptable to the Town, up to the value of the estimated cost of all or any proposed work/activities, including final grading and landscaping, to ensure that same is carried out with reasonable diligence.

SECTION 56: EXCLUSIVE USE AREAS

1) An exclusive use area, where approved by the Development or Subdivision Authority, shall be regarded as a private area for the benefit of the property that is granted the exclusive use.

2) Where the exclusive use area is used as an Amenity Area, the exclusive use area shall count towards the Amenity Area requirements for the benefiting property.

SECTION 57: FENCING & SCREENING

1) Subject to Section 24 of this Bylaw, all fence construction shall require an approved Development Permit.

Residential Land Use Districts:

2) No fence shall be constructed that is:
   a) higher than 1.83 m (6.0 ft.) for that portion of the fence that does not extend forward beyond the foremost portion of the Principal Building on the Parcel; and

   b) higher than 0.91 m (3.0 ft.) for that portion of the fence that extends into the Front Yard beyond the foremost portion of the Principal Building on the Parcel.

3) A flanking Street property line that is treated as a Side Yard for yard Setback purposes shall also be treated as a Side Yard for fencing requirements.

4) Where hedges, trellises, arbors, and similar things are located on or adjacent to a Parcel line, they shall comply with the height requirements for fences.

5) Multi-unit Dwellings shall provide a fence along the Common Property line with non-Multi Unit residential Buildings, extending beyond the foremost portion of any principal or Accessory Building. Fence height shall be a minimum of 1.52 (5.0 ft.) and a maximum of 1.83 (6.0 ft.) above Grade.

6) The height of a fence is as viewed from the facing side.

7) Fencing shall be consistent in design and materials with those on the subject and neighbouring properties.

8) Barbed,snow-fence, electric, chicken or pig wire fencing on property lines are banned within residential land use districts. Chicken or pig wire may be used in the interior of a residential Lot for enclosure purposes.

9) Fence posts shall be located on the facing side, or may be open to both sides where both Lot owners are in agreement with the fence design at the time of construction.

Non-residential districts:

10) Where a Parcel fronts onto a Street on both the front and Rear Yard, development permit approval is required prior to the erection of any fences on the property.

11) A solid or chain link fence shall be erected to a height no less than 1.22 m (4.0 ft.) and no more than 1.83 m (6.0 ft.) on the property line that separates a commercial, industrial, public, or quasi Public Use not including a Park from a residential area.

12) The maximum height of a fence within industrial properties may be determined by the Development Authority.

13) In urban reserve districts, barbed wire and other wire fencing may be constructed in support of agricultural operations.

14) All fences shall be made of materials that are not a safety hazard to the public. Creosote pole fencing is prohibited within the Town; except where used within a railway right of way.

SECTION 58: HAZARDOUS MATERIALS

1) In any land use district, no use of land or a Development may be undertaken in a manner that would, in the opinion of the Development Authority:

   (a) unduly interfere with the amenities of the district, or

   (b) materially interfere with or affect the use, enjoyment, or value of neighbouring Parcel.

   by reason of potential for contamination of the water supply for the Town, excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

2) The applicant applying for a Use pursuant to this Section shall provide an approved development plan from the appropriate provincial agencies prior to a Development Permit being issued by the Development Officer.

3) Commercial pressure vessel storage facilities (AAG and LPG) intended for the above storage materials the Development Authority shall consider:

   a) the material to be stored in the pressure vessel;

   b) the proximity and orientation of the pressure vessel to Buildings in the surrounding neighbourhood, especially those which are used for residential use or public assembly;

c) the ability of the fire department to respond to an accident involving the proposed Development; and

d) the truck route through the community which will be used to service the proposed Development.

4) All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the *Alberta Safety Codes Act*, and its regulations.

SECTION 59: HELICOPTER FLIGHT PATH PROTECTION

1) Any proposed Development that includes a helicopter or other aviation component shall include as part of the application:

a) the proposed flight path to be taken by aircraft using the facility,

b) identification of any potential obstructions to the flightpath that may exist, and

c) comments and/or approval from Transport Canada for the facility.

2) The Development Officer shall refuse any development permit application that unduly impedes the ability of the Mayerthorpe Health Centre to be serviced by EMS Helicopter services.

SECTION 60: LANDFILL AND LAGOON AREA REQUIREMENTS

1) All non-operating landfills within or adjacent to the Town shall have a restricted Development buffer of 300 metres (984.3 feet) in accordance with the provisions of Section 13 of the Subdivision and Development Regulation, as amended.

2) Consideration of approval for any Subdivision or Development application within the restricted Development buffer shall be subject to a written consent to a variance granted by the Deputy Minister of Environment. As required by the Subdivision and Development Regulation, where a consent to variance is not granted by the Deputy Minister of Environment, the application for Subdivision or Development approval shall be refused.

3) Water wells within 300 metres (984 ft.) of the former lagoon located on NW28-57-8-5 and within the corporate limits of the Town may require approval from Alberta Health prior to Development.

SECTION 61: COMMUNITY ASSOCIATIONS

1) For the purpose of this section, Common Property means Common Property as defined under the *Condominium Property Act*, as amended, or property that is owned in common by all landowners (landowner association) within a community.

2) The Town is not obligated to enforce any provision of a Condominium Bylaw or a Landowner Association Bylaw except where the said provision is included in the Bylaw by the requirement of the Subdivision or Development authority.

3) Condominium associations and landowner associations may require a higher standard of Development than that required under this Bylaw.

4) The Town may require that specific provisions be included in a Condominium Bylaw or Landowner Association Bylaw that are determined by the Development or Subdivision Authority to address issues of municipal interest.

SECTION 62: LANDSCAPING

1) The Development footprint for the home and Accessory Buildings and driveways shall not exceed 40% of the property. All remaining land must be landscaped. Landscaping can typically consist of features such as grass, gardens, rock gardens, water gardens or other features.

2) In Multi Unit Developments, a minimum of 40.0 m^2 (430.6 ft^2) of common Amenity Area must be provided for each Dwelling unit up to ten units, with an additional 3.0 m^2 (32.0 ft^2) for each unit above ten units.

3) In row housing Developments, a fenced private outdoor Amenity Area of at least 21.0 m^2 (226.0 ft^2) must be provided for each Dwelling unit.

4) A Screen fence shall be required along the side property line between any Multi Unit Development and an abutting Land Use District designed for low density housing. The height of the Screen fence shall be at the discretion of the Development Authority in keeping with the requirements of this Bylaw.

5) Commercial uses which do not have a zero Front Yard shall have a minimum of 10% of the Lot landscaped, including any area within 2.0 metres (6.6 ft.) of the Front Yard Lot line or a Side Yard that abuts a residential district, urban services district, or a road right of way.

6) Industrial properties shall include a landscaped area within 2.0 metres (6.6 ft.) of the Front Yard and a landscaped area with a minimum area of 10 m2 (107.6 ft2) for amenity purposes where the industrial Development includes an office Structure.

7) As a condition of a Development Permit, all required landscaping and planting shall be carried out to the satisfaction of the Development Officer within one (1) year of occupancy or commencement of operation of the proposed Development.

8) As part of a condition of a Development Permit, the Development Officer may require that the Developer provide a financial guarantee, in a form acceptable to the Town, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

SECTION 63: LANEWAY ACCESS

1) A Lane cannot be used as the sole access to a Parcel unless it has been granted approval from the Subdivision and/or Development Authority.

2) Where the Lane is to be used as the access to a residential property, the Subdivision and/or Development Authority may require additional right of way from the Parcel to accommodate a future sidewalk adjoining the Lane.

3) Where a Lane is to be used as a principal access through a block, the Subdivision and/or Development Authority may require as a condition of approval that the Lane be widened and developed to a full Street standard.

4) The Subdivision and/or Development Authority may require that a Lane used as a principal access be signed to notify users that the Lane is shared with pedestrians.

SECTION 64: MUNICIPAL ACCESS REQUIREMENTS

1) All accesses to public roadways shall be constructed to municipal standards.

2) Residential Dwellings that are single unit shall have no more than one access fronting a Street.

3) Multi-unit Dwellings may have an additional Street access provided it has been specifically approved on a site plan.

4) Commercial and Industrial uses shall have a maximum of one access per fronting Street provided the access conforms to municipal standards. Additional accesses may be provided subject to approval of a site plan and conformity to municipal standards.

5) Other land uses shall have access(es) located in accordance with an approved site plan to the satisfaction of the Development Officer.

6) Landowners are responsible to ensure that adequate landscaping/fencing/berms or other features are provided on the property to prohibit vehicular access to the property in locations other than an approved access.

SECTION 65: ON-SITE ENERGY SYSTEMS

On-site Energy Systems for the purpose of this Bylaw include solar thermal, solar voltaic, wind and geo-exchange. Bio-mass energy converters are considered to be an industrial Use and are not regulated under this section.

1) Wind Power:

a) Windmills allowed within the Town shall have a generating capacity ≤ to 3KW;

b) A horizontal Windmill blade must be entirely within the property line Setback or 1.5 metres, whichever is less; and shall be no less than 3.0 metres above Grade except where mounted on a Building;

c) A vertical Windmill blade must have a minimum 10.0 metre clearance above Grade except where the Windmill turbine is mounted on a Building;

d) Agreements with adjoining landowners may be considered in support of a relaxation of a property line Setback;

e) Noise from windmills shall be subject to the noise Bylaws of the Town and applicable provincial and federal legislation;

f) All Windmill applications shall be subject to the obtaining of approval from the relevant provincial and federal power regulators;

g) All windmills shall be removed from the Site and the Site shall be reclaimed once the Site is no longer required for the proposed use; and

h) Windmills shall be of New Construction or compliant with the latest design standards in force by the Government of Canada or Alberta.

2) Solar Panels:

a) Solar panels affixed to a roof or wall of an existing Building shall not require a development permit approval unless required to satisfy a requirement under the Safety Codes Act.

3) Geo-Exchange:

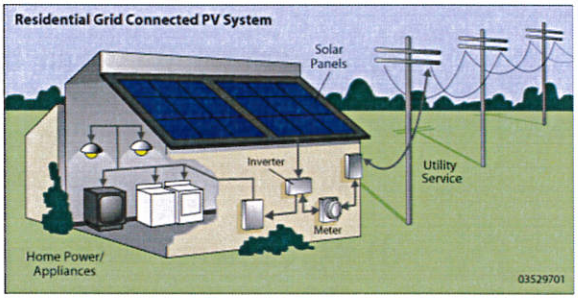
a) The Zone of Influence for a geo-exchange circulation well shall be contained entirely within the property boundary of the subject property, unless a variance is agreed to by the landowner for the adjoining property;

b) all proposed geo-exchange systems shall be professionally engineered; and

c) Developers who wish to provide geo-exchange as part of a Subdivision servicing proposal shall be required to provide all necessary engineering plans as part of a land use plan or Subdivision application.

4) Energy to Grid Systems:

a) Applicants who wish to produce energy and sell it through the utility grid shall consult with the applicable utility regulator and provider prior to applying for development permit approval. Details of the consultation shall be provided to the Town for use as part of the Development Permit decision making process.



5) Windmill Application Requirements:

a) In addition to the standard requirements for an application for a Development Permit, the following may be required by the Development Officer:

i. a site plan at scaled elevation showing the proposed tower height, rotor diameter, colour and proximity to property lines and Buildings;

ii. an analysis for noise at the Site and the property boundary of the Site;

iii. specifications for anchor design, Foundation, and guy wires; and

iv. details on consultation with Alberta Environment and Parks, Nav Canada, Transport Canada and the Alberta Energy Regulator, as applicable.

6) Land Use District Limitations:

   a) Solar panels, windmills and geo-exchange systems may be installed within any land use district as an Accessory Building or Use, as applicable, and

   b) Windmills within residential/commercial Districts shall be located in a manner that in the opinion of the Development Officer does not unduly interfere with the use, enjoyment, value, or safety of neighbouring properties.

7) The placement of on-site energy systems within a Lot shall be aesthetically compatible with other Development in the surrounding neighbourhood.

SECTION 66: ON-SITE SERVICING

1) All properties within the Town shall be serviced with municipal water and sewer and all applicable franchise utilities unless specifically exempted by the Town pursuant to (2) below.

2) Existing on-site serviced properties that cannot be effectively serviced with municipal water and sewer services or that are part of an agricultural operation may continue to be used, repaired, or upgraded.

3) On-site servicing within the context of this Section is an Accessory Use and are subject to Development Permit requirements.

SECTION 67: OUTSIDE STORAGE & DISPLAY

1) The following shall apply in all land use districts:

   a) Outside storage of materials in a Front Yard Setback is prohibited except where specifically approved by the Development Officer and in conformance with the Town of Mayerthorpe Community Standards Bylaw.

   b) Outside storage of goods, products, materials, and equipment shall be maintained in a clean and orderly fashion and shall be Screened from residential areas to the satisfaction of the Development Officer.

   c) Outside storage and display products, materials and equipment shall be Screened from public thoroughfares except where the said storage or display is integral to the commercial business on site and is in accordance with an approved Development Permit.

   d) Any outside storage and display shall be compatible with the overall purpose of the subject land use district and shall not interfere with the use, enjoyment, or value of adjoining Parcels.

SECTION 68: POLLUTION CONTROL

1) No use of land or Development shall be undertaken, which in the opinion of the Development Officer:

   a) Would unduly interfere with the amenities of the District, or

   b) Materially interfere with or affect the use, enjoyment, or value of a neighbouring Parcel.

   by reason of potential for contamination of the municipal water supply, excessive noise, smoke, steam, odour, dust, glare, vibration, refuse or other noxious emissions or unsuitable containment of hazardous materials.

2) The Development Authority may choose to limit or specify the hours of operation of any commercial or industrial operation within the conditions of any Development Permit where those hours may be a nuisance to neighbouring properties, businesses, or residents.

SECTION 69: PRINCIPAL BUILDINGS OR USE

1) The Principal Building or Use in a district shall be the Building or Use which is the most consistent with the purpose of the subject land use district.

2) Where a commercial or industrial Parcel is developed, an adjoining Parcel under the same ownership and land use district may be used for storage and display purposes where the proposed Use is integral to the existing Use on the Parcel.

SECTION 70: PROJECTIONS OVER YARDS

1) A Principal Building shall not encroach or project over or onto a Front Yard, Side Yard, Rear Yard or required Setback, except where as described below:

   a) a chimney, Balcony, sill, cornice, eave, or other similar Structure to a maximum encroachment of 0.61 metres (2 ft.); and does not encroach into a Side Yard intended to provide access unless the encroachment is a minimum of 2.5 metres (8.2 ft.) above Grade;

   b) an unenclosed verandah, porch, Deck, eave or Canopy or open Balcony individual supported by cantilever, projecting no more than 1.22 metres (4.0 ft.) into a Front Yard;

   c) unenclosed steps or wheelchair ramp, if the steps or ramp are:

      i. 2.44 metres (8.0 ft.) or less above Grade;

ii. not located in a required Side Yard which provides or is intended to provide access and the steps would not reduce the Side Yard by more than 0.6 metres (2.0 ft.);

iii. eaves of a private Garage or other Accessory Building if the eaves are not closer to the Parcel line than one-half the width of the required Side Yard or 0.61 metres (2.0 ft.), whichever is less;

iv. a bay or bow window or cantilevered section of a Building which projects into a Front Yard to a maximum of 0.61 metres (2.0 ft.);

v. a bay or bow window or cantilevered section of a Building which projects into a Side Yard to a maximum of 0.61 metres (2.0 ft.) where the Side Yard is intended to provide access, unless the encroachment is a minimum of 2.5 metres (8.2 ft.) above Grade; and

vi. a Grade level Patio or other similar development may project into a yard requirement up to the property line.

2) In a commercial district, a Canopy or extension over a front or Side Yard may project into the yard in accordance with the sign regulations of this Bylaw.

3) In a commercial district, a Canopy or extension into a Rear Yard shall not obstruct the normal use of the yard and shall be a minimum of 3.65 metres (12 ft.) above Grade.

SECTION 71: PUBLIC UTILITIES

1) Public utility facility structures and equipment on a Parcel are not subject to the yard Setback requirements of this Bylaw. All setbacks for public utilities shall be determined by the Development Officer.

2) Public utility facility structures and equipment are a Permitted Use in all land use districts.

3) Nothing in this Bylaw or Development Authority approval authorizes the placement of a Structure or the carrying out of a Use that is contrary to the Use provisions in a utility Easement or right of way.

SECTION 72: RAILWAY VICINITY CONSTRUCTION

1) The Development Officer may require a boundary fence to be located on the common property line with a railway right of way.

2) No Development may be located within a railway right of way without the consent of the owner of the right of way.

3) No variance shall be issued for a residential Building into the yard Setback that is fronting a railway right of way.

SECTION 73: RELOCATION OF BUILDINGS

1) The relocation of a Building to or within a Parcel other than structures within Section 24: Development Not Requiring a Permit, shall require Development Officer approval prior to the relocation taking place.

2) An application to relocate a Building from one Parcel to another shall require:

   a) a colour photograph of the Building;

   b) a statement of the current location of the Building;

   c) a statement from a safety codes inspector identifying the improvements that are required to bring the Building into compliance with the *Safety Codes Act*;

   d) notification of the route, date, and time that the relocation is to take place; and

   e) a site plan showing where the subject Building is to be located within the Parcel.

3) The Development Officer may require, where a Development Permit is issued for a relocated Building, a letter of credit related to the Development. Where applicable, a letter of credit may be forfeited should all conditions of the Development Permit not be complied with.

4) The Town may require that some or all renovations identified in the development permit application to be carried out prior to the relocation of the Building. Upon re-location, all remaining renovations shall be completed within one year of the issuance of the Development Permit unless otherwise described.

5) A relocated Building is a Discretionary Use in all land use districts.

6) All relocated Buildings shall be compatible with respect to age and appearance with other Buildings on the Parcel and adjoining Parcels once it is fully renovated.

7) Buildings that are located on sales Lots and have not been used for the intended purpose (i.e., a Modular Home on a sales Lot has never been lived in), are in good condition and repair, and comply with the

current standards of the *Safety Codes Act* shall be treated as New Construction and not a moved in Building.

SECTION 74: RESIDENTIAL INFILL

1) All residential Infill Development shall be in accordance with *Section 3.5: General Residential Development* of the *MDP*.

2) Where a proposed Building may be classed as a traditional land use or an Infill land Use in a land use district, the Infill Use shall prevail.

3) Housing unit density for Infill Development shall be calculated in the following manner:

a) All housing units within the block, including secondary suites shall be added to calculate the current Housing Density.

b) The number of residential Lots within the block shall be added to calculate the aggregate number of Lots within the block.

c) Housing unit density is calculated by ((a)/(b)).

4) In-fill Development as a Permitted Use shall not increase the original 20 Housing Density calculated in (3) above by more than 25%.

5) In-fill Development as a Discretionary Use shall not increase the original Housing Density calculated in (3) above by more than 40%.

EXPLANATION NOTE: *For example, a block with 20 Lots could have five Lots convert through an Infill Development as a Permitted Use for a total of 25 housing units. The Housing Density could then be further increased as a Discretionary Use to a total of 28 housing units. Further Infill may first require additional land use planning for the neighbourhood.*

6) At the discretion of the approving authority, Infill Development beyond a 40% increase may be subject to the following additional requirements as part of the Development or Subdivision application process:

a) The Developer may be required to conduct a community consultation program to identify landowner concerns; followed by a program to address those concerns prior to additional Discretionary Use Infill housing being considered.

7) Town Council may place a moratorium on additional Infill housing within a designated area prior to considering further Infill should the

existing Development process fail to adequately satisfy landowner concerns regarding impacts on the Character of the neighbourhood.

8) All Infill Development shall be serviced to a municipal standard.

SECTION 75: RESTRICTED DEVELOPMENT

1) All matters related to unsightly property, derelict property, improper storage of vehicles, waste and Chattels and the Parking of commercial vehicles in residential areas are addressed through the provisions of the *MGA* and municipal Bylaws adopted by Council.

2) The Development Officer shall not consider for approval any development permit application that includes the transport of a Mobile Home, as defined in this Bylaw, from outside the corporate limits of the Town to a location within the corporate limits of the Town.

3) Park Model homes and Recreational Vehicles shall not be permitted within a vacant Lot in a residential Land Use District.

4) Parking of vehicles on front yard lawns is prohibited.

SECTION 76: VEHICLE ACCESS MANAGEMENT

1) Every Parcel created for residential, commercial, or industrial use shall have either within the Parcel or on an adjoining Parcel vehicular access to a Street, avenue, or Lane.

2) Vehicle access onto a public road or Lane shall be to municipal standards.

3) The Development Officer may require as a condition of development permit approval that vehicular access to a property is restricted to approved access points through the use of landscaping, berms, fences, or vegetative buffers.

SECTION 77: ZERO-SIDE YARD REQUIREMENTS

This regulation applies to development permit applications and/or Subdivision applications that result in a "zero"- Side Yard or common wall on a Structure separating two or more properties.

1) A Development for a zero-Side Yard Building shall include plans showing the grading and drainage onto adjoining Parcels and address any grading and drainage issues to the satisfaction of the Development Authority.

2) Easement Required:

    a) Where a zero-Side Yard is permitted, an Easement shall be provided on the Parcel abutting that Side Yard, the full width of the Side Yard required on the adjacent property, for the maintenance of all principal and

Accessory Buildings, and for any overhang of principal or Accessory Buildings onto that adjacent Parcel. The Development Authority may require that an Easement plan be registered in addition to the normal Plan of Subdivision.

b) Where an Accessory Building is permitted to have a zero-Side Yard abutting a Parcel, the applicant will be responsible for the negotiation and registration of any Easements required pursuant to Subsection (2)(a), prior to the issuance of a Development Permit for the zero-Side Yard Development proposal.

c) Where a plan is accepted for a zero-Side Yard project or zero Side Yard Parcel, and where that plan indicates the location or alternative locations for future Accessory Buildings (including Garages) on the Parcel, Easements required under Subsection (2) shall be provided for all possible alternative future locations of Accessory Buildings at, or prior to, the time of the Development of the Principal Building.

3) Residential structures that apply for a zero-Side Yard shall include, as a condition of development permit approval an encroachment Easement of 0.6 metres (2 ft.) and a private maintenance Easement of 1.2 metres (4 ft.), or as required by the *Safety Codes Act*.

4) Residential structures with one Side Yard reduced to 0.00 metres shall include a minimum 3.0 metre (10 ft.) Side Yard on the Side Yard opposite the other end of the Building, except where a Parking space is provided in the Side Yard, in which case the Parking space shall be 3.5 metres (11.5 ft.) wide.

5) No part of any Structure or Building shall be erected within 4.9 m (16 ft.) of the Street boundary on the flanking Front Yard side of a zero-Side Yard Parcel.

6) A minimum 1.5 metre (4.9 ft.) Side Yard Setback is required on the side of a Lot that abuts another land use district which is not a zero-Side Yard development.

7) The Town may require a party wall or other agreement to be registered against the certificate of title where it is the intent of the Developer to subdivide the Structure along an interior common wall into separate Parcels.

8) Full compliance with the *Alberta Safety Codes Act* is required prior to the endorsement of any Subdivision or development permit application that has the effect of subdividing an existing Building into two or more Parcels.

SECTION 78: RESIDENTIAL PARKS

1) A residential Park shall provide sites for two (2) or more Dwellings on a Parcel.

2) Each residential unit shall have a minimum of two (2) Parking stalls per unit and one (1) visitor Parking stall per ten (10) residential units.

3) Each residential Site shall have a minimum area of 445.9 m^2 (4800 ft^2).

4) Each residential Site shall have a private Amenity Area of no less than 40 m^2 (430 ft^2).

5) Each Site shall have a durable base or Foundation for the residence.

6) Each Site shall be clearly marked to distinguish the boundary of adjoining sites and common lands.

7) All homes within a residential Park shall be sized to comply with the Setback provisions of the subject residential Site.

8) A common Amenity Space shall be provided to a minimum of 10% of the gross area. This space shall be developed to service the intended residential market such as children or independent adult living.

9) The boundary of the residential Park shall be Screened from view from adjoining Parcels.

10) All utility lines shall be placed underground and as-built plans shall be submitted to the Town for their records.

11) All internal roads and pedestrian walkways within a residential Park shall be hard surfaced, drained and maintained to an approved standard.

12) Conversion of a residential Park to a residential community with each residence on a separate Lot shall require all sites to conform to the minimum Lot and servicing standards of the receiving district.

13) A Screened and fenced common storage area shall be included as part of any residential Park and be accessed only from within the Park.

SECTION 79: RESIDENTIAL STANDARDS

1) Dwellings (Single Detached) as New Construction shall include the following design standards.

a) All components or modules of the Dwelling must be consistent in construction standards and external appearance.

b) All exterior walls of any residence must be dimensioned at less than 3:1 length to width.

c) Minimum width of any portion of a Dwelling must be 4.8 m (16 ft.) not including eaves, Decks or porches. Portions of a Dwelling which are less than 4.8 m (16 ft.) in width shall not be included as part of the length to width ratio for the Dwelling.

d) All homes constructed outside of the Province of Alberta must comply with the *Safety Codes Act.*

e) Continuous horizontal roof lines facing the front and rear Lot lines shall not exceed more than 6.0 m (20 ft.) in length. For Side Yard property lines, continuous horizontal roof lines shall not exceed 9.1 m (30 ft.) in length.

f) All eaves shall be a minimum of 0.30 m (12 in) in width.

g) Roof pitches shall be consistent or compatible with the roof pitch through the entire Dwelling, except where approved by an engineer and authorized under an approved neighbourhood outline plan, Area Structure Plan and/or other Statutory Plan.

h) Open covered Decks or verandahs which are constructed at the same time as the residence and comply with (g) above may be considered as Floor Area of the Dwelling for the purpose of calculating minimum Floor Area requirements.

i) Skirting shall only be used around Dwellings that are normally designed for that type of exterior finishing and skirting is widely used in the surrounding neighbourhood.

j) Parging shall be applied on all Foundation and Basement finishes as a minimum standard where this form of finishing is common in the surrounding neighbourhood.

2) Dwellings which do not conform to Sub-section 1(b) shall be restricted to Land Use Districts that allow for *Dwelling - Manufactured Home* as an allowable Use.

3) Residential Dwellings considered under this Section shall be aesthetically compatible with other Dwellings in the surrounding neighbourhood.

4) Dwellings that do not conform to Sub-section 1(g) shall be supported by approved engineered design standards.

SECTION 80: MULTI-UNIT RESIDENTIAL STANDARDS

1) The Development Officer may require the following as part of an application for a Multi Unit residential Dwelling:

    a) engineered design plans;

    b) geotechnical plans for multi-Storey Buildings with separate residential Dwellings on each Storey;

    c) grading, landscaping, and vegetation plans;

    d) outdoor Amenity Area Development plan; and

    e) a servicing plan.

2) The Development Authority shall be provided with scaled plans showing:

    a) the location of all Buildings and structures on the Parcel;

    b) the location and design of permanent signage;

    c) the location and design of Parking spaces, access and egress onto the Parcel, pedestrian walkways, refuse storage areas, Amenity Areas, landscaped areas, and fencing;

    d) the location of exterior lighting including the Parking Lot and landscaped areas; and

    e) Section 79: Residential Standards, is applicable to Development under this Section.

3) Where allowed under the subject land use District, the main floor of a Multi Unit multi-floor residential Building may be used for commercial purposes.

4) Zero Lot line provisions as described in Section 77 apply.

5) Where the total Lot area for a duplex Dwelling conforms to the required standard for a duplex on a single Lot, but does not conform to a duplex with each unit being on a separate Lot, the Development Authority may consider the approval of the Building with the appropriate variance as part of the development permit approval process.

Similarly, the Subdivision Authority may approve the Subdivision of a duplex if the duplex was conformant to this Bylaw on a single Lot, but does not conform with each unit on its own property with the appropriate variance as part of the Subdivision process.

SECTION 81: DEVELOPERS RESPONSIBILITY

1) A person to whom a Development Permit has been issued shall obtain from the appropriate authority where applicable, permits relating to Building, Grades, sewers, water mains, electricity and Highways, and all other permits required in connection with the proposed Development.

2) The person to whom a Development Permit has been issued shall notify the Development Officer:

   (a) following the preliminary layout of the Site, but prior to the commencement of actual Development thereon; and

   (b) upon completion of the Development for which approval has been given and which has been authorized by the issuance of the Development Permit.

3) The Development Officer may require that further to Subsection (2) (a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.

4) The applicant shall be financially responsible during construction for any damage, or because of the negligence causing damage by the applicant's servants, suppliers, agents, or contractors to any public or private property.

5) The applicant shall prevent excess soil or debris from being spilled on public streets, Lanes and sidewalks, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.

(7) No Building or Use shall be used or occupied and no change in the existing occupancy classification of a Building shall be made until substantial completion as determined by the Development Officer has been undertaken in accordance with the Development Permit that was issued.

(8) A person to whom a Development Permit is issued shall, during Development, keep:

(a) a copy of the Development Permit and any other approval required for the Development; and

(b) at all times of Development activity, a copy of the approved drawings and specifications to which the permit pertains.

EXPLANATION NOTES: *When constructing a sign or undertaking any other development in proximity to Highway No. 22 or Highway No. 43, the Developer is required to contact the Provincial Road Authority and undertake any permit applications that they may require.*

PART 7: USE SPECIFIC REGULATONS

SECTION 82: ACCESSORY FOOD SERVICE

1) An Accessory Food Service shall:

   a) be no more than $20m^2$ ($215\ ft^2$) to accommodate food preparation and seating area;

   b) be subordinate or accessory to the Principal Use in the Building;

   c) operate in conjunction with another approved Use;

   d) use the same entrance/exit as the Principal Use in the Building;

   e) not require Parking stalls in addition to those provided for the Principal Use; and

   f) comply with all applicable health and safety regulations.

2) An Accessory Food Service may be an Accessory Use to a recreational facility such as an arena, summer fair, Campground, etc.; or an institutional Use such as a medical facility or School.

SECTION 83: ACCESSORY LIQUOR SERVICE

1) An Accessory Liquor Service shall:

   a) be located within a Building used for the sale and consumption of alcoholic beverages for the patrons of another approved Use;

   b) serve only the patrons attending events or performances at the Use of which it is located;

   c) must not provide permanent seating area for patrons, and

   d) not require Parking stalls in addition to those provided for the Principal Use; and

   e) comply with all applicable health and safety regulations.

SECTION 84: ACCESSORY (SECONDARY) SUITES

1) A development permit application for a Secondary Suite shall be subject to the following requirements, including, but not limited to:

a) include an evaluation by an accredited Safety Codes Officer and/ or Building Inspector;

b) compliance with all relevant provisions of the Alberta Safety Codes, Fire Codes, and Alberta Building Codes, as amended;

c) minimum Floor Area of 23.33 m^2 (250 ft^2) per occupied suite and a maximum of 4 occupants per suite;

d) include a kitchen, bathroom, and a separate entrance; and

e) include adequate Off-Street Parking to support the proposed Use.

2) A development permit application for a Secondary Suite shall be subject to the following requirements, including, but not limited to:

a) a Secondary Suite may be developed only in a Single Detached Dwelling, the second floor of a Garage or in another Accessory Building on a Parcel;

b) a Secondary Suite may only be developed in a district where "Secondary Suite" is listed as an allowable Use;

c) only one Secondary Suite in a primary Dwelling shall be allowed per Parcel;

d) a Secondary Suite shall not exceed 40% of the Principal Building in the case of a Secondary Suite located within a residence;

e) Off-Street Parking shall be as required in the land use district where it is listed;

f) the Development Officer may require as a condition of approval, that a Secondary Suite not located in the principal Dwelling have a requirement to have a civic address Sign affixed to the entrance to the suite or Building;

g) where an Accessory Building is to be used for a Secondary Suite, the height limitations described in Section 44 of this Bylaw do not apply. The maximum height of the Building must be no higher than the height of the principal residence on the property;

h) The Development Authority may increase the minimum Side Yard Setback where a Garage is to be used as a Secondary Suite to mitigate roof run-off impacts onto neighbouring properties;

i) Secondary suites located in Garages or other Accessory Buildings are restricted to the Mills Acres area located on Block 32, 33 and 34 and adjoining or east of 42nd Street north of 46th Avenue.

SECTION 85: ADULT ENTERTAINMENT SERVICE

1) An Adult Entertainment Business shall not be located within any land use district that does not include the Use "Adult Entertainment" as a distinct Use.

2) Shall not be located within 100 metres (328 ft.) of a Park, School, community hall, church or other Place of Worship, arena, Amusement Establishment, or other business that caters specifically to children.

SECTION 86: KEEPING OF ANIMALS

1) Veterinary clinics or hospitals, pet shops and kennels shall:

   a) not be a source of smell or noise or other emissions that can adversely impact neighbouring properties or uses,

   b) be equipped with adequate sound proofing of pens, rooms and runs, and

   c) have indoor exercise runs that are sufficient to accommodate the maximum number of animals that can be housed.

2) The Development Officer shall recommend that the Building plans include a separate air extractor system in the animal holding area so that heating/air conditioning is separate from the remainder of the Building.

3) The keeping of dogs and other animals in a kennel shall be in accordance with all Town Bylaws governing the keeping of animals.

4) No kennels shall be permitted within a residential district or within 35.0 metres (114.5 ft.) of a property within a residential district.

SECTION 87: BED AND BREAKFAST OPERATIONS

1) A Bed and Breakfast operation shall:

   a) have a maximum of three (3) guest bedrooms at any one time;

   b) not have more than one employee that is not a resident of the principal residential Building;

   c) not include any cooking facilities in a guest bedroom;

   d) not display any signs on the Parcel unless approved by the Development Authority; and

   e) may offer one or more meals to the guests during the stay.

2) A Bed and Breakfast may share a maximum of two Parking stalls in tandem with other vehicle Parking stalls located on the Parcel.

SECTION 88: CAMPGROUNDS AND R.V. PARKS

1) A Campground means a Use:

   a) where spaces are provided for temporary accommodation in recreational vehicles or tents;

   b) that may include an administration Building, laundry or other Buildings and structures related to recreational Use within the Campground area;

   c) that is serviced in a manner acceptable to the Town;

d) that has a minimum of one Parking stall per camping space and one visitor Parking stall per seven spaces; and

e) that cannot be used for long term accommodation.

2) When considering a development permit application for a Campground, the Development Officer may consider specific conditions of approval to address the following land use issues:

a) hours of operation,

b) cleanliness and overall appearance,

c) security,

d) storage of R.V.'s on-site as part of a seasonal Use,

e) a minimum 10% of the area to be developed for Amenity Space and recreational activities,

f) emergency response plan, and

g) wildfire management and emergency access.

SECTION 89: CANNABIS CULTIVATION, MANUFACTURE AND SALE REQUIREMENTS

1) All commercial cannabis related operations shall require as part of the development permit application and review process:
   a) Legal authorization under the laws of the Government of Canada,
   b) Legal authorization under the laws of the Province of Alberta, and
   c) Approved licensing from the Government of Canada and/or the Province of Alberta, as required under statute.

2) Commercial retail sales businesses shall be subject to a building setback of no less than 100 metres from a school, playground and a provincial health care facility; as measured from the closest point of the school, playground or the provincial health care facility to the commercial retail sales building.

3) Commercial Retail Sales businesses shall be located at street level on buildings with the primary street access onto 50th Street and buildings with primary street access one (1) block east or west of 50th Street north of Highway No. 43 and south of 51st Avenue.

4) A development permit for a cannabis related business shall include a plan view or rendering showing the portion of the exterior of the building facing the street, and examples of signage, flagging or sandwich boards that are to be used to advertise the business.

5) Home grown cannabis shall be an accessory use not requiring a development permit to an occupied residential building or lot containing an occupied residential building.

6) Except where otherwise approved under this Bylaw and in compliance with the laws and regulations governing cannabis growth, sale and manufacture, cannabis shall not be grown, manufactured or sold within the Town of Mayerthorpe.

7) Commercial cannabis development is subject to the character and appearance requirements of this Bylaw.

SECTION 90: CAR WASH

1) A Car Wash within residential or non-Highway commercial areas shall be designed to accommodate smaller vehicles.

2) A Car Wash within a high commercial or industrial area may be designed to accommodate larger recreation vehicles and larger commercial/industrial vehicles or equipment.

3) Parcel size shall be appropriate for the proposed Use and any associated uses such as Gas Bars and service stations.

4) Cash wash establishments shall be adequately Screened from any adjoining Parcel that is within a residential land use district.

SECTION 91: COMMERCIAL ACCOMMODATION

1) Commercial Accommodation through the renting of a unit in a motel/hotel may include additional services including: meeting rooms, restaurants, lounges, and recreational uses within a hotel.

2) Commercial accommodation shall have a minimum Parcel Area of 139.35 m^2 (1500 ft^2) for a single Storey Structure and 929 m^2 (1,000 ft^2) for a second Storey Structure. Minimum Parcel Areas for Commercial Accommodation higher than two (2) storeys is at the discretion of the approving authority.

3) A Commercial Accommodation Use does not require an indoor or outdoor Amenity Space.

SECTION 92: COMMUNICATION TOWERS

1) Prior to submission of a development permit application for a telecommunication tower, antenna, Building or equipment as regulated through this Bylaw, the applicant shall submit to the Town a statement regarding the position or opinion of persons living near (300 metres, 984 ft.) the proposed Development Site. The effort undertaken by the applicant in preparing that statement should depend on such things as the history of previous applications in the area, the size of the proposed Development, and the likelihood of it affecting nearby landowners due to factors such as population density or viewing areas.

2) Initial notification of landowners required under (1) shall include:

   a) a notification placed in a locally circulated newspaper. The notification shall include a description of the proposal, legal location and how interested parties may contact the applicant or submit comments;

   b) in person or hand delivered correspondence to all residences a minimum of 300 metres (984 ft.) of the Site; and

   c) any other form of communication that the applicant or the Town may require.

3) Where possible, Developers of telecommunication towers, antennas, Buildings, or equipment shall attempt to utilize existing infrastructure. To this end, companies shall co-locate where possible and shall attempt to mount antennas on existing structures rather than build new freestanding towers.

4) All freestanding telecommunication towers shall be designed to prevent climbing or sliding down, and their base and stabilizing lines shall be separately fenced.

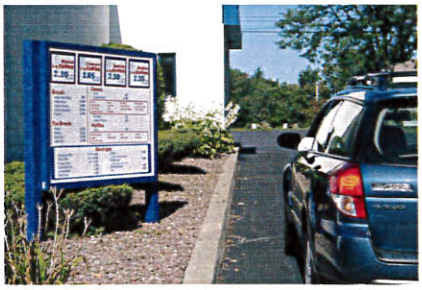
5) The Use of any portion of a tower or antenna for signs, other than to provide a warning or equipment information, is prohibited.

6) When telecommunication towers, Buildings, or antenna equipment become obsolete, it is required that they shall be quickly removed and the Development Site reclaimed.

7) A telecommunication tower shall not be located in a manner that will interfere with the flight path of Emergency Air Ambulance services to the Mayerthorpe Health Centre.

SECTION 93: DRIVE-THROUGH BUSINESSES

1) Speakers as part of a Drive Through service shall not be closer than 23.0 metres (75.5 ft.) to the property line of any Parcel designated to a residential district unless they are separated from the residential district by a Building.



2) A Drive Through must be Screened from any adjoining residential district.

3) Pedestrian access from a Street across a Drive Through into the main premises is prohibited.

4) A Drive Through must be Screened to prevent lighting from vehicles to interfere with traffic on public roadways.

5) A Drive Through must have a minimum of four (4) vehicle stacking space to the ordering window and a minimum of four (4) vehicle Parking stalls.

SECTION 94: FAMILY (CHILD) CARE FACILITIES

1) A Family Care Service shall:

a) have an indoor or outdoor Amenity Area that is Screened from adjoining residential properties;

b) include 1.0 Parking stalls per two (2) employees and one stall per 10 children;

c) include a minimum of 1.0 pick-up and drop-off stalls per 10 children; and

d) include an emergency response plan acceptable to the Town and Emergency Medical Services; and

e) be approved or licensed by the appropriate provincial approving authority and comply with applicable Provincial Day Care Regulations concerning Site requirements and standards for operation and Development.

2) A Child Care Service shall:

a) have no employees other than the occupant of the Dwelling;

b) include one off-Street Pick Up & Drop Off stall;

c) be approved or licensed by the appropriate provincial approving authority and comply with applicable Provincial Day Care Regulations concerning site requirements and standards for operation and Development; and

d) include an indoor or outdoor Amenity Area that is Screened from adjoining residential properties.

3) The Development Authority, when determining an application for child care service, shall consider:
   a) traffic impacts in the subject residential neighbourhood;

   b) proximity to Parks and open spaces; and

   c) mitigation measures proposed by the applicant to minimize impacts on adjacent residential properties.

SECTION 95: GROUP HOME SERVICES

1) A Group Home shall:

   a) be licensed or approved by the appropriate provincial agency;

   b) shall be no less than 300 metres (984 ft.) from another Group Home;

   c) shall be of similar design and conform to housing unit density for the subject land use district; and

   d) shall accommodate staff Parking Off-Street.

2) The Development Officer shall consider proximity to Parks and other amenities and existing/proposed buffering to minimize impacts on surrounding properties.

3) Where a Group Home was formerly a residential Building, the minimum Amenity Area requirement for the Group Home shall be that of the former residence.

4) The construction of a Building for Use as a Group Home shall include an indoor or outdoor Amenity Area equivalent to a typical residence of the same Floor Area and number of bedrooms.

SECTION 96: HOME OCCUPATIONS

1) A Home Occupation shall be operated as a secondary Use only and shall not change the principal Character and external appearance of the Dwelling in which it is located.

2) A Home Occupation may have one non-illuminated facia Sign or nameplate to identify it in accordance with the Sign regulations provided in Part 8 of this Bylaw.

3) A Home Occupation shall not use more than 27% of the gross Floor Area of the residence.

4) A Home Occupation shall not create any dust, traffic, congestion, late visitations, noise, odours, noxious fumes, interference with telecommunications or vibrations emanating from the premise which is not normally produced by a Dwelling unit.

5) A Home Occupation shall not generate any pedestrian or vehicular traffic or Parking that is a source of inconvenience to Adjacent Landowners or tenants.

6) There shall be no outside storage of materials, commodities, or finished products.

7) A Home Occupation shall be reviewed upon receipt of a complaint by an affected landowner. A permit for a Home Occupation may be suspended or revoked on the basis of non-compliance on 30 days' notice.

8) A Home Occupation shall not create On-Street Parking that may be determined by the Development Authority to be an inconvenience to adjoining landowners or tenants.

9) *A Home Occupation for the purpose of selling cannabis is a prohibited land use within the Town of Mayerthorpe be added to Section 96: Home Occupations. (Bylaw 1094)*

SECTION 97: INDEPENDENT ADULT LIVING

1) Independent (Active) Adult living as a residential Use may consist of one or more duplexes, tri-plexes, four-plexes, row housing or Multi Unit residential Buildings.

2) Independent (Active) Adult Living may be developed as the Principal Use in a residential Park.

3) A single unit residential Dwelling under this section should include:

   a) a private Amenity Area of no less than 28 m^2 (301 ft^2);

   b) a housing design that can accommodate:

      i. a permanent or temporary wheelchair ramp;

      ii. widened doorways or swing clear hinges;

      iii. handrails on both sides of stairs;

      iv. grab bars, tub cuts or shower seats;

      v. lever handles on most doors;

      vi. common gardens; and/or

      vii. surveillance systems.

4) A single unit residential Dwelling which forms part of a community (multiple Single Detached units) designed for independent (active) adult living may be designed to include additional supportive services such as grounds maintenance and common Amenity Areas for its residents.

5) A Multi Unit Building for independent (active) adult living shall include:

   a) an indoor Amenity Space of no less than 10% of the gross Floor Area, not including hallways, entryways, and utility areas, and

   b) elevators for multi-Storey structures.

6) The Development Authority may require that an agreement describing the adult only nature of the residence be registered against the certificate of title.

7) Where is a conflict between this section and other sections that address Dwelling design within this Bylaw, this section shall prevail.

8) Independent (Active Adult) Living may be developed in all residential land use districts excepting R1 - Residential.

SECTION 98: LIVE/WORK COMMUNITY

1) A Live/Work community shall not be located adjacent to an existing residential district or area designated under the MDP for future residential Development,

but may be located adjoining to an industrial, Highway commercial or urban reserve district.

2) A Live/Work community shall consist of a minimum of three (3) Parcels that include:
   a) a principal residential Building;

   b) a commercial Use; and/or Building;

   c) an outdoor residential Amenity Area of no less than 93 m^2 (1,000 $ft.^2$)

3) A commercial Building within a Live/Work district shall include a separate holding tank to accommodate any liquid waste products that are not suitable for the Town sanitary sewer system.

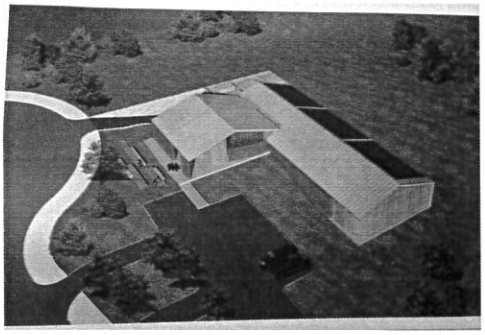
4) The Lot shall be landscaped to ensure that no portion of the commercial Use area of the Lot can drain onto adjoining Lots or any portion of the Lot to be used for a residential Use.

5) The initial development permit application on a Live/Work Parcel shall include both a main residential Building and a commercial Use appropriate for the district.

SECTION 99: MARIJUANA SERVICES

1) Marijuana facilities as a wholesale or retail Use shall be restricted to land use district(s) that include "marijuana facility" as a distinct land Use.

2) Development permit approval criteria for a marijuana facility is limited to land Use considerations such as Site suitability, distance from a School, Park, Building and site criteria.



3) Personal Use marijuana facilities are not regulated under this Bylaw other than for Building and site requirements.

SECTION 100: MIXED USES

1) This section applies to the Mixed-Use area described in Section 3.8 of the *MDP* and as described on Schedule A: Land Use District Map within this Bylaw. The following provisions are intended to facilitate Mixed Use Development within the downtown and surrounding lands of the Town.

   a) "Mixed-Use", as described in the list of Discretionary Uses in various land use districts, is subject to the following provisions.

i) Mixed-Use within the subject area and on land within a commercial district means a secondary residential Use. The secondary residential Use shall have a separate entrance and be located on the second floor, rear of the main floor or within the Basement of the Building.

ii) Mixed-Use within the subject area and on land within a residential land use district means a secondary commercial Use. The commercial Use shall be on the main floor and have a separate entrance from the residential Use on the property. The commercial Use shall be compatible with the overall Character of the neighbourhood.

2) This section may be applied to other lands within the Town where Mixed Use is described as an allowable Use within a land use district.

3) A commercial Use may be established as a secondary Use to an institutional Use or Public Use where the commercial Use is complementary to the Principal Use on the property. At the discretion of the Development Authority, the requirement for a separate entrance for the commercial Use may be waived under this provision.

SECTION 101: PARK MODEL HOMES

1) Park Model homes are restricted for Use as a Principal Use within approved recreational Parks where Park models are an allowed land use.

2) Where a detached Secondary Suite may be developed on a property, a Park Model home may be used as a Secondary Suite provided it is located and serviced to the satisfaction of the Development Officer and conforms to all necessary *Safety Codes Act* regulations.

3) A Park Model Home may be used as a detached Surveillance Suite.

4) A Park Model home may be used as an office in the Commercial District, Industrial District or Business Park District provided there is a principal Building on the property.

5) Park Model homes shall be regarded as recreational vehicles unless a development permit approval has been granted for an approved Use.

6) Where a Development Permit is to be considered for a Park Model home, the standard Site and Setback requirements for an Accessory Building within the subject land use district shall apply.

SECTION 102: PETROLEUM FACILITIES

1) Petroleum facilities shall not be located in any area that is determined by the Development Officer to be a safety risk, have inappropriate vehicle circulation or access to and from public roadways.

2) An application for a petroleum facility shall include scaled drawings showing:

    a) proposed traffic circulation,

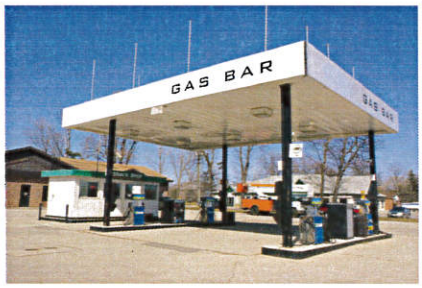
    b) Off-Street Parking areas,

    c) loading areas,

    d) landscaped areas,

    e) signage location, and

    f) the placement of security fences.



3) The minimum area for a Gas Bar shall be 1,207.7 m^2 (13,000 ft^2).

4) The minimum area for a Service Station shall be 1,486.4 m^2 (16,000 ft^2).

5) Multi-use facilities shall have a minimum area of no less than the required minimum area for the Use with the largest minimum area requirement, plus 75% of the minimum area requirement for each additional Use.

6) The maximum Parcel coverage for Buildings, loading areas, Parking areas, Drive Through, etc. shall be 80% of the Parcel.

7) Land not included in Parcel coverage shall be landscaped and vegetated to the satisfaction of the Development Officer.

8) 15% percent of the Parking requirements for a multi-use facility under this section may be shared between the various uses.

9) A minimum 6.0 metre (19.7 ft.) Setback from the property line shall be maintained for all pump and pump housing units.

10) The installation of petroleum tanks shall conform to Provincial Standards. Permit approval from the Provincial Approving Authority shall be included as supporting information for a development permit application.

11) Lighting for the Site shall not be directed towards any adjoining Parcel without the prior written approval of the owner listed on the certificate of title for that Parcel.

SECTION 103: PLACES OF WORSHIP

1) A Place of Worship shall have a minimum area of 929 m^2 (10,000 ft^2). An additional 393.5 m^2 (5,000 ft^2) shall be required should a Manse (clergy residence) be required on the same Parcel.

2) Minimum Frontage for a Place of Worship as a Principal Building or Use shall be 30.0 metres (98.4 t.).

3) The Parking area for a Place of Worship shall be Screened from adjoining residential district Parcels by a wall, landscaped earth berm, hedge or fence constructed or maintained to a minimum of 1.22 m (4.0 ft.) above Grade.

4) Preferred location for a Place of Worship shall be a corner Lot; or an internal Lot that is adjoining on one Side Yard to a non-residential Use.

5) A minimum of 20% of the Parcel Area shall be an outdoor landscaped space where the Place of Worship is a Principal Use.

6) All portions of the Parcel that are not used for Parking, pedestrian access or Buildings shall be landscaped.

7) A detached Manse or other Place of Worship related residence should be located in a manner that can allow for the future separation of the Building in title from the greater Place of Worship property.

8) The exterior finish of the Place of Worship shall be compatible to that of the surrounding neighbourhood.

9) Subject to compatibility with the existing property and Parking requirements, a Place of Worship may be an Accessory Use in a public Building such as a School, hospital, or Supportive Living complex within the Urban Services District.

10) A Place of Worship may be located within a land use district other than Urban Services, subject to a site-specific land use district amendment being adopted by Council.

11) A Manse as a detached dwelling may be a Manufactured, Single Detached or Modular home, subject to compatibility in design and appearance with the subject Place of Worship and Dwellings on adjoining residential parcels.

SECTION 104: PORTABLE BUILDINGS

1) A portable Building may also be referred to as a tarp shed or canvas Garage.

2) A maximum of one portable Building may be allowed on a single non-industrial Parcel.

3) A portable Building is an Accessory Building for the purposes of this Bylaw in all land use districts, and are subject to all applicable Accessory Building requirements.

4) A portable Building is included as part of the Parcel coverage calculation as applicable in all land use districts.

5) Portable Buildings must be maintained in good repair. A Development Permit issued for a portable Building may be cancelled by the Development Officer and ordered for removal from the property pursuant to Section 546 of the *MGA* should the Structure be determined by the Development Officer to be unsightly or derelict.

6) A portable Building shall be sized to be appropriate for the intended Use.

SECTION 105: SHIPPING CONTAINERS

1) A Shipping Container is an allowable Building with an approved Development Permit in the following Districts:

   a) all industrial districts,

   b) urban reserve district, and

   c) commercial districts.

2) A Shipping Container may be used for the purpose of loading or unloading household items or construction materials or equipment in a residential district, for a period of 30 days upon request of the landowner to the Development Authority without the requirement for a Development Permit.

3) Shipping containers that are to be located for more than 30 days on a Parcel *in all Districts except Industrial – M1 shall: (Bylaw 1080)*

   a) be sided or painted to match or complement the principal Building on the Site;

   b) feature a false roof with a minimum pitch that is similar to other Buildings on the property;

   c) include a man-door; and

   d) have the appropriate safety codes approvals.

4) Shipping containers shall be treated as an Accessory Building for the purpose of location within a Parcel, except when used under Sub-section 2 above.

5) Where Sub-section (2) above is applicable, the Shipping Container may be located on a Front Yard driveway.

6) Shipping containers shall not be used as a fence in any land use district

7) Shipping containers shall not eliminate or interfere with Parking, loading or the manoeuvring of vehicles or pedestrians on the Site.

8) Shipping containers for a municipal purpose may be placed on any municipal owned parcel, subject to other provisions of this Bylaw. (Bylaw 1080)

SECTION 106: SWIMMING POOLS & HOT TUBS

1) Swimming Pools and Hot Tubs for private Use shall be secured against entry by the public other than owners, tenants, or guests.

2) It is required that Swimming Pools and Hot Tubs be drained in a manner that does not direct water onto neighbouring properties.

SECTION 107: SURVEILLANCE RESIDENCE

1) A Surveillance Suite shall be compatible with and accessory to the Principal Use on the subject Parcel; and be compatible with uses on adjoining properties.

2) A Surveillance Suite shall not interfere with future Development or land uses on adjoining properties.

3) Where a Surveillance Suite is attached to the Principal Building on a Site by a roof, an open or enclosed Structure, a floor, or a Foundation, it shall be treated as part of the Principal Building.

4) Property line setbacks for Surveillance Suite shall be as per the regulation in the applicable land use district.

5) A Surveillance Suite, as a detached Building, shall have a minimum Setback to other Buildings of 1.83m (6.0 ft.) or as required to meet *Safety Codes Act* requirements.

6) A Surveillance Suite shall not be located in the Front Yard of a Lot.

7) A Surveillance Suite shall have a minimum Floor Area of 46.45 m^2 (500 ft^2) and a maximum Floor Area of 92.9 m^2 (1,000 ft^2), not including a Basement.

8) A Surveillance Suite shall be finished and maintained in a manner that is compatible with the other Buildings on the subject property and surrounding neighbourhood.

SECTION 108: UNDERGROUND SPRINKLER SYSTEMS

1) Except as provided below, underground sprinkler systems shall be regarded as a Development not requiring a Development Permit.

2) Underground sprinkler systems within 30 metres of the top of valley of the Little Paddle River shall require an approved Development Permit.

   a) A development permit application under this section shall include a geotechnical evaluation in accordance with the provisions of Section 3.2 of the *MDP*.

   b) The Development Officer may include conditions on a development approval to the goal of insuring slope stability.

PART 8: SIGNAGE

SECTION 109: GENERAL SIGN PROVISIONS

1) Development Permits shall be required for all permanent signs within the Town. All signs shall be subject to the following:

   a) The Development Officer may, at their discretion, require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safe design and placement of a Sign, awning or Canopy.

   b) Quality, aesthetic Character and finishing of Sign construction shall be to the satisfaction of the Development Officer.

   c) No person shall erect or place a Sign so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard or obstruct the vision of vehicular traffic.

   d) Where, in the opinion of the Development Officer, a proposed Sign in a commercial or industrial land use district might be objectionable to a resident in any adjacent residential land use district, the Development Officer may impose such other regulations as they feel would protect the interests of residents including but not limited to periodic checks of the light being directed by a lighted Sign as well as controlling the hours that lighted signs remain lighted.

   e) Flashing, animated or interiorly illuminated signs shall not be permitted in any land use district where, in the opinion of the Development Officer, they might:

      i. affect residents in adjacent housing or residential land use districts, or

      ii. interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.

   f) Notwithstanding Subsection (1), no person shall exhibit or place an illuminated Sign that permits or provides for:

      i. a current interrupting or flashing device unless there is a continuous source of concealed illumination on the translucent portions of the Sign;

      ii. a flashing beacon of a type that is the same or similar to those used by emergency vehicles;

iii. a flashing device, animator or revolving beacon within 50.29 m (165 ft.) of the intersection of two or more public roadways, or

iv. a device that would be directly visible from any residential Building within a distance of 50.29 m (165 ft.) of the Sign.

2) The area around Sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.

3) The Development Officer may require the removal of any Sign which, in their opinion, is or has become unsightly or is in such a state of disrepair as to constitute a hazard.

4) The Development Officer may require that the owner of any Sign indemnify the Town in an insurance policy related to any approved private Sign.

SECTION 110: FREESTANDING SIGNS

1) Within all non-Residential Land Use Districts, one freestanding Sign may be allowed per Site as follows:

   a) The height of any freestanding Sign shall not exceed 9.1 m (30.0 ft.) from Grade.

   b) Any freestanding Sign shall not project to within 0.6m (2.0 ft.) of a property line, or within 2.0 m (6.5 ft.) of overhead utility lines.

   c) The total area of all freestanding signs on each Site shall not exceed 0.2 m^2 (2.15 ft^2)for each lineal metre of Street Frontage of the developed Site, to a maximum of 12.0 m^2 (129 ft^2) for each Sign.

2) Freestanding signs shall:

   a) be limited to advertising for the business or businesses of the property on which application for Development Permit is being made, and

   b) not use animated or flashing lighting where the same may be a nuisance to neighbouring properties or businesses.

SECTION 111: BILLBOARD SIGNS

1) Billboard signs shall not be permitted in residential districts.

2) Billboard signs shall only be permitted on a long term or permanent basis on properties adjacent:

a) to Highway 22, or

b) to Highway 43.

3) Where Section (1) and (2) above are not applicable, the Development Officer may issue a permit for a billboard, subject to the permit approval being issued for a maximum of one year from the date of approval.

4) The Development Officer shall take into consideration the following aspects in ensuring the proper design, Character, location and construction of billboard signs:

   a) Billboard signs must be compatible with the general architectural lines and forms of adjacent Development,

   b) All billboard signs must be of high quality construction, and

   c) All billboard signs must be positioned so that they do not severely obstruct the horizon line when viewed from vehicular traffic traveling past them from any direction.

5) A billboard may only contain poster panels or bulletins up to 3.05 m (10 ft.) by 6.1 m (20 ft.) in size.

6) The advertisement copy may be posted, glued, painted or otherwise fastened to the billboard in order to permit periodic replacement.

7) A billboard facing, including border and trim but excluding the base, apron, supports or other structural members shall not exceed 18.58 m^2 (200 ft^2) in area.

8) The maximum size of a billboard referred to in Subsection (7) applies to each facing of a billboard Structure and facings may be placed back-to-back or in a V-shaped configuration.

9) A billboard Sign shall not be located within a minimum distance of 152.4 m (500 ft.) from any other billboard Sign on the same side of the road.

10) A billboard Sign shall not project within 4.88 m (16 ft.) from the Parcel line.

11) The Development Officer shall ensure that a billboard located at the intersection of any roadway with another public roadway is Setback an appropriate distance for the purposes of safe and efficient movement of traffic.

12) Billboard facings may be illuminated by a constant source of light only, and shall not be lit by a flashing, animated or intermittent light source.

13) In the case of community-oriented or public service-type billboards, the Town may authorize the placement of such billboards on public roadway right-of-ways notwithstanding Subsections (3) and (10).

SECTION 112: AWNING & CANOPY SIGNS

1) Subject to Subsection (2), awning or Canopy signs may be permitted in all but residential land use districts.

2) In a residential land use district, awnings or canopies shall not be attached to or be constructed so as to be considered a part of any Sign other than a house or apartment name Sign.

3) The awning or Canopy Sign shall have a clearance of not less than 3.66 m (12 ft.) between the bottom of the Canopy or awning and the sidewalk, walkway or ground level.

4) Where the front portion of a Building extends, or is allowed to extend out to the front Parcel line, the Canopy or awning Sign shall not project more than 2.13 m (7.0 ft.) over the sidewalk and in no case, shall any support pillar/pole forming part of the awning or Canopy Sign project beyond the front Parcel line.

5) Notwithstanding Subsections (3) and (4), no Canopy Sign shall be permitted where, in the opinion of the Development Officer, the Canopy or awning obstructs the free movement or access to pedestrians, vehicles or repairs to overhead utility lines.

6) The print or lettering of awnings and canopies in all land use districts shall be restricted to identification of the Building name or the proprietor's identification.

7) The Development Officer may require that the applicant include the Town within an insurance policy where awning or Canopy signs overhang public walkways, Lanes, streets, or properties.

SECTION 113: PROJECTING SIGNS

1) In the C1-Downtown Core District and C2-General Commercial District, a projecting Sign shall be permitted with the approval of the Development Officer, as follows:

a) For any Building located less than 6.1 m (20 ft.) from the property line, not more than one projecting Sign, 2.32 m^2 (25 ft^2) or less in area, shall be erected;

b) No part of the Sign shall:

i) extend more than 2.13 m (7.0 ft.) above the parapet of the Building;
ii) extend more than 2.13 m (7.0 ft.) from the face of the Building; or
iii) be less than 3.05 m (10 ft.) above ground or sidewalk Grade.

2) Projecting signs shall be erected so that:

a) No part of the Sign shall be less than 3.05 m (10 ft.) above the ground or sidewalk Grade;

b) No part of the Sign shall project more than 1.83 m (6.0 ft.) over public property, or come within 0.6 m (2 ft.) of the curb or edge of a roadway;

c) No part of the Sign shall project more than 0.91 m (3.0 ft.) above the top of the vertical face of the wall to which it is attached;

d) The space between the Sign and supporting wall shall not be more than 0.6 m (2 ft.);

e) There shall be only one projecting Sign for each business Frontage, provided that if a business Frontage shall exceed 100 ft. (30.48 m), a further projecting Sign be permitted for each additional 100 ft. (30.48 m) or portion thereof;

f) The permitted area of the Sign shall be related to the amount of projection from the face of the Building, as follows:

Maximum Amount of Projection	Maximum Area of Sign
2.43 m (8.0 ft.)	2.32 m^2 (25 ft^2)
2.13 m (7.0 ft.)	2.60 m^2 (28 ft^2)
1.83 m (6.0 ft.)	3.16 m^2 (34 ft^2)
1.52 m (5.0 ft.)	4.46 m^2 (48 ft^2)
1.22 m (4.0 ft.)	5.57 m^2 (60 ft^2)
0.91 m (3.0 ft.)	6.97 m^2 (75 ft^2)

g) Sign area shall be computed exclusive of supports and structural members provided that such supports and structural members are free of advertising

and are so constructed that they do not form part of the advertisement; and

h) Supports shall not be provided by an A-frame.

SECTION 114: ROOF SIGNS

1) Roof signs may be allowed in all land use districts except residential land use districts.

2) No portion of a Sign shall overhang the roof on which it is located.

3) No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer.

4) Notwithstanding Sub-sections (2) and (3), inflated advertising signs may be permitted as roof signs at the discretion of the Development Officer. Such permits shall not be issued for a period greater than 6 months.

SECTION 115: WALL & FACIA SIGNS

1) Wall and fascia signs may be permitted in all land use districts, excepting residential land use districts wherein it is permissible to have one non-illuminated fascia Sign or nameplate to identify a Home Based Business not greater than 0.28 m^2 (3.0 ft^2) in area placed within or flat against the Dwelling unit or any Accessory Building.

2) Except where Subsection (3) and (4) are applicable, one fascia Sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the Development. The Sign shall not exceed a height of 1.52 m (5.0 ft.) and a horizontal dimension greater than the length of the bay which the proprietor's Sign identifies. In no case, shall the fascia Sign exceed 30% of the Building face or bay which the Sign identifies.

3) Developments which are considered by the Development Officer to be double fronting may apply for a fascia Sign permit for the second fronting Building face.

4) In Developments containing more than two storey's, fascia signs shall only be permitted on the Building face below the third Storey offices and bays.

5) A wall Sign in a commercial or industrial land use district shall not exceed an area of more than 45% of the wall to which it is attached.

6) A wall Sign shall not extend beyond the limits of the wall to which it is attached.

7) Where a wall mural is not to be used to advertise the business within the Building upon which the mural is painted or any other business; the wall mural may encompass 100% of the wall to which it is painted provided that the wall Sign mural complies with approved design guidelines.

8) Fascia and wall signs for a commercial or industrial Building containing more than one bay shall maintain the same Character and size of Sign throughout the Building face and from bay to bay.

PART 9: PARKING & LOADING

SECTION 116: OFF-STREET PARKING DESIGN

1) Parking stalls and Loading Spaces shall be clearly marked and regularly maintained in the Parking facility.

2) Except where exempted through specific development permit approval, all Off-Street Parking areas shall be separated from streets/sidewalks by a landscaped buffer at least 0.91 m (3.0 ft.) in width.

3) Necessary curb-cuts shall be constructed according to Municipal Standards.

4) Where the Off-Street Parking spaces exceeds two stalls, each stall and access from the Street shall be hard surfaced to Municipal Standards.

5) Parking areas shall be Graded in a manner that will not direct surface water flows across the Parcel boundary unless where approved by the Development Officer and/or Public Works Department.

6) Parking facilities shall be adequately lighted. Lighting shall not be directed towards Parcels districted to a residential land use district or other Parcels where the lighting may adversely impact the Parcel or its Use.

7) Parking for physically handicapped shall be provided in accordance with Provincial Design Standards, and shall be clearly marked. As a guide, 5% of customer/resident Parking stalls should be barrier free to a maximum of 4

stalls per business. Barrier free Parking should also be proximal to the main entrance of the subject Building.

8) All Parking areas shall conform to the following design standards, except where varied by the Development Authority due to specific on-site considerations:

Parking Angle	Width of Stall	Depth of Stall Perpendicular to Manoeuvring Aisle	Width of Stall Parallel to Manoeuvring Aisle	Width of Manoeuvring Aisle
0° 30° 45° 60° 90°	2.59 m (8.5 ft.) 2.59 m (8.5 ft.) 2.59 m (8.5 ft.) 2.59 m (8.5 ft.) 2.59 m (8.5 ft.)	2.59 m (8.5 ft.) 4.88 m (16.0 ft.) 5.49 m (18.0 ft.) 5.79 m (19.0 ft.) 5.79 m (19.0 ft.)	6.71 m (22.0 ft.) 5.18 m (17.0 ft.) 3.57 m (11.7 ft.) 2.83 m (9.3 ft.) 2.59 m (8.5ft)	One Way 3.51 m (11.5 ft.) One Way 3.51 m (11.5 ft.) One Way 3.51 m (11.5 ft.) One Way 5.79 m (19 ft.) One Way 7.01 m (23 ft.)

9) All Parking areas and driveways other than in rear yards of industrial district Parcels shall be paved or otherwise hard surfaced to municipal standards.

10) A lesser standard may be allowed where the fronting Street or Lane is not paved, in which case the Parking area shall be surfaced to a same or similar standard as the said Street or Lane.

SECTION 117: COMMUNAL PARKING

1) Parking in industrial, urban reserve and non-Highway commercial districts may be pooled by the owner(s) of a Parcel(s) of land to meet the requirements of this Part.

2) Where a group of uses is served by a communal Parking facility, the sum of all individual uses shall be served by the Parking facility.

3) The demand on a communal Parking facility shall not exceed the capacity of the facility without the approval of the Development Authority.

4) The Town may require an agreement to be entered into between the communal Parking facility, the subject Use that is being served by the facility and the Town; with the said agreement prepared and registered against the certificate of title for the affected properties at the cost of the Developer.

5) Where various users on a Parcel have different peak times for Parking demand, the Development Authority may consider reducing the number of Parking stalls required for certain uses.

SECTION 118: ON-STREET PARKING

1) On-Street Parking shall be prohibited except where allowed by the Town.

2) On-Street Parking shall not be used as a means to satisfy Parking requirements in any district other than where approved by the Development Authority.

3) On-Street Parking shall not be used to satisfy Parking requirements for secondary suites.

SECTION 119: OFF-STREET PARKING

1) Off-Street loading areas shall:

   a) be of adequate size and area to accommodate the proposed Use,

   b) shall not interfere with pedestrian or other customer traffic movements;

   c) have a clearly defined traffic aisle to a Street or Lane;

   d) be sited to an elevation or elevations convenient to a major floor level in the Building or to a utility elevator serving each major floor level;

   e) have an overhead clearance of no less than 5.49 m (18 ft.) above Grade;

   f) be Graded and drained to dispose of all surface water in a manner satisfactory to the Development Authority. Surface water shall not be directed across sidewalks or property lines without the approval of the Development Authority;

   g) be surfaced in the same manner as the Off-Street Parking facility serving the same Building; and

   h) be Screened on each side adjoining or fronting any Parcel in a residential district by a hedge, wall, earth berm or fence of no less than 1.52 m (5.0 ft.) in height to the satisfaction of the Development Authority.

SECTION 120: PARKING STALL REQUIREMENTS

1) Change of Use or the intensity of Use shall require a re-calculation of Parking requirements under this Section and where applicable, under the applicable section this Part of the Land Use Bylaw.

2) The number of Parking stalls required to serve a Use on-site may be adjusted in accordance with Section 2 of this Part.

3) The Development Authority may assign a same or similar Use to one or more of the requirements provided in the Table below.

4) Where proposed Use(s) falls within one or more Parking requirements, the number of Parking stalls required shall be the sum of those specified for each individual Use.

5) Table 1 below provides minimum Parking stall requirements for individual land uses. Some land uses have specific requirements provided in Part VIII of this Bylaw.

Table 1: Parking Requirements:

RESIDENTIAL	
One and two unit Dwellings	2 per Dwelling unit
Multiple unit Dwellings of one bedroom or less per Dwelling unit	1.5 per Dwelling unit
Multiple unit Dwellings of two or more bedrooms per Dwelling unit	2 per Dwelling unit
Senior citizen self contained Dwelling units	1 per Dwelling unit
COMMERCIAL	
Business, public administration and offices other than doctor and dentist	1 per 40.0 m^2 (430.0 ft^2) of gross leasable area
Medical and dental offices or clinics	1 space for each 30.0 m^2 (323.0 ft^2) of gross leasable area or 3 spaces for each full to part-time professional, whichever is greater
Retail, personal service, equipment, and repair shops with a gross leasable Floor Area of 1000.0 m^2 (10,764.0 ft^2) or less	1 per 30.0 m^2 (323.0 ft^2) of gross leasable Floor Area
Retail and personal service shops and shopping centre Buildings with a gross leasable area of between 1000.0 m^2 and 4000.0 m^2 (10,764.0 ft^2 and 43,057.0 ft^2)	1 per 20.0 m^2 (215.0 ft^2) of gross leasable Floor Area
Retail and personal service shops and shopping centre Buildings with a gross leasable area of more than	1 per 17.0 m^2 (183.0 ft^2) of gross leasable area

4000.0 m2 (43,057.0 ft2) on one Parcel	
Restaurants, beer parlours and cocktail bars	1 for each 6.0 m^2 (65.0 ft^2) of gross Floor Area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater
Drive-in businesses and Car Washing establishments	8 except where more are required under other requirements of this section
Restaurants (food exclusively taken off-Parcel)	1 for each 13.0 m^2 (140.0 ft^2) of gross Floor Area plus 1 for each three employees on maximum shift
Hotels, motor hotels, motels and apartment hotels	1 per sleeping unit and 1 space per three employees on maximum shift
PLACES OF PUBLIC ASSEMBLY	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 m^2 (75.0 ft^2) used by the patrons, whichever is greater
SCHOOLS	
Elementary schools and junior high schools	1 per School hour employee, and plus 5
Senior high schools which do not include an auditorium, gymnasium, or Swimming Pool	1 per School hour employee plus 1 for every twenty students
INDUSTRIAL	
Manufacturing and industrial plants, wholesale, warehousing and storage Buildings and yards, servicing and repair establishments, research laboratories and Public Utility Buildings	1 per employee on maximum shift. This standard may be varied by the Development Officer to no fewer than 1 per three employees on maximum shift where it can be shown by the applicant that fewer stalls are required

HOSPITALS AND SIMILAR USES	
Hospitals, sanatoriums, Group Care Facilities, nursing homes, convalescent homes, and senior citizen's lodges	1 per 100.0 m^2 (1,076.0 ft^2) of Floor Area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater

PART 10: DISTRICT REGULATONS

SECTION 121: PREAMBLE

1) The Town is divided into Land Use Districts and the boundaries of each and every district are described on the Land Use District Map, which forms part of this Bylaw.

2) Where uncertainty arises as to the precise location of the boundary of any district as shown on the Land Use District Map, the following rules apply:

    - Rule 1: Where the boundary is shown as following a public roadway or Lane it shall be determined to follow the near side right of way boundary of the roadway or Lane,

    - Rule 2: Where a boundary is shown as approximately following a property line, it shall be deemed to be following the said property line; and

    - Rule 3: In circumstances not covered by Rule 1 and Rule 2, the location of the District boundary shall be determined by:

        - Dimensions set out within the Land Use District map, or

        - Dimensions as established through the Use of the scale bar shown on the Land Use District Map.

3) Where Land Use Districts are established as part of the Subdivision process, the districts shall be understood to conform to the boundaries shown on the plan of survey or the Certificate of Title for the subject Parcel.

4) The District regulations do not apply to public roadways, Lanes, or public utilities.

SECTION 122: RESIDENTIAL – R1 (LOW DENSITY)

1) PURPOSE:

The purpose of this District is to accommodate low density residential Development and associated land uses or Buildings that are compatible with the neighbourhood.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	Bed and Breakfast
Accessory Use	Child Care Services
Dwelling – Single Detached	Franchise Utility
	Franchise Utility Building
	Group Home
	Home Occupation
	Mixed Use
	Parks and Playgrounds
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Minimum Floor Area:

i. The minimum residential Floor Area within this District shall be no less than 79.0 m^2 (850 ft^2).

ii. Single detached residential Dwellings within Mills Acres (originally Plan No. 802-1844 and as shown below) shall have a minimum Floor Area of no less than 111.5 m^2 (1200 ft^2).

Figure: Mills Acres Neighbourhood

c) Maximum Height:
   i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

d) Parcel Dimensions:
   i. No Parcel shall be less than 34.0 metres (111.5 ft.) in depth.
   ii. the minimum Parcel width shall be no less than:

Laned Subdivisions	
Internal Parcels	15.0 m (49.2 ft.)
Corner Parcels	17.0 m (55.8 ft.)
Laneless Subdivisions	
Internal Parcels	18.0 m (59.0 ft.)
Corner Parcels	20.0 m (65.6 ft.)

e) Parcel Area:
   i. The minimum Parcel Area for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Internal Parcel	510m^2 (5,490 ft^2.)	612m^2 (6,588 ft^2.)
Corner Parcel	578m^2 (6,222 ft^2.)	680m^2 (7,319 ft^2.)

f) Property Line Setbacks:

i. The minimum property line Setback for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Front Yard	7.0 m (22.9 ft.)	7.0 m (22.9 ft.)
Rear Yard	8.0 m (26.2 ft.)	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)[ii]
Flanking Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)

ii. In a Laneless Subdivision where an attached Garage or car port has not been constructed, one Side Yard shall be a minimum of 3.2 m (10.5 ft.) for the purpose of allowing access to the rear of the Lot.

4) OTHER REQUIREMENTS

a) Garage vehicle doors fronting a Street or Lane shall have a minimum Setback to the Street or Lane of 6.0 metres (19.7 ft.).

5) SUPPLEMENTAL REGULATIONS

a) Secondary Suites are subject to Section 84: Secondary Suites. A detached Secondary Suite is only permitted within the Mills Acres neighbourhood as described above in Sub-section (3.b.ii)
b) Show Homes in unserviced areas shall not be occupied for residential Use.
c) Setbacks from non-operating landfills as described in Section 3.2 of the MDP and Section 60 of this Bylaw apply.
d) Mixed Use uses subject to compliance with Section *100* of this Bylaw. *(Bylaw 1094)*

SECTION 123: RESIDENTIAL – R2 (MIXED HOUSING)

1) PURPOSE:

The purpose of this District is to accommodate a variety of low density housing types such as Single Detached, Manufactured Homes and duplex Dwellings.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	Bed and Breakfast
Accessory Use	Child Care Services
Dwelling – Duplex	Franchise Utility
Dwelling - Manufactured Home	Franchise Utility Building
Dwelling – Single Detached	Group Home
	Home Occupation
	Parks and Playgrounds
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Minimum Floor Area:

i. The minimum residential Floor Area within this District shall be no less than 79.0 m^2 (850 ft^2).

c) Maximum Height:

i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

d) Parcel Dimensions:

i. No Parcel shall be less than 34.0 metres (111.5 ft.) in depth.

ii. The minimum Parcel width shall be no less than:

Laned Subdivisions

Internal Parcels	15.0 m (49.2 ft.)
Corner Parcels	17.0 m (55.8 ft.)

Laneless Subdivisions

Internal Parcels	18.0 m (59.0 ft.)
Corner Parcels	20.0 m (65.6 ft.)

e) Parcel Area:

i. The minimum Parcel Area for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Internal Parcel	510m^2 (5,490 ft^2.)	612m^2 (6,588 ft^2.)
Corner Parcel	578m^2 (6,222 ft^2.)	680m^2 (7,319 ft^2.)

f) Property Line Setbacks:

i. The minimum property line setbacks for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Front Yard	7.0 m (22.9 ft.)	7.0 m (22.9 ft.)
Rear Yard	8.0 m (26.2 ft.)	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)[ii]
Flanking Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)

iii. In a Laneless Subdivision where an attached Garage or car port has not been constructed, one Side Yard shall be a minimum of 3.2 m (10.5 ft.) for the purpose of allowing access to the rear of the Lot.

4) OTHER REQUIREMENTS

a) Garage vehicle doors fronting a Street or Lane shall have a minimum Setback of 6.0 metres (19.7 ft.).

5) SUPPLEMENTAL REGULATIONS

a) Show Homes in unserviced areas shall not be occupied for residential Use.
b) Setbacks from non-operating landfills as described in Section 3.2 of the Municipal Development Plan and Section 60 of this Bylaw apply.

SECTION 124: RESIDENTIAL – R3 (MEDIUM DENSITY)

1) PURPOSE:

The purpose of this District is to accommodate higher density Dwellings.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	Bed and Breakfast
Accessory Use	Child Care Services
Dwelling – Duplex	Dwelling – Single Detached
Dwelling - Fourplex	Group Home
Dwelling – Row Housing	Home Occupation
Dwelling - Triplex	Franchise Utility
	Franchise Utility Building
	Parks and Playgrounds
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Minimum Floor Area:

ii. The minimum residential Floor Area within this District shall be no less than 79.0 m^2 (850 ft^2).

c) Maximum Height:

i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

d) Parcel Dimensions:

i. No Parcel shall be less than 34.0 metres (111.5 ft.) in depth.

ii. The minimum Parcel width shall be no less than:

Laned Subdivisions	
Internal Parcels	15.0 m (49.2 ft.)
Corner Parcels	17.0 m (55.8 ft.)

Laneless Subdivisions	
Internal Parcels	18.0 m (59.0 ft.)
Corner Parcels	20.0 m (65.6 ft.)

e) Parcel Area:

i. The minimum Parcel Area for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Internal Parcel	510m^2 (5,490 ft^2.)	612m^2 (6,588 ft^2.)
Corner Parcel	578m^2 (6,222 ft^2.)	680m^2 (7,319 ft^2.)

f) Property Line Setbacks:

i. The minimum Parcel Area for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Front Yard	7.0 m (22.9 ft.)	7.0 m (22.9 ft.)
Rear Yard	8.0 m (26.2 ft.)	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)[ii]
Flanking Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)

ii. In a Laneless Subdivision where an attached Garage or car port has not been constructed, one Side Yard shall be a minimum of 3.2 m (10.5 ft.) for the purpose of allowing access to the rear of the Lot.

4) OTHER REQUIREMENTS

a) Garage vehicle doors fronting a Street or Lane shall have a minimum Setback of 6.0 metres (19.7 ft.).

5) SUPPLEMENTAL REGULATIONS

a) Show Homes in unserviced areas shall not be occupied for residential Use.

b) Setbacks from non-operating landfills as described in Section 3.2 of the Municipal Development Plan and Section 60 of this Bylaw apply.

SECTION 125: RESIDENTIAL – R4 (HIGH DENSITY HOUSING)

1) PURPOSE:

The purpose of this District is to accommodate high density Dwellings as the predominant land use.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	
Accessory Use	Convenience Services
Apartment	Day Care Facility
Dwelling Row- Housing	Franchise Utility
	Franchise Utility Building
	Group Care Facility
	Home Occupation
	Parks and Playgrounds
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Retail Services
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Minimum Floor Area:

i. The minimum residential Floor Area within this District shall be appropriate for the desired land use and shall not be less than 41.8 m^2 (450 ft^2.) for Apartment or Row Housing Dwellings.

ii. The minimum retail Floor Area within an apartment block shall be at the discretion of the Development Officer.

c) Maximum Height:

i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

d) Parcel Dimensions:
   i. No Parcel shall be less than 38.0 metres (124.6 ft.) in depth.
   ii. The minimum Parcel width shall be no less than:

Laned Subdivisions	
Internal Parcels	22.0 m (72.1 ft.)
Corner Parcels	27.0 m (88.5 ft.)

e) Parcel Area:
   i. The minimum Parcel Area for residential Parcels within this District are:

	Laned Subdivisions
Internal Parcel	836.0m^2 (5,490 ft^2.)
Corner Parcel	1,026.0m^2 (6,222 ft^2.)

f) Property Line Setbacks:
   i. The minimum property line setbacks for Parcels within this District are:

	Laned Subdivisions
Front Yard	7.0 m (22.9 ft.)
Rear Yard	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)
Flanking Yard	1.5 m (4.9 ft.)

   ii. Apartment blocks are subject to expanded Side Yard requirements pursuant to Section 80 of this Bylaw.

4) OTHER REQUIREMENTS

a) Commercial uses shall only be considered as an Accessory Use on the ground floor of an apartment Building.
b) Common areas are subject to Section 80 of this Bylaw.
c) Lands under this District shall be Screened from abutting lower density residential districted Parcels in accordance with Section 80 of this Bylaw.

5) SUPPLEMENTAL REGULATIONS

a) Show Homes in unserviced areas shall not be occupied for residential Use.
b) Setbacks from non-operating landfills as described in Section 3.2 of the Municipal Development Plan and Section 60 of this Bylaw apply.

SECTION 126: RESIDENTIAL – R5P (RESIDENTIAL PARK)

1) PURPOSE:

The purpose of this District is to accommodate Residential Park which allows for multiple detached residences and secondary uses on a single Parcel.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	Accessory Use
Dwelling – Single Detached	Bed and Breakfast
Dwelling – Manufactured Home	Child Care Services
Dwelling – Duplex	Convenience Services
Residential Park	Dwelling – Mobile Home
	Home Based Business
	Parks and Playground
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Quasi – Public Use
	Sales Office
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas or in the case of a rental stall, setbacks from the outer dimensions of the stall.

ii. A minimum of 10% of the Park area should be provided as Park and open space.

b) Minimum Parcel Area:

i. The are for a Parcel within this District shall be 0.8 ha. (2 ac.)

c) Maximum Height:
   i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

d) Stall Dimensions:
   i. Where the Park is for the purpose of housing Dwellings with a length to width ratio no less than 3:1, all residential stalls shall be large enough to accommodate a minimum 18.3 m (60 ft.) long residence with a minimum width of 6.1m (20 ft.).
   ii. Other residential types shall have minimum stall dimensions equivalent to those provided in the Residential - R2 District.
   iii. A Trailer Park (Plan No. 112-0370) is designated as a Manufactured Home Park for the purpose of Section 284(n)of the *MGA* and is grandfathered as a Park with respect to Parcel and stall dimension requirements.

e) Property Line Setbacks:
   i. The minimum Parcel property line setbacks for residential Parcels within this District are:

Front Yard	7.0 m (22.9 ft.)
Rear Yard	6.0 m (19.7 ft.)
Side Yard	1.5 m (4.9 ft.)
Flanking Yard	1.5 m (4.9 ft.)

4) OTHER REQUIREMENTS

a) Residences within a residential Park under this District must be of same or similar design and appearance including length to width ratio within the entire Parcel.
b) The *Discretionary Use: Mobile Home*, applies to existing Mobile Homes within an existing residential Park. This Use does not apply to relocation or replacement of a Mobile Home within a stall in a residential Park.

5) SUPPLEMENTAL REGULATIONS

a) Show Homes in unserviced areas shall not be occupied for residential Use.

b) Setbacks from non-operating landfills as described in Section 3.2 of the Municipal Development Plan and Section 60 of this Bylaw apply.
c) Front yard setbacks may be reduced to 4.6 metres (15.1 ft.) in a newly developed residential Park.

SECTION 127: RESIDENTIAL – R5S (RESIDENTIAL)

1) PURPOSE:

The purpose of this District is to accommodate Dwellings that are longer and narrower than those on traditional Single Detached Dwelling Lots.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Building	Accessory Use
Dwelling – Manufactured Home	Bed and Breakfast
Dwelling – Single Detached	Child Care Services
	Dwelling – Mobile Home
	Home Based Business
	Parks and Playground
	Portable Building
	Public Use
	Public Utility
	Public Utility Building
	Quasi – Public Use
	Sales Office
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Maximum Height:

i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

c) Parcel Dimensions:

i. All residential Parcels shall be large enough to accommodate a minimum 18.3 m (60 ft.) long residence with a minimum width of 6.1 m (20 ft.).

ii. Parcels created under this District should have same or similar dimensions (Parcel depth) to adjoining Parcels under the same District.

d) Parcel Area:

i. The minimum Parcel Area for residential Parcels is 300 m^2 (3,229 ft^2.)

e) Property Line Setbacks:

ii. The minimum property line setbacks for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Front Yard	4.6 m (15.1 ft.)	4.6 m (15.1 ft.)
Rear Yard	8.0 m (26.2 ft.)	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)[ii]
Flanking Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)

4) OTHER REQUIREMENTS

a) The Discretionary Use: Mobile Home, applies to existing Mobile Homes within an existing residential Subdivision. This Use does not apply to relocation or replacement of a Mobile Home within a stall in a residential Subdivision.

5) SUPPLEMENTAL REGULATIONS

a) Show Homes in unserviced areas shall not be occupied for residential Use.
b) Setbacks from non-operating landfills as described in Section 3.2 of the Municipal Development Plan and Section 60 of this Bylaw apply.
c) All Dwellings shall be a minimum of 3:1 in length to width.

SECTION 128: RESIDENTIAL – RW (LIVE/WORK)

1) PURPOSE:

The purpose of this District is to provide for a low density Mixed Use Development in the form of a Live/Work community.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Accessory Use	Animal Care Facility (Large Animal)
Accessory Building	Animal Care Facility (Small Animal)
Commercial (Live/Work)	Bed and Breakfast
Dwelling – Single Detached	Home Occupation
Dwelling – Manufactured Home	Public Use
Kennel	Public Utility
Veterinary Clinic	Public Utility Building
	Quasi – Public Use
	Secondary Suite
	Show Home

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas.

b) Maximum Height:

i. The height of all structures shall not exceed 9.0 metres (29.5 ft.), subject to other provisions of this Bylaw.

c) Parcel Dimensions:

i. Minimum Width: 15 m. (49 ft.)

ii. Minimum Depth: 30 m. (98.4 ft.)

iii. Parcels created under this District should have same or similar dimensions (Parcel depth) to adjoining Parcels under the same District.

d) Parcel Area:
   i. The minimum Parcel Area for residential Parcels is 0.1ha. (0.25 ac.)

e) Property Line Setbacks:
   i. The minimum property line setbacks for residential Parcels within this District are:

	Laned Subdivisions	Laneless Subdivisions
Front Yard	7.0 m (22.9 ft.)	7.0 m (22.9 ft.)
Rear Yard	8.0 m (26.2 ft.)	8.0 m (26.2 ft.)
Side Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)[ii]
Flanking Yard	1.5 m (4.9 ft.)	1.5 m (4.9 ft.)

4) OTHER REQUIREMENTS

a) Residences shall have an outdoor Amenity Space of no less than 55.7 m^2 (600 ft^2).
b) Commercial uses shall be limited to the first Storey and shall have a separate outside entry from that of the residential Use if sharing the same Building.
c) Commercial uses contemplated under this District include, but are not limited to:
   i. Owner/Operator businesses that have a maximum of three (3) off-site employees on-site at the same time.
d) Noise such as commercial or industrial diesel engines running during the evening, loading of construction equipment and other similar noise impacts are determined by the Development Officer to be acceptable and in keeping with the characteristics of this District.
e) Land to be considered under this District is subject to Section *98* of this Bylaw. *(Bylaw 1094)*

SECTION 129: COMMERCIAL – C1 (DOWNTOWN CORE)

1) PURPOSE:

The purpose of this District is to provide for office, retail, and personal service businesses as the Principal Uses; with a focus on adding to the Character of the downtown area of Mayerthorpe.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Convenience Services	Child Care Services
Entertainment Establishment (Indoor)	Family Care Services
Funeral Home	Public Use
Indoor Eating Establishment	Public Utility Building
Medical Services	Quasi – Public Use
Parking Services	Mixed Use
Parks and Playgrounds	Secondary Suite
Pet Care and Grooming Services	Accessory Building
Pop-up Retail	Accessory Use
Professional Services	Portable Building
Restaurant Services	Public Utility
Retail Services	Accessory Food Service
Veterinary Clinic	Accessory Liquor Service
	Mini Storage (Bylaw 1080)
	Cannabis Reail Sales (Bylaw 1094)

3) DISTRICT REGULATIONS

a) Parcel Coverage:
   i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas except where zero-Lot lines are approved.
   ii. All properties shall include adequate provision for Parking, loading and garbage facilities.

b) Maximum Height:
   i. The height of all structures shall not exceed 12.0 metres (39.4 ft.), subject to other provisions of this Bylaw.

c) Parcel Dimensions:
   i. All Parcels shall be of sufficient dimension to accommodate the proposed Use.

d) Parcel Area:
   i. Minimum area is at the discretion of the Subdivision Authority, which may request a plot plan of the proposed Building or Use for the property as part of the Subdivision application where the proposed property has a Frontage less than 6.0 metres (19.7 ft.)

e) Property Line Setbacks:
   i. Property line setbacks are at the discretion of the Development Officer.
   ii. Where a property under this district abuts the Side Yard of a Residential District not within the designated Mixed Use Area described in Section *100* of this Bylaw, a Side Yard of 1.5 metres (4.9 ft.) or 40% of the height of the commercial Building, whichever is greater, shall be provided. *(Bylaw 1094)*

4) DISTRICT REGULATIONS

a) The Discretionary Use, Mini-Storage, is restricted to an existing mini-storage facility located on *Lot A, Plan 3623 NY (Bylaw 1080)*

SECTION 130: COMMERCIAL – C2 (GENERAL COMMERCIAL)

1) PURPOSE:

This District is generally intended to provide for retail and service oriented uses which require larger storage and display area or Highway exposure.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Automobile Sales	Accessory Building
Automobile Service Centre	Accessory Food Service
Auction Sales	Accessory Use
Car Wash	Campground
Commercial Accommodation (Long Term)	Caretaker's Residence
Farm Equipment Sales and Service	Convenience Services
Gas Bar	Entertainment Establishment (Indoor)
Home Sales	Entertainment Establishment (Outdoor)
Hotel	Indoor Eating Establishment
Motel	Parks and Playgrounds
R.V. Sales and Service	Pet Care and Grooming Centre
Service Station	Portable Building
Veterinary Clinic	Public Use
Professional Services	Public Utility
Personal Services	Public Utility Building
Restaurant	Quasi – Public Use
Retail Services	Show Home
Shopping Centre	*Manufacturing Services (Bylaw 1099)*
	Cannabis Manufacturing (Bylaw 1094)
	Cannabis Retail Sales (Bylaw 1094)

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Except where noted in this Bylaw, Parcel coverage is limited to the Parcel Area less that which is required to accommodate property line Setback areas except where zero-Lot lines are approved. Building coverage should not exceed 50% of the total Parcel Area.

ii. All properties shall include adequate provision for Parking, loading and garbage facilities.

b) Maximum Height:

i. The height of all structures shall not exceed 11.0 metres (36.1 ft.), subject to other provisions of this Bylaw.

c) Parcel Dimensions:

i. All Parcels shall have a minimum Frontage of 40 metres (131.2 ft.)

d) Parcel Area:

i. Minimum Parcel Area is at the discretion of the Subdivision Authority, but should be no less than 0.15 ha. (0.37 ac.).

e) Property Line Setbacks:

i. Property line setbacks are at the discretion of the Development Officer.

ii. Where a property under this district abuts the Side Yard of a Residential District not within the designated Mixed Use Area; a Side Yard of 1.5 metres (4.9 ft.) or 40% of the height of the commercial Building, whichever is greater, shall be provided.

4) OTHER REQUIREMENTS

a) Show Homes are for display Use only.

b) That manufacturing services as an industrial use within this Commercial District be subject to the same character and appearance standards as adjoining land uses within the same District. (Bylaw 1099)

SECTION 131: INDUSTRIAL – M1

1) PURPOSE:

This District is generally intended to provide for industrial Buildings and uses that contain any adverse impacts within the Parcel.

2) BUILDINGS AND USES

PERMITTED

Animal Care Facility (Large Animal)
Auction Sales
Car Wash
Commercial Greenhouse

General Industrial Use
Light Industrial Use
Manufacturing Services
Mini-Storage
Veterinary Clinic

DISCRETIONARY

Accessory Building
Accessory Use
Adult Entertainment
Amusement Establishment (Indoor/Outdoor)
Caretaker's Residence
Marijuana Facility
Petroleum Facility
Portable Building
Professional Services
Public Use
Public Utility
Public Utility Building
Quasi – Public Use
Recycling Facility
Retail Establishment
Shipping Container
Show Home
Cannabis Commercial Cultivation (Bylaw No. 1094)
Cannabis Manufacturing (Bylaw 1094)

3) DISTRICT REGULATIONS

a) Parcel Coverage:

i. Building coverage shall not exceed 60% of the total Parcel Area.

ii. All properties shall include adequate provision for Parking, loading and garbage facilities.

b) Maximum Height:

i. The height of all structures shall not exceed 12.2 metres (40.1 ft.), subject to other provisions of this Bylaw.

c) Parcel Dimensions:
   i. All Parcels shall have a minimum Frontage of 40 metres (131.2 ft.)

d) Parcel Area:
   i. Minimum Parcel Area is at the discretion of the Subdivision Authority, but should be no less than 0.4 ha. (1.0 ac.).

e) Property Line Setbacks:
   i. Front Yard: 6.0 m (19.7 ft.)
   ii. Rear Yard: 5.0 m (16.4 ft.)
   iii. Side Yard: 1.5 m (4.9 ft.)
   iv. Flanking Yard: 1.5 m (4.9 ft.)
   v. All properties shall be developed to allow for vehicular access from the Front Yard to the Rear Yard from within the said property.

4) OTHER REQUIREMENTS

a) Restaurant and Indoor eating establishments within this District shall be accessory to other uses such as Commercial Accommodations.

b) Car wash establishments within this District shall accommodate vehicles such as industrial vehicles or large trucks and trailers.

SECTION 132: URBAN SERVICES - US

1) PURPOSE:

This District is generally intended to provide for institutions and community services primarily, but not exclusively offered by municipal and community organizations.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Day Care Facility	Accessory Building or Use
Extended Medical Treatment Facility	Accessory Food Service
Group Care Facility Hospital	Cemetery
Parks and Playgrounds	Helipad
Place of Worship	Manse
Protective and Emergency Services	Professional Services
School	Public Use
Travel Information Centre	Public Utility
	Public Utility Building
	Quasi – Public Use
	Restaurant Services

3) DISTRICT REGULATIONS

a) Development requirements for Building Floor Area, property line setbacks, landscaping, buffering and Screening, and Parking shall be at the discretion of the Development Authority.

b) Restaurant services and Accessory Food Service shall be an secondary to a Permitted Use.

c) Helipads are restricted to an Accessory Use to a Protective and Emergency Services.

d) Professional Services within this District shall be accessory to an existing urban service Use such as a Medical Office within a health care facility.

SECTION 133: PARKS AND RECREATION - P

1) PURPOSE:

This District is generally intended to establish an area for recreation and leisure activities on municipal and other publicly owned lands.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
Parks and Playgrounds	Accessory Building or Use
Recreation facility	Accessory Food Service
	Public Use
	Public Utility
	Public Utility Building
	Quasi – Public Use

3) DISTRICT REGULATIONS

a) Development requirements for Building Floor Area, property line setbacks, landscaping, buffering and Screening, and Parking shall be at the discretion of the Development Authority.

SECTION 134: URBAN RESERVE - UR

1) PURPOSE:

This District is generally intended to provide limited land use on lands designated for future urban Development. All Development approved within this District shall be compatible with future conversion to urban style neighbourhoods.

2) BUILDINGS AND USES

PERMITTED	DISCRETIONARY
School	Accessory Building or Use
Parks and Playgrounds	Public Use
Extensive Agriculture	Public Utility
Dwelling – Single Detached	Public Utility Building
Dwelling – Manufactured Home	Quasi – Public Use
	Dwelling – Mobile Home
	Secondary Suite
	Animal Care Facility (Large Animal)
	Veterinary Clinic
	Cannabis Commercial Cultivation (Bylaw 1094)

3) DISTRICT REGULATIONS

a) Development requirements for Building Floor Area, property line setbacks, landscaping, buffering and Screening, and Parking shall be at the discretion of the Development Authority.
b) A Veterinary Clinic shall be connected to a Large Animal Care Facility.
c) Mobile Home are restricted to existing homes only.
d) Subdivision other than for a farmstead separation or a Public Use shall require an Area Structure Plan or outline plan at the discretion of the Subdivision Authority.

SECTION 135: DIRECT CONTROL - DC

1) PURPOSE:

This District is intended to be applied on lands where traditional Land Use Districts are unable to address particular land use issues.

2) BUILDINGS AND USES

a) All Buildings and Uses shall be determined by Council.

3) DISTRICT REGULATIONS

a) All Site requirements shall be determined by Council with due regard to the advice provided by the Development Officer and/or Planning Officer of the Town.

LAND USE BYLAW MAP

FORMS