



Land Use Bylaw No. 1006

(April 26, 2011)



TOWN OF CASTOR

BYLAW NO. 1006

BEING A BYLAW OF THE TOWN OF CASTOR IN THE PROVINCE OF ALBERTA TO
REGULATE THE DEVELOPMENT AND USE OF LAND IN THE TOWN OF CASTOR

WHEREAS: pursuant to the provisions of Section 639(1) of the Municipal Government Act, as amended, the Council of the Town of Castor must, by Bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:


“THE TOWN OF CASTOR LAND USE BYLAW”

AND WHEREAS: a Public Hearing was held on April 11, 2011, as required by Section 230 of the Municipal Government Act.

NOW THEREFORE: THE COUNCIL OF THE TOWN OF CASTOR IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as “The Town of Castor Land Use Bylaw.”
2. Bylaw No. 780 being the “Town of Castor Land Use Bylaw” currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 1006.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, “The Town of Castor Land Use Bylaw”.
4. Council adopts as “The Town of Castor Land Use Bylaw” this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 28th day of March, 2011.




MAYOR


C.A.O.

READ A SECOND TIME this 11th day of April, 2011.

READ A THIRD TIME AND FINALLY PASSED this 11th day of April, 2011.



MAYOR


C.A.O.

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PART I

Purpose & Definitions

1. Purpose

In accordance with Section 640 of the Municipal Government Act, the purpose of this Bylaw is to achieve the orderly, economic and beneficial development, use of land and patterns of human settlement within the Town of Castor by regulating and controlling development, or where necessary, prohibiting development without infringing on the rights of individuals for any public interest except to the extent that is for the overall greater public interest.

2. Definitions

In this Bylaw:

"Accessory Building" means:

- (a) A structure separate and subordinate to the principal building, the use of which is incidental to that of the main building and is located on the same parcel of land (i.e. detached garage, shed, workshop in a residential land use district);
- (b) all accessory buildings shall adhere to the requirements of **Section 32**.

"Accessory Use" means a use customarily incidental and subordinate to the principal use or building and is located on the same parcel of land with such principal use or building;

"Act" means the Municipal Government Act R.S.A. c. M-26.1, as amended;

"Adjacent" means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream, railway or reserve land;

"Airport" means a site used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and includes any building, installation or equipment in connection therewith for which an airport license has been issued by the Ministry of Transport;

"Amusement Centre" means a commercial establishment for public entertainment or recreation that operates for profit or gain including, but not limited to, bowling alleys, theaters, and billiard parlors;

"Area Redevelopment Plan" means a a plan adopted by the Council as an area redevelopment plan pursuant to Section 634 and 635 of the Act;

"Area Structure Plan" means a a plan adopted by the Council as an area structure plan pursuant to Section 633 of the Act;

“Artist’s Studio” means a use:

- (a) where art is produced by individuals;
- (b) may include the instruction of art to individuals or groups;
- (c) may include the sale of art pieces produced by that use.

“Asphalt, Aggregate and Concrete Plant” means a use:

- (a) where rock, gravel, sand and other earth materials must be sorted and stockpiled;
- (b) where rock may be crushed;
- (c) where asphalt may be produced; or
- (d) where cement may be mixed;
- (e) where part of the process associated with the use may be located outside of a building;
- (f) where there may be conveyor belts, cranes, piping, silos or any other machinery necessary for the processing of the use;
- (g) that may accommodate the packaging or shipping of the products made as part of the use; and
- (h) that may have a building for administrative functions associated with the use.

“Assisted Living” means a use:

- (a) that may contain dwelling units;
- (b) that may contain individual rooms having a washroom, bedroom and a sitting area that accommodates residents;
- (c) where there is one or more communal kitchens and dining rooms;
- (d) where meals may be cooked in a communal kitchen and delivered to a resident for consumption;
- (e) where there may be limited on-site health care facilities for the exclusive use of the residents;
- (f) where residents may receive limited human health services from on-site health care providers;
- (g) where communal social and recreation activities are provided within the building or outside; and
- (h) that may include a manager’s suite and administrative office.

“Auto Body and Paint Shop” means a use where motor vehicle bodies are repaired or painted within a building;

“Automotive Repair & Service” means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rust-proofing, brake shops and other similar uses;

“Automotive Vehicle Sales” means a use:

- (a) where motor vehicles are sold or leased;
- (b) may only store or display vehicles on portions of the parcel approved exclusively for storage or display; and
- (c) that may have a building for administrative functions associated with the use.

“Auto Wrecker” means a use:

- (a) where dilapidated vehicles are stored, dismantled or crushed;
- (b) where motor vehicle parts may be sold;
- (c) where motor vehicles in their complete and operable state are not displayed or sold;
- (d) that may have equipment used for crushing, dismantling or moving motor vehicle parts;
- (e) that may have a building for administrative functions associated with the use;
- (f) that does not involve the manufacture or assembly of any goods.

“Basement” means that portion of a building that is located wholly or partially below grade, the ceiling of which does not extend more than 1.83 m (6 ft) above finished grade.

"Bed & Breakfast" means a use for overnight accommodation to guests within an owner-occupied single detached dwelling comprising up to four (4) guest rooms but no cooking facilities in guest rooms where breakfast but no other meals to the guests may be provided and no liquor is provided to guests.

“Boarding or Lodging House” means a detached dwelling converted for gain or profit containing rooms for two or more persons where meals may or may not be served, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, drive-in refreshment stand or other similar use.

"Building" includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway or a bridge forming part of a highway or public roadway [*MGA, Part 17, Section 616(a.1)*].

"Bulk Fuel Sales Depot" means a use where fuel for motor vehicles is sold either with or without an attendant.

"Bus Depot" means a facility providing for the departure and arrival of passengers and freight carried by bus;

“Campground” means a use:

- (a) where spaces are provided for temporary accommodation of recreational vehicles or tents;
- (b) that may include a building for the administration of the use;
- (c) that may include laundry facilities for the occupants of the use; and
- (d) that may include a dwelling unit for a manager.

“Car Wash” means a use where motor vehicles are washed and may contain one or more wash bays where each wash bay is capable of washing one motor vehicle at a time and must provide at least two (2) vehicle stacking spaces for each wash bay entrance door.

“Carport” means a structure attached to a principal or accessory building, designed and used for the shelter and storage of vehicles which has no door through which the vehicle enters the structure.

“Cemetery” means a use of land or a building for interment of the deceased;

“Clinic” means a use in which medical, dental or other professional healing treatment is given to human beings.

“Communication Tower” means a structure designed to support antennas for telecommunications and broadcasting and may include television.

“Community Recreation Facility” means a use where that is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness trails. These facilities may be publicly or privately owned and/or operated.

“Confined Feeding Operation” means an activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operations Practices Act (AOPA) through the Natural Resources Conservation Board (NRCB).

“Contractor’s Shop” means a use:

- (a) where people with specific skills in the building or construction trades enter into contracts to do work off of the premises;
- (b) where all of the functions associated with the use are entirely within a building;
- (c) where products relevant to the trade may be made or partially assembled for installation off-site;
- (d) where an area, contained within the building, may be used for product display and sales associated with the use;

- (e) that may have an area to keep supplies related to the trade;
- (f) that may have the administrative functions associated with the use; and
- (g) where the outdoor storage of equipment, tractors, skid-steer, dump trucks, mechanized lift buckets, cranes, or other equipment is considered as a separate use defined as **storage yard**.

“Convenience store” means a use where:

- (a) fresh and packaged food is sold;
- (b) where daily household necessities may be sold;
- (c) that is entirely within a building;
- (d) that may display the items for sale within the use outside of a building a maximum distance of 6.0 metres from the public entrance of the use; and
- (e) may include, within the total gross floor area of the use, a limited seating area no greater than 30 square metres.

"Corner Site" means a site at the intersection of two or more streets;

"Council" means the Council of the Town of Castor;

“Day Care Centre” means a use that provides care, development and supervision for 7 or more children under 13 years of age for less than 24 consecutive hours in each day that the facility is operating. Day Care Centre’s are required to conform with the policies and requirements of Alberta Children and Youth Services.

“Day Home” means a use:

- (a) that provides care, development and supervision for 6 or less children under 12 years of age, some or all of whom are children of person’s other than the person operating the facility;
- (b) that is located within the private residence of the person operating the facility in which care is provided;
- (c) that operates for less than 24 consecutive hours in each day that the facility is operating;
- (d) that is required to conform with the policies and requirements of Alberta Children and Youth Services and may work independently as a private child care services facility or as an approved provider with a family day home agency.

“Development” means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or

- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
[MGA, Part 17, Section 616(b)]

“Development Authority” means:

- (a) a person (or persons) appointed as Development Officer by Bylaw,
- (b) the Municipal Planning Commission appointed by Bylaw;

authorized to administer this Bylaw and to decide upon applications for development permits in accordance with the provisions of this Bylaw and the Act.

"Development Permit" means a document issued pursuant to this land use bylaw authorizing the commencement of a development.

“Dilapidated Vehicle” means a vehicle that is incapable of being safely operated, partially or fully dismantled or substantially damaged.

"Discretionary Use" means a use of land or a building, provided for in this land use bylaw for which a development permit may be issued upon an application having been made in consideration of the application’s individual merits and circumstances at the discretion of the Development Authority.

“Drinking Establishment” means a use where:

- (a) liquor is sold for consumption on the premises;
- (b) where a license for the sale of liquor is issued by Alberta Gaming and Liquor Commission that prohibits minors on the premises at any time;
- (c) that may include the preparation and sale of food for consumption on the premises;
- (d) must not have any openings , except emergency exits, non-opening windows or loading bay doors on a façade that faces a residential district or abuts a lane separating the parcel from a residential district;
- (e) must not have an exterior entrance on a façade that faces a residential district, unless that façade is separated by an intervening street;
- (f) must not be within 45.72 metres (150 ft.) of a residential district which must be measured from the building containing the use to the nearest property boundary of a parcel designated as a residential district;

- (g) Solid screening as determined appropriate by the approving authority for any residential property.

"Dwelling - Duplex" means a single building containing two dwelling units divided horizontally, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, with each having a separate entrance.

"Dwelling - Manufactured Home" means a detached dwelling built in an enclosed off-site factory environment in one or more sections and intended to be occupied in a location other than where it was manufactured. Manufactured homes include homes that are completely self-contained single section dwelling units or are incomplete multi-section modules that are placed together and completed on-site. A manufactured home is transported to the building site on dollies (wheels) or a flat bed truck and after placement, the dollies are removed from the site. Manufactured homes may be constructed to either the C.S.A. Z240 or C.S.A. A277 Standards.

"Dwelling - Modular Home" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy. Modular homes are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to existing surrounding buildings and shall meet the requirements of **Section 59 - Modular Homes**.

"Dwelling, moved on" means a single detached dwelling that has previously been lived in, used as a residence or other purpose in a previous location and is proposed to be relocated to a new parcel for use as a dwelling.

"Dwelling – Multiple Unit (Apartment)" means a residential building comprising three or more dwelling units with shared entrances and other essential facilities and services.

"Dwelling – Multiple Unit (Attached Housing)" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall with each unit having separate entrances from the exterior. (For purposes of this Bylaw; garden, linked, row, townhouses and multiplex units that meet these criteria are considered to be attached housing).

"Dwelling – Ready-to-move (RTM)" means a newly constructed single detached dwelling that is constructed in an off-site location in accordance with the Alberta Building Code and moved to the site to be set on a permanent foundation to be similar in function and appearance to a conventional built-on-site single-detached dwelling. This definition does not include dwelling – modular home or dwelling – manufactured home.

"Dwelling - Security" means a dwelling unit which is accessory to other development on the parcel and may be for the use of the owner, operator, manager, or caretaker of the parcel;

"Dwelling - Semi-detached" means a building comprised of two dwelling units side by side in one building with a common party wall which separates vertically, without opening the two

dwelling units throughout the entire structure and each dwelling unit having separate entrances at grade.

“Dwelling - Single-Detached” means a building containing one dwelling unit only.

"Dwelling Unit" means a complete building or self-contained portion of a building, containing two or more rooms, intended to be used as a permanent or semi-permanent residence by one or more persons and containing kitchen, living, sleeping, and sanitary facilities.

"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility;

"Eaveline" means the horizontal line that marks the intersection of the roof and the wall of a building;

"Existing" means existing as of the effective date of passage of this Bylaw.

“Extensive Agriculture” means systems of tillage and grazing on large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another and includes buildings and other structures incidental to the operation.

"Fabric Covered Building" means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.

"Fence" means a vertical physical barrier constructed out of typical building material for the purpose of providing privacy or preventing unauthorized access or both.

“Flankage” means the side lot line of a corner lot that abuts the street.

“Flood Fringe” means that portion of the flood risk area where the water is shallower and moves more slowly. Development in the flood fringe may be permitted provided that it is adequately flood proofed;

“Flood Risk Area” means land calculated or determined by the Province as the area which would be inundated by the design flood. In Alberta, the design flood is a 1 in 100 year flood, or one which has a one percent chance of being equaled or exceeded in any year;

“Floodway” means the portion of the flood risk area with the greatest risk of flooding. Floodway waters are the deepest, fastest, and most destructive and new development in these areas is discouraged;

"Floodproofing" means the rendering safe from damage arising from a 1:100 year flood, as determined by Alberta Environment, through

- (a) the raising of the level of land to a minimum of 0.3 m (0.98 ft.) above that flood level, or
- (b) the construction and use of buildings with the lowest water entry point 0.3 m (0.98 ft.) above that flood level, or
- (c) any other means as may be considered appropriate by the Development Authority in consultation with Alberta Environment;

"Front Lot Line" means the boundary dividing the lot from an abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line.

"Front Yard" means a yard extending across the full width of a parcel from the front lot line of the parcel to the front foundation of the principal building situated on the parcel. In situations with an irregular front lot line, the point taken from an average distance of the arc shall meet the minimum front yard requirements.

"Funeral Home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;

"Greenhouse" means a building designated and used for the growing of vegetables, flowers and other plants for transplanting or for sale.

"Gross Floor Area" means the total area of all floors of a building, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area.

"Group Home" means a use:

- (a) where social, physical or mental care is provided to six (6) or less persons who live full time in the facility; and
- (b) that has at least one staff person at the facility at all times.

"Heavy Equipment Assembly, Sales and Service" means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial or agricultural activities;

"Heavy Manufacturing" means the manufacture of products, the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land;

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof;
- (b) the highest point of a one-slope roof;
- (c) the highest point in the case of a pitched, gambrel, mansard, or hipped roof;

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the

building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.28 m² (3 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family.

"Hotel" or Motel" means a building used primarily for sleeping accommodations and accessory services provided in rooms or suites of rooms which may contain bar/kitchen facilities.

"Land Use District" means a part of the land use bylaw that prescribes the one or more uses of land or buildings that are permitted on a parcel of land, with or without conditions and the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions;

"Landscaped Area" means an area of land made attractive by the use of grass, trees, shrubs, ornamental planting, fences, walls and associated earthworks but does not include areas occupied by garbage containers, storage space, parking lots or driveways;

"Landscaping" means the provision of any horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any of the following elements:

- (a) *Soft landscaping* consists of vegetation such as trees, shrubs, vines, hedges, flowers, and ground cover such as grass or mulch and;
- (b) *Hard landscaping* consists of means the use of non-vegetative material, other than monolithic concrete, asphalt, shale or gravel, as part of a landscaped area and may include stamped concrete, unit pavers, brick pavers or quarry tile;

"Lane" means a public thoroughfare which provides a secondary means of access to a Parcel or parcels and is registered in a land titles office;

"Light Manufacturing" means the manufacture of products, the process of which does not generate fumes, gases, smoke, vapours, vibrations, noise or glare, or other nuisances which would cause adverse effects on users of adjacent land;

"Loading Space" means a space for parking a commercial vehicle while it is being loaded or unloaded;

"Lot" means:

- (a) a quarter section;
- (b) a river lot or settlement shown on an official plan referred to in the Surveys Act that is filed or lodged in the Land Titles Office;
or

- (c) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part described in a certificate of title by reference to a plan of subdivision.

“Liquor Store” means a use:

- (a) where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;
- (b) must not be located within 300 metres of any other liquor store, when measured from the closest point of a liquor store to the closest point of another liquor store;
- (c) must not be located within 150 metres of a parcel that contains a school, when measured from the closest point of a liquor store to the closest point of a parcel that contains a school;

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include convenience stores, parking facilities, home occupations and other accessory uses.

"Manufactured Home Subdivision" means an area subdivided by registered plan, containing lots for free-hold or leasehold tenure for the placement of manufactured homes on permanent foundations;

"Municipality" means the area of land contained within the boundaries of the Town of Castor's corporate limits, as delineated on the Land Use Map, forming part of this Bylaw.

"Municipal Development Plan" means the Town of Castor Municipal Development Plan adopted in accordance with Section 632 of the Act;

"Municipal Planning Commission" means the Town of Castor Municipal Planning Commission established pursuant to Section 626 of the Act;

"Municipal Shop and Storage Yard" means a facility used by a municipality for the storage of materials used in fulfilling their various functions and the housing and repair of their equipment;

“Natural Resource Extraction” means the extraction of natural resources such as clay, sand, gravel, limestone, coal, petroleum and other minerals, and may include primary treatment into a raw, marketable form.

"Non-Conforming Building" means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this 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 a 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 in the case of a building under construction will not, comply with the land use bylaw;

"Occupancy Permit" means a document authorizing the use of a development undertaken in accordance with a development permit issued pursuant to this Land Use Bylaw;

“Out-of-School Care Centre” means a use:

- (a) that provides care, development and supervision for 7 or more children under 12 years of age;
- (b) operates before and after school, during the lunch hour or when schools are closed; and
- (c) operates for less than 24 hours in each day that the facility is operating.
- (d) Out-of-School Care Centres are required to conform with the policies and requirements of Alberta Children and Youth Services.

"Parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

“Parking Lot” means a use:

- (a) where parking is provided for vehicles for a short duration, independent of the provision of any other use; and
- (b) where vehicles are parked at grade;
- (c) where landscaping may be required;

“Parks and Playgrounds” means a use:

- (a) where open space is provided for the purposes of recreation;
- (b) that may include playground equipment, benches, landscaping and related development.

"Permitted Use" means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued;

“Personal Service” means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, and dry cleaners and may have the incidental sale of products relating to the services provided by the use.

“Principal Building” means a building in which is conducted the main or principal use of the site on which it is erected;

“Principal Use” means the main purpose for which a building or parcel is used;

"Public or Quasi-public Building, Facilities and Installations" includes any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a church, school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility.

"Public Roadway" means a highway, local road, service road, street, avenue that provides the primary access to a parcel of land and that is registered as a public right-of-way in a land titles office;

“Public Utility” means a use to provide for one or more of the following for public consumption, benefit, convenience or use:

- (a) water or steam;
- (b) sewage disposal;
- (c) public transportation operated by or on behalf of the municipality;
- (d) irrigation works;
- (e) drainage;
- (f) fuel;
- (g) electricity;
- (h) heat;
- (f) waste management;
- (j) telecommunications;

and includes the thing that is provided for public consumption, benefit, convenience or use.

[MGA, Part 17, Section 616(v)]

"Rear Yard" means a yard extending across the full width of a parcel from the rear foundation of the principal building situated on the parcel to the rear boundary of the parcel.

“Recreational Vehicle” means a vehicle that provides temporary accommodation for recreational or travel purposes and includes but is not limited to:

- (a) motor homes;
- (b) travel trailers;
- (c) fifth wheel travel trailers;
- (d) campers, whether located on a truck or other vehicle or not;
- (e) tent trailers; and
- (f) a trailer used to transport any of the above.

"Registered Owner" means

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- (b) in the case of any other land,
 - (i) 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 and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land;

“Residential Care Facility” means a use:

- (a) where social, physical or mental care is provided to five or more persons who live full time in the facility; and
- (b) that has at least one staff person at the facility at all times;
- (c) that may have a maximum of 10 residents when located in an R-2 or R-3 Residential Land Use District.

“Restaurant” means a use

- (a) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises;
- (b) that may be licensed for the sale of liquor by the Alberta Gaming and Liquor Commission; and
- (c) that may contain a drive-through as a separate use.

"Retail Store" means a building where merchandise is sold or rented to the public in quantities sufficient only to supply the premises and that may display the items for sale within the use outside of a building a maximum of 6.0 metres from the public entrance of the use.

“Reversed Corner Lot” means a residential lot where the front façade of the dwelling is oriented toward the flankage side of the lot, rather than the front lot line on a corner site.

“School - Private” means a use:

- (a) where an operator other than the following teaches students the education curriculum from Kindergarten to Grade 12 pursuant to the School Act:
 - (i) a school district
 - (ii) a school division; or
 - (iii) a society or company named within a charter approved by the Minister of Education operating a charter school;
- (b) that may have *Out-of-School Care* uses as defined in this bylaw;
- (c) that may include any buildings and related playing fields and park spaces;
- (d) where other educational programs pursuant to the School Act may be offered to students;
- (e) that may provide food service to the students and staff; and
- (f) that may provide programs for parental and community involvement.

“School - Public” means a use:

- (a) where any of the following teaches students the education curriculum from Kindergarten to Grade 12 pursuant to the School Act:
 - (i) a school district
 - (ii) a school division; or
 - (iii) a society or company named within a charter approved by the Minister of Education operating a charter school;
- (b) that may have *Out-of-School Care* uses as defined in this bylaw;
- (c) that may include any buildings and related playing fields and park spaces;
- (d) that may provide food service to the students and staff; and
- (e) that may provide programs for parental and community involvement.

“School - Unconventional” means a use that does not comply with the definitions of a ‘School – Public’ or ‘School – Private’:

- (a) where education curriculum is taught and may include Kindergarten to Grade 12 pursuant to the School Act, post secondary education and/ or skills training;
- (b) that may or may not have conventional hours of operation similar to a school;
- (c) that may include any buildings and related playing fields and park spaces;
- (d) that may provide food service to the students and staff; and
- (e) that may provide programs for parental and community involvement.

“Screening” means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas;

“Secondary Suite” means an accessory dwelling unit that is located as part of the same building as a single detached dwelling that is owner occupied and which meets the requirements of Part VII Section 60 and any other applicable requirements or regulations of this Bylaw and shall only be approved as one of the following:

- (a) Secondary Suite – Attached Above Grade: where the secondary suite is located above the first storey of a single detached dwelling;
- (b) Secondary Suite – Attached At Grade: Where the Secondary Suite is located at grade and is attached to the side or rear of a single detached dwelling;
- (c) Secondary Suite – Attached Below Grade: where the Secondary Suite is located below the first storey of a single detached dwelling;
- (d) Secondary Suite – Accessory building: where the Secondary Suite is a separate building or as a part of an accessory building and located on the same parcel as a single detached dwelling.

"Seed Cleaning Plant" means a building for the storage and preparation of seed used in agriculture;

“Self Storage Facility” means a use:

- (a) where goods are stored in a building;
- (b) where the building is made up of separate compartments and each compartment has separate access;
- (c) that may be available to the general public for the storage of personal items;
- (d) that may include the administrative functions associated with the use; and
- (e) that may incorporate custodial/ security quarters for the facility.

“Seniors Lodge” means a building to provide an appropriate living environment for older adults who do not need access to unscheduled personal or nursing care. Lodges are provided by lodge foundations and provide housing, meals, housekeeping, linen/ laundry, recreational programs and 24-hour safety and security services.

“Sewage Treatment Facility” means a use:

- (a) where sewage is collected or disposed or treated;
- (b) where sewage may be treated in buildings and structures or areas open to the air; and
- (c) where there may be a building for the administrative functions of the use.

"Shopping Centre" means a group of commercial establishments planned, owned, developed and managed as a unit with off-street parking established on the same site and may serve the needs of the Town and surrounding area.

"Side yard" means a yard extending from the front wall of the main building situated on

a parcel to the rear wall of the main building and lying between the side boundary of the parcel and the side foundation of the main building.

"Sign" means a device or structure for providing direction or providing information or calling attention to such things as a development, business, product, service, location, object, event or person;

- (a) **"Area of Sign"** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- (b) **"Awning Sign"** means a sign inscribed on or affixed flat upon the covering material of an awning that projects from the face of the building or structure;
- (c) **"Billboard"** means a self-supporting sign to which advertising is posted, glued or otherwise fastened to permit its periodic replacement, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;
- (d) **"Fascia Sign"** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
- (e) **"Free-standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in anyway to any building or other structure;
- (f) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (g) **"Roof Sign"** means any sign placed on or over a roof;
- (h) **"Sandwich Board"** means a sign placed only within the frontage area of the business which is advertised;
- (i) **"Third Party Sign"** means a sign which directs attention to a local business, commodity, service or entertainment which is conducted, sold or offered at a location other than the one on which the sign is located.
- (j) **"Portable Sign"** means a sign which may be illuminated and is easily moveable and normally has a message which may be readily modified. Such signs are typically operated by a business which leases these signs to other businesses;
- (k) **"Bench Sign"** means any sign which is placed or erected on an immobile seat.

"Site" means a lot or parcel of land on which a development exists or occurs or for which an application for a development permit is made.

"Site Coverage" means the ratio of all principal and accessory buildings or structures (including verandas, porches, enclosed/ covered decks) on a site to the total lot area. Such buildings and structures do not include steps, eaves, cornices and open decks;

"Sight Triangle" means an area at the intersection of two roadways in which all structures, fences, vegetation and finished ground elevations shall be less than 1 m (3.28 ft.) in height above the average elevation of the carriageways in order that vehicle operators may see approaching vehicles in time to avoid collision;

"Solid Waste Transfer Station" means a facility for the collection and temporary holding of solid waste in a storage container;

"Storage Structure" means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure.

"Storage Yard" means a use:

- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction material such oil and gas pipeline materials;
- (d) that does not involve the storage of any derelict vehicles or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a building for the administrative functions associated with the use.

"Structure" means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

"Structural Alterations" means adjustments or changes made to load bearing walls within a structure for which a building permit is required.

"Subdivision and Development Appeal Board" means the Town of Castor Subdivision and Development Appeal Board established pursuant to Part 17, Division 3 of the Municipal Government Act;

"Supermarket" means a use:

- (a) where fresh and packaged food is sold;
- (b) where daily household necessities maybe sold;
- (c) that will be contained entirely within a building;
- (d) that may include a limited seating area no greater than 40 square metres for the consumption of food prepared on the premises; and

- (e) may include similar uses such as:
 - (i) Personal service;
 - (ii) Financial Institution;
 - (iii) Restaurant;
 - (iv) Video Store;
 - (v) Pharmacy.

“Supportive Living” means a building to provide residents with a safe, barrier-free environment in a home-like setting that maximizes their independence and privacy and includes scheduled and unscheduled personal care such as bathing and dressing, along with housing, meals, housekeeping, linen/ laundry service, recreation programs, and 24-hour emergency response services. Unscheduled personal care is provided by health care aides. Professional services like nursing and rehabilitation services are provided on a scheduled basis through home care;

“Temporary” means a period of time up to one year;

"Temporary Development" refers to a proposed development, where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year from the effective date of the permit issued in relation to the temporary development. Any temporary development permit will state a date on which the development will cease;

"Use" means a building or an area of land and the function and activities therein or thereon;

"Utilities" means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
- (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical distribution and lighting;
- (f) systems for telephone & cable television distribution;

“Veterinary Clinic” means a use:

- (a) where animals or pets receive medical treatment; and
- (b) that may provide for the incidental sale of products related to the use; and
- (c) includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures;

“Warehousing” means a use:

- (a) where goods are stored and packaged inside a building;
- (b) where goods are transported to and shipped from the use;
- (c) where the building has loading docks and overhead doors;
- (d) that does not accommodate the manufacture of any goods;
- (e) that does not accommodate any display or sales area; and
- (f) that may have administrative functions associated with the use.

“Worship Facility” means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to churches, temples, mosques, and synagogues;

“Yard” means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act.

PART II

Administrative Agencies

3. Development Authority

The Development Authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Section 642 of the Municipal Government Act and may include:

(a) Development Officer

- (i) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by the Bylaw and in such matters as Council may instruct from time to time.
- (ii) The Development Officer must make available for inspection, during office hours, all applications and decisions for development permits, subject to any legislation in force restricting availability.

(b) Municipal Planning Commission

- (i) The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part III** of this Bylaw.

(c) Subdivision and Development Appeal Board

- (i) The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part IV** of this Bylaw.

4. Subdivision Authority

The Subdivision Authority, as established by Council, shall perform duties on behalf of the municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant Town of Castor planning documents.

5. Development Authority – Powers and Duties

- (a) The Development Authority must administer this Bylaw and decide upon all development permit applications.
- (b) The types of development permit applications a development authority may consider in accordance with **Part III, Section 9** are a development permit for:
 - (i) a permitted use that complies with all requirements of this Bylaw;
 - (ii) a permitted use that does not comply with all requirements of this Bylaw;

- (iii) a discretionary use that complies with requirements of this Bylaw;
 - (iv) a discretionary use that does not comply with all requirements of this Bylaw.
- (c) Unless otherwise referenced in **Section 10**, the Development Authority must not approve a development permit for an addition or structural alteration to a non-conforming building.
- (d) The Development Authority must collect fees according to the scale approved by resolution of Council.
- (e) The Development Authority may refuse to accept a development permit application where:
- (i) the information required by **Part III Section 9** is not provided;
 - (ii) the quality of the information provided is inadequate to properly evaluate the application; or
 - (iii) the fee for a development permit application has not been paid.

6. Subdivision Authority – Powers and Duties

The Subdivision Authority shall:

- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) On receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with Part 1 of the Subdivision and Development Regulation;
- (e) Excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;

- (f) Excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to the County of Paintearth when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within the County of Paintearth;
- (g) Excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- (h) prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- (j) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- (k) endorse Land Titles instruments to effect the registration of the subdivision of land;
- (l) advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- (m) appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

PART III

Development Permit Application

7. Control of Development

- (1) No development other than those designated in **Section 8** shall be undertaken within the Municipality unless a development permit application for it has been approved and issued.

8. Development Permit Not Required

The following developments do not require a development permit if all requirements of the Land Use Bylaw are met:

- (1) The carrying out of works of maintenance or repair to a building provided that such works:
 - (a) do not include structural alterations;
 - (b) do not change the use of the structure.
- (2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official notice of this Bylaw provided that the building:
 - (a) is completed within 12 months of the notice; and
 - (b) complies with any development permit issued for it.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced;
- (4) The erection, the construction, or the maintenance of gates, fences, walls, or other means of enclosure in accordance with **Section 38**.
- (5) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 13.4 m² (144 ft.².) in floor area and 2.5 m (8 ft.) in height;
- (6) A temporary construction site building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw and which is removed from the site upon completion of construction/alteration;
- (7) The maintenance or repair of public works, services or utilities carried out by or on behalf of Federal, Provincial and Municipal public authorities on land which is publicly owned or controlled;

- (8) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- (9) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works;
- (10) The placement of signs that:
 - (a) Are for the purpose of identification, direction and warning, not exceeding 0.9 m^2 (10 ft.^2) and limited to one sign per parcel;
 - (b) a portable sign or notice, relating to the sale or lease of land or buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 3.0 m^2 (32.29 sq. ft.) and limited in display to the period of completion of the sale, lease, construction or event,
 - (c) Related to the function of Local Authorities and Utilities Boards; and
 - (d) Relate to a Home Occupation and which do not exceed 0.28 m^2 (3 sq. ft.) and are fixed to the principal or accessory building.
- (11) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation;
- (12) Utilities installed or constructed within a street or a utility right-of-way;
- (13) the Town's use of land which it either owns or has an equitable interest in for a purpose approved by Council for a public utility or public utility building as required to provide utility services within the municipality;
- (14) the following projects carried on by, or on behalf of, the Town:
 - (a) roads, traffic management projects
 - (b) water, sewer and storm water lines and facilities; and
 - (c) landscaping projects, parks, outdoor public recreation facilities and street furniture.

9. Application for a Development Permit

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
 - (a) a site plan in duplicate, drawn to scale, which shows the following:
 - (i) legal description of the site with north arrow;
 - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
 - (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
 - (iv) any provisions for off-street loading and vehicle parking, including all access and exit points to the site; and
 - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
 - (b) floor plans, elevations, grading and drainage plans and sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
 - (c) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Town of Castor;
 - (c) a statement of the proposed use or uses;
 - (d) a statement of ownership of land and the interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract price;
 - (g) the development permit fee as prescribed by Council;
 - (h) a surveyor's certificate or real property report if required by the Development Officer;
 - (i) written agreement of the registered land owner(s) of the property with regard to the proposed development;
 - (j) Damage Deposits:

- (i) A damage deposit of \$500.00 per lot or higher at the discretion of the Development Officer shall be paid upon receipt of a development permit. This requirement may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction.
 - (ii) The damage deposit shall be used by the Town of Castor to repair or replace damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any surface or underground improvement on or abutting the land which is covered by the construction or demolition activity.
 - (iii) It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, there is no previous damage. If there is existing damage, it shall be reported to the Town of Castor, before the work commences.
 - (iv) Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
 - (v) The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Town.
 - (vi) The property owner or agent shall apply to the Town Office for the refund of the damage deposit.
 - (vii) When an application is made, the Town shall inspect the site for damage.
 - (viii) If no damage has occurred, the deposit shall be refunded in full.
 - (ix) If damage has occurred, the deposit shall be used to cover the cost and any outstanding amount shall be directed to the property owner.
 - (x) Damage deposits cannot be transferred to another property.
- (2) The Development Authority may require additional copies of the application plans or specifications as well as such additional information as deemed necessary to sufficiently evaluate the application.

10. Deciding on Development Permit Applications

(1) The Development Officer shall:

- (a) receive, consider and decide on an application for a development permit for those uses listed as permitted for the relevant land use district and that comply with the minimum standards for that district;
- (b) receive, consider and decide on an application for gates, fencing, retaining walls, or other means of enclosure, of any height;
- (c) receive, consider and decide on all applications for home occupations;
- (c) refer, at the development officer's discretion, a permit application for an industrial development to those authorities (provincial and regional) whose interest or jurisdiction may be affected, for comments on the proposed development;
- (d) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Discretionary Uses and those uses which have been assigned to it for consideration and decision; and
- (e) refer to the Municipal Planning Commission any application which in his opinion should be decided by the Commission.

(2) The Municipal Planning Commission shall:

- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
- (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.
- (c) When making a decision on a development permit application for a discretionary use the Municipal Planning Commission must take into account:
 - (i) any plans and policies affecting the parcel;
 - (ii) the purpose statements in the applicable land use district;
 - (iii) the appropriateness of the location and parcel for the proposed development;
 - (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
 - (v) the merits of the proposed development;
 - (vi) the servicing requirements;

- (vii) access and transportation requirements;
 - (viii) vehicle and pedestrian circulation within the parcel;
 - (viii) sound planning principles.
- (3) An application may be approved where the proposed development does not comply with the required development standards of any land use district in this Bylaw if, at the discretion of the Municipal Planning Commission, the proposed development is in accordance with **Section 11** and all other bylaw requirements.
- (4) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Authority **shall not** have jurisdiction to approve the use in accordance with the Municipal Government Act. Any proposed development must conform with the use prescribed for that land or building in the land use bylaw (MGA Sec. 687(3)(d)(ii)). A Land Use Bylaw amendment approved by council shall be required to incorporate the lawful specific use of land in a land use district as a permitted or discretionary use prior to a development permit approval unless otherwise permitted in the land use bylaw;
- (5) The Development Authority may require, with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement to do all or any of the following:
- (a) to construct or pay for the construction of public roadways required to give access to the development, or
 - (b) to construct or pay for the construction of pedestrian walkway systems, or
 - (c) to construct or pay for the construction of parking facilities and/or loading and unloading facilities, or
 - (d) to install or pay for the installation of utilities that are necessary to service the development, or
 - (e) to pay an off-site levy or redevelopment levy imposed by Bylaw.
- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months from the date of refusal or appeal decision, whichever is the latter;
- (7) An application for a Development Permit, shall at the opinion of the Development Officer, be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer. The applicant may appeal in writing as provided for in **Part IV** as though the applicant had received a decision or refusal. This clause shall not apply if an applicant for a development permit

enters into an agreement with the Development Officer to extend the 40 day time period.

- (8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one year;
- (9) If the development authorized by a permit is not commenced within the 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.

11. Application for Relaxation/ Variance of Bylaw Requirements

- (1) Where a development permit application is for a permitted or discretionary use in a building or on a parcel and the proposed development does not conform to all applicable requirements and rules of the Bylaw, the Development Authority may, in accordance with the following standards:
 - (a) refuse to approve the development permit application; or
 - (b) approve the development permit application and grant a relaxation of the requirement or rule to which the proposed use does not conform.
- (2) The development officer, at its discretion, may relax the development standards within residential land use districts of up to 10% of the Land Use Bylaw requirement or defer a decision on a relaxation request to the Municipal Planning Commission;
- (3) The Municipal Planning Commission at its discretion may relax the development standards in any land use district up to 20%;
- (4) Notwithstanding Subsection (3) above, the Municipal Planning Commission or Subdivision Authority at its discretion, may relax the development standards beyond 20% in the following cases in accordance with the test for a relaxation as follows:

The test for a relaxation shall include the following criteria:

- (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; and
- (b) the proposed development conforms with a use prescribed by this Bylaw for that land or building;

- (c) conformance to the purpose and intent of the Land Use District;
 - (d) whether granting the relaxation would make the proposed development incompatible with existing developments or uses;
 - (e) take into consideration the future land uses of the parcel and surrounding area as depicted in any adopted statutory plan or policy affecting the site including the Future Land Use Map as part of the Municipal Development Plan.
- (6) The Development Authority may, as a condition of approving a development permit that does not comply with all of the applicable requirements and rules of this Bylaw require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the Development Authority, conformance to a higher standard will off-set any impact of granting the relaxation.

12. Applications the Development Authority Must Refuse

- (1) The Development Authority must refuse a development permit application when the proposed development:
- (a) is for a use that is not listed as either a permitted or discretionary use in the governing land use district;
 - (b) is for a use containing a restriction in its definition that is not met by the proposed use.

13. Development Permit Referrals & Notices

(1) Development Permit Application Referrals

- (a) Upon receipt of a complete application for development of a use listed as a Discretionary Use or that requires a variance, the Development Authority may, at their discretion, provide written notice to all adjacent landowners or a greater circulation area if potential for conflict is deemed to be probable;
- (b) refer at their discretion, a permit application for a development for comments to any officer, individual, group, department, agency, (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected;
- (c) The notice shall indicate the location and nature of the development proposal, the time and date a decision will be rendered on the application, copies of relevant drawings and a contact and a final date to submit comments;

- (d) After a minimum 14 days from the date of referral to any department/individual and/or to any other provincial, federal, or external agency, the Development Officer may present the application to the Municipal Planning Commission whether or not comments or recommendations have been received;
- (e) The Development Officer shall disclose to the Municipal Planning Commission whether a circulation was performed in regards to a development application for a discretionary use or an application that requires a variance and the extent of the circulation area;
- (f) In cases where the Development Officer has rendered a decision, this decision shall be circulated to the Municipal Planning Commission for their information.

(2) Development Permit Notification of Decision

- (a) A development permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Subdivision and Development Appeal Board within the 14 day appeal period. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant;
- (b) Notwithstanding subsection (a), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- (c) Where an appeal is made pursuant to **Part IV** of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined. The Subdivision and Development Appeal Board may approve or refuse the permit application in accordance with the Municipal Government Act and **Part IV** of this Bylaw.
- (d) When a Development Permit has been granted, the following notification procedures shall be followed:
 - (i) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners;
 - (ii) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;

- (iii) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made; and/or
 - (iv) a notice, in writing, shall be immediately mailed to all adjacent landowners and to all registered owners of land who, in the opinion of the Developer Officer, may be affected; and/or
 - (v) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (e) A decision by the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (f) When the Development Authority refuses an application for a development permit, the decision shall contain the reasons for the refusal.
- (g) If after the issuance of a development permit it becomes known to the Development Authority that:
- (i) the application for a development permit contains a misrepresentation;
 - (ii) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
 - (iii) the development permit was issued in error;
 - (iv) the requirements or conditions of the development permit have not been complied with; or
 - (v) the applicant requests, by way of written notice to the Development Authority, the cancellation of the development permit, provided that commencement of the use, development or construction has not occurred.

the development permit may be suspended or cancelled by notice in writing, issued by the Development Authority to the applicant at the address given in the development permit application. Upon receipt of the written notice of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

PART IV

Appeals

14. Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development or Subdivision Authority as the case may be:
 - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application. If the applicant has entered into an agreement with the Development Officer or Municipal Planning Commission to extend the 40 day time period this clause comes into effect at the time the extension expires;
 - (b) issues a development permit or subdivision approval subject to conditions;
 - (c) issues an order under **Section 17** of this Bylaw;
 - (d) cancels or suspends a development permit under **Section 13(2)(g)** of this Bylaw; or
 - (e) refuses or fails to approve a subdivision application within 21 or 60 days (whichever period is applicable) of receipt of the completed application, unless the applicant has entered into an agreement with the subdivision authority to extend the 21 or 60 day time period, as the case may be;
 - (f) where a Development Permit is issued within a Direct Control District by Council, there is no appeal available to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act;
 - (g) where a Development Permit is issued within a Direct Control District by the Development Authority, the appeal that can be made to the Board is limited to the question of whether the Development Authority followed the direction of Council;
 - (h) If the Board finds that the Development Authority did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Authority.
- (2) The person applying for a development permit or subdivision approval or any other person complying with the appeal requirements as set out in the Municipal Government Act and Subdivision and Development Regulation, may appeal the decision of the Development or Subdivision Approval Authority to the Subdivision and Development Appeal Board.
- (3) Notwithstanding subsections (1) and (2), no appeals are allowed in respect of the issuance of a development permit for a Permitted Use listed in a Land Use

District, unless the provisions of this Bylaw were relaxed, varied or misinterpreted.

- (4) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 14 days after the notice of the order, decision or permit issued by the Development or Subdivision Authority was either:
 - (a) first published in a newspaper circulating in the area; or
 - (b) posted on the property which is the subject of the application; or
 - (c) received by the applicant, whichever of these is the latter.
- (5) Each appeal made to the Subdivision and Development Appeal Board shall be accompanied by a processing fee, the amount of which shall be set from time to time by resolution of Council.
- (6) For the purpose of subsection 4(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision is mailed.

15. Public Hearing

- (1) Within 30 days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) The Development Officer, the Municipal Planning Commission or Subdivision Authority as the case may be, from whose order, decision or development permit the appeal is made;
 - (c) those land owners adjacent to the affected land and all other registered owners of land in the municipality who were notified under Section 12 and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;
 - (d) Palliser Regional Municipal Services;
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, a copy of all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
 - (a) the application for the development permit, its refusal and the notice of appeal; or

- (b) the order of the Development Officer under **Section 17**, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
 - (a) the appellant or any person acting on the person's behalf;
 - (b) the Development or Subdivision Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on the person's behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on the person's behalf.

16. Decision

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing;
- (2) A decision made under this part of the Bylaw is by the Subdivision and Development Appeal Board and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

PART V

Enforcement & Administration

17. Orders of Compliance / Stop Order

- (1) Where the Development Officer finds a development or use of land or building is not in accordance with:
 - (a) Part 17 of the Act or the regulations under that part of the Act;
 - (b) a development permit or subdivision approval;
 - (c) this Bylaw; or
 - (d) an order, decision or permit of the Subdivision and Development Appeal Board or Municipal Government Board;the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
 - (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 specified in the notice so that the development or use of the land or buildings is in accordance with Part 17 of the Municipal Government Act, the regulations under Part 17, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.
- (2) A person who receives an order referred to in Subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with **Part IV** of this Bylaw.

18. Enforcement

- (1) Where a person fails or refuses to comply with an order directed under **Section 17**, or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Sections 545 and 646 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (2) Where the Council or a person appointed by it carries out an order under **Section 17**, the Council shall cause the costs and expenses incurred in carrying out the order to be added to the tax roll of the parcel of land and the amount:

- (a) is deemed for all purposes to be a tax imposed under the Act from the date it was added to the tax roll; and
 - (b) it forms a special lien against the parcel of land in favour of the Municipality from the date it was added to the tax roll.
- (3) A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine.
- (4) For the purpose of entering or inspecting land or buildings described in Sections 542 and 646 of the Act, the Development Officer is hereby declared to be a “designated officer”.

19. Application to Amend the Land Use Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing and furnishing reasons in support of the application.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
- (a) the fee determined by resolution of Council;
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer;
- and
- (d) any documents as required by the Development Officer.
- (4) All amendments to this Land Use Bylaw shall be made by Council by bylaw and in accordance with the procedures set forth in the Act and regulations.
- (5) The Council, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to:
- (a) Palliser Regional Municipal Services for comment,
 - (b) the County of Paintearth if, the proposed amendment
 - (i) affects land on the boundary with the County of Paintearth, or
 - (ii) may otherwise have an effect on the County of Paintearth,
- and
- (c) such other persons or agencies as it considers necessary for comment.

Prior to the public hearing for verbal or written comments that shall be presented at the public hearing.

- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for twelve months from the date of the refusal.
- (7) Prior to third reading of the proposed by-law, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

20. Existing Land Use Bylaw

- (1) Bylaw No. 780 and all amendments thereto are hereby repealed as of the date of third reading of this Bylaw.

PART VI

Land Use Districts

21. Districts

- (1) For the purpose of this Bylaw, the Town of Castor is divided into the following districts.

- R-1 - Low Density Residential District
- R-2 - General Residential District
- R-3 - Multiple Unit Residential District
- RE - Residential Estates District
- MHP - Manufactured Home Park District
- MHR - Manufactured Home Residential District
- C-1 - Central Commercial District
- HWY-C - Highway Commercial District
- I - Industrial District
- CS - Community Service District
- UR - Urban Reserve District
- DC - Direct Control District

Overlay Districts:

- HHV - Hospital Helipad Vicinity Overlay District

22. District Boundaries

- (1) The locations and boundaries of the land use districts are shown on the Land Use District Map, which forms **Part VIII** of this Bylaw.
- (2) The locations of boundaries shown on the Land Use District Map shall be governed by the following rules:
- Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
 - Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - Rule 3. In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:
 - (a) using any dimensions given on the map; or
 - (b) where no dimensions are given, measurement using the scale shown on the map.

- (3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:
 - (a) in a manner consistent with the provisions of this Bylaw; and
 - (b) with the appropriate degree of detail required.
- (4) The location of a district boundary, once fixed, shall not be altered except by an amendment to this Bylaw.
- (5) The Council shall keep a list of its decisions fixing the locations of district boundaries.
- (6) In addition to the provisions for development as contained under each Land Use District, the General Land Use Regulations listed in **Part VII** of the Land Use Bylaw shall apply to all development.

23. Direct Control Districts

- (1) Direct Control Districts provide for development that, due to its unique characteristics, unusual site conditions, or innovative design, requires specific regulations unavailable in other land use districts. Land uses within a Direct Control District shall be determined by Council.
- (2) Direct Control Districts may not be substituted for any other land use district if the same outcome can occur in that land use district.
- (3) Where Council deems that there are sufficient and appropriate regulations within a Direct Control Bylaw, authority to approve development within the Direct Control District may be delegated to the Development Authority by resolution of Council.
- (4) Appeals within a Direct Control District shall be in accordance with Section 641 of the Act and **Part IV** of this Bylaw.

24. R-1 – Low Density Residential District

(1) Purpose

The purpose of this district is to provide for low-density residential development in the form of single-detached housing connected to the municipal sanitary and water systems.

(2) Permitted Uses

- Accessory building
- Dwelling - Single-detached
- Permitted signs
- Parks and Playgrounds

(3) Discretionary Uses

- Accessory Use
Bed and Breakfast
- Day Home
Dwellings – greater than single-detached existing at the date of passage of this
Land Use Bylaw
- Day Home
Dwelling – Modular
Dwelling – Moved on
- Dwelling – Ready-to-move
Group Home
- Home occupation
Mechanized excavation stripping and grading
Parking facilities for uses in this District
- Public and quasi-public buildings, facilities and installations
- Public Utility
- Secondary suite
- Worship Facility

(4) Minimum Requirements

- (a) Site Area:
 - (i) Interior parcels 450 m² (4,843.92 sq.ft.)
Corner parcels 500 m² (5,382.13 sq.ft.)
For all residential dwellings
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (b) Lot Width:
 - (i) 12.2 m (40 ft.) for a single-detached dwelling;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

- (c) Front Yard:
 - (i) 6.0 m (20 ft.) for dwellings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

- (d) Side Yard:
 - (i) 1.5 m (5 ft.) for dwellings;
 - (ii) 4.5 m (15 ft.) for a single-detached dwelling with the front facade abutting the flanking street on corner lots (reversed corner lot);
 - (iii) Accessory buildings shall be sited in accordance with **Section 39** of the Land Use Regulations of this bylaw;
 - (iv) Other uses at the discretion of the Municipal Planning Commission.

- (e) Rear Yard:
 - (i) 7.5 m (25 ft.) for principal buildings;
 - (ii) Accessory buildings shall be sited in accordance with **Section 39** of the Land Use Regulations of this bylaw.

- (f) Gross Floor Area:
 - (i) 93 m² (1,000 sq. ft.) for one-storey and split-level dwellings.

(5) Maximum Limits

- (a) Height
 - (i) 10.6 m (35 ft.) for principal buildings and shall not exceed 2.5 storeys;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

- (b) Site Coverage
 - (i) 40% for single-detached dwellings;
 - (ii) 55% for single-detached dwellings with an attached garage
 - (iii) 15% for accessory buildings;
 - (iv) Total site coverage including accessory buildings and structures shall not exceed 55%;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

- (c) Lot Width:
 - (i) 24.4 m (80 ft.) for all dwellings.

(6) Off-Street Parking

Off-Street Parking shall be provided in accordance with **Section 41**.

25. R-2 – General Residential District

(1) Purpose

The purpose and intent of this district is to provide for residential neighborhoods in which a variety of housing types may be permitted including lower density multiple unit development that are connected to the municipal sanitary and water services.

(2) Permitted Uses

- Accessory building
- Day Home
- Dwelling – Duplex
- Dwelling – Ready-to-move
- Dwelling – Semi-detached
- Dwelling - Single-detached
- Permitted signs
- Parks and Playgrounds

(3) Discretionary Uses

- Accessory Use
 - Bed and Breakfast
- Boarding or Lodging House
 - Convenience Store
 - Dwelling – Moved on
- Dwelling – Multiple Unit (Apartment) – up to four dwelling units
- Dwelling – Multiple Unit (Attached Housing) – up to four dwelling units
 - Group Home
 - Home occupation
- Out-of-School Care Centre
- Public and quasi-public buildings, facilities and installations
- Public Utility
- Secondary suite in single-detached dwelling only
- Worship Facility

(4) Minimum Requirements

- (a) Site Area:
 - (i) Single-detached dwelling, duplex or group home:
 - Interior parcels 375 m² (4,036.60 sq.ft.)
 - Corner parcels 420 m² (4,521.00 sq.ft.)
 - (ii) Semi-detached dwelling (per unit):
 - Interior parcels 235 m² (2,529.60 sq.ft.)
 - Corner parcels 280 m² (3,014.00 sq.ft.)
 - (iii) 228.0 m² (2,454 sq. ft) for each unit in a semi-detached dwelling;

- (iv) 183.0 m² (1,970 sq. ft) for interior units and 228.0 m²(2,454 sq. ft) for end units for attached housing;
 - (v) Other uses at the discretion of the Municipal Planning Commission.
- (b) Lot Width:
- (i) 12.2 m (40 ft.) for a single-detached dwelling;
 - (ii) 15.2 m (50 ft.) for a duplex;
 - (iii) 7.6 m (25 ft.) for each unit in a semi-detached dwelling;
 - (iv) 6.1 m (20 ft.) for interior units and 7.6 m (25 ft.) for end units for attached housing;
 - (v) 18.3 m (60 ft.) for apartment buildings;
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
- (i) 6.0 m (20 ft.) for all dwellings excepting dwelling-multiple unit;
 - (ii) 7.5 m (25 ft.) for dwelling-multiple unit;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (d) Side Yard:
- (i) 1.5 m (5 ft.) for dwellings excepting dwelling-multiple unit (apartments);
 - (ii) 3 m (9.84 ft.) for dwelling-multiple unit (apartment) or 6 m (19.69 ft.) where the side yard adjoins a public roadway
 - (iii) 2.1 m (7 ft.) for dwellings having a principal entrance provided from a side yard;
 - (iv) 4.5 m (15 ft.) for dwellings with the front façade abutting the flanking street on corner lots;
 - (v) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulations of this bylaw;
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
- (i) 6.1 m (20 ft.) for principal buildings; and
 - (ii) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulations of this Bylaw.
- (f) Gross Floor Area:
- (i) 79 m² (850 sq. ft.) for single-detached dwellings;

- (ii) 75 m² (807 sq. ft.) for semi-detached and attached housing units;
- (iii) 56 m² (600 sq. ft.) for each dwelling unit in a duplex;
- (iv) 650 m² (7,000 sq. ft.) for apartment buildings;
- (v) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) 10.6 m (35 ft.) for principal buildings and shall not exceed 2.5 storeys;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

- (b) Site Coverage
 - (i) 40% for single-detached dwellings, semi-detached dwellings, duplexes, and attached housing;
 - (ii) 55% for single-detached dwellings with an attached garage;
 - (iv) 75% for Dwelling-Multiple Unit (Apartment)
 - (iii) 15% for accessory buildings;
 - (iv) Total site coverage including accessory buildings and structures shall not exceed 55%;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

- (c) Lot Width:
 - (i) 24.4 m (80 ft.) per dwelling.

(6) Off-Street Parking

Off-Street Parking shall be provided in accordance with **Section 41**.

(7) Landscaping & Screening

- (a) A minimum of 10% of the site area for attached housing shall be landscaped or developed in order that it can be utilized as an amenity area.

- (b) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes to the satisfaction of the Development Authority.

- (c) Attached housing complexes shall store garbage and waste material in a single weather and animal proof collective container, designed and located on the site to the satisfaction of the Development Authority.

26. R-3 – Multiple Unit Residential District

(1) Purpose

The purpose and intent of this district is to provide for residential neighborhoods where a variety of medium density housing types may be permitted.

(2) Permitted Uses

- Accessory buildings and uses
- Day Home
- Dwelling – Duplex
- Dwelling – Multiple Unit (Apartment) – up to four dwelling units
- Dwelling – Multiple Unit (Attached Housing) – up to four dwelling units
- Dwelling – Semi-detached
- Group Home
- Permitted sign
- Parks and Playgrounds

(3) Discretionary Uses

- Accessory Use
- Assisted Living
- Communication Tower
- Day Care Centre
- Dwelling – Multiple Unit (Apartment) – more than four dwelling units
- Dwelling – Multiple Unit (Attached Housing) – more than four dwelling units
- Home occupations
- Out-of-School Care Centre
- Public and quasi-public buildings, facilities and installations
- Public Utility
- Residential Care Facility
- Seniors Lodge
- Supportive Living
- Worship Facility

(4) Minimum Requirements

- (a) Site Area:
 - (i) 456 m² (4,909 sq. ft.) for a duplex;
 - (ii) 228.0 m² (2,454 sq. ft) for each unit in a semi-detached dwelling;
 - (iii) 183.0 m² (1,970 sq. ft) for interior units and 228.0 m²(2,454 sq. ft) for end units for attached housing;
 - (iv) 650 m² (7,000 sq. ft) for apartment buildings;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

- (b) Lot Width:
 - (ii) 15.2 m (50 ft.) for a duplex;
 - (iii) 7.6 m (25 ft.) for each unit in a semi-detached dwelling;
 - (iii) 6.1 m (20 ft.) for interior units and 7.6 m (25 ft.) for end units for attached housing;
 - (iv) 18.3 m (60 ft.) for apartment buildings;
 - (v) Other uses at the discretion of the Municipal Planning Commission.

- (c) Front Yard:
 - (i) 7.6 m (25 ft.) for all dwellings;
 - (ii) Multiple Unit Housing developments shall have sufficient separation or screening at the discretion of the Development Authority;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

- (d) Side Yard:
 - (i) 1.5 m (5 ft) for duplexes and semi-detached dwellings;
 - (ii) 3 m (10 ft.) for attached housing and apartment buildings;
 - (iii) 2.1 m (7 ft.) for dwellings having a principal entrance provided from a side yard;
 - (iv) Multiple Unit Housing developments shall have sufficient separation or screening at the discretion of the Development Authority;
 - (v) 4.5 m (15 ft.) for dwellings with the front façade abutting the flanking street on corner lots;
 - (vi) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulations of this bylaw;
 - (vii) Other uses at the discretion of the Municipal Planning Commission.

- (e) Rear Yard:
 - (i) 6.1 m (20 ft.) for one or two unit dwellings; and
 - (ii) Multiple Unit Housing developments shall have sufficient separation or screening at the discretion of the Development Authority;
 - (iii) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulations of this bylaw.

- (f) Gross Floor Area:
 - (i) 75 m² (807 sq. ft.) for semi-detached, attached housing and apartment dwelling units;
 - (ii) 56 m² (600 sq. ft.) for each dwelling unit in a duplex;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Height:
 - (i) 10.6 m (35 ft.) for semi-detached, attached housing and duplex dwelling units
 - (ii) 13.7 m (45 ft.) for apartments;
 - (iii) 4.5 m (15 ft.) for accessory buildings;
 - (iv) Other uses at the discretion of the Municipal Planning Commission.
- (b) Site Coverage
 - (i) 40% for semi-detached dwellings, duplexes, apartments and attached housing;
 - (ii) 15% for accessory buildings;
 - (iii) Total site coverage including accessory buildings and structures shall not exceed 55;
 - (iv) Other uses at the discretion of the Municipal Planning Commission.

(6) Off-Street Parking

Off-Street Parking shall be provided in accordance with **Section 41**.

(7) Landscaping & Screening

- (a) A minimum of 10% of the site area for apartment buildings and attached housing shall be landscaped or developed in order that it can be utilized as an amenity area.
- (b) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes to the satisfaction of the Development Authority.
- (c) Attached housing and apartment complexes shall store garbage and waste material in a single weather and animal proof collective container, designed and located on the site to the satisfaction of the Development Authority.

27. RE – Residential Estates District

(1) Purpose

The purpose and intent of this district is to accommodate acreage-style low density residential development in a semi-rural setting within the Town with public water and where feasible, sanitary services.

(2) Permitted Uses

- Accessory building
- Day Home
- Dwelling – Modular
- Dwelling – Ready-to-move
- Dwelling - Single-detached
- Permitted signs
- Parks and Playgrounds

(3) Discretionary Uses

- Accessory building
- Animal units
- Bed & breakfast establishment
- Communication Tower
- Dwelling- Moved On
- Home occupation
- Public and quasi-public buildings, facilities and installations
- Public Utility

(4) Minimum Requirements

- (a) Site Area:
 - (i) 0.2 ha (0.5 acres);
- (b) Lot Width:
 - (i) 30 m (100 ft.);
- (c) Front Yard:
 - (i) 135 ft. (41 m) from the right-of-way of a secondary highway and as required by Alberta Transportation in the case of primary highways; and
 - (ii) 7.6 m (25 ft.) from all other roads.
- (d) Side Yard:
 - (i) 7.6 m (25 ft.).
- (e) Rear Yard:
 - (i) 10.67 m (35 ft.).
- (f) Gross Floor Area:
 - (i) 102.19 m² (1100 sq. ft.) for all dwellings.

(5) Maximum Limits

- (a) Site Area:
 - (i) 1.21 ha (3.0 acres) unless otherwise approved by the approving authority.
- (b) Height
 - (i) 10.6 m (35 ft.) for principal buildings;
 - (ii) 7.62 m (25 ft.) for accessory buildings.
- (c) Site Coverage
 - (i) 20% for principal buildings;
 - (ii) 15% for accessory buildings.

(6) Special Requirements

- (a) Outdoor storage of equipment or motor vehicles, any unsightly or dilapidated vehicle(s) shall not be permitted;
- (b) A limit of two (2) recreational vehicles shall be permitted to be stored or parked on a parcel;
- (c) Industrial and Commercial equipment including vehicles shall not be stored on a parcel within this land use district unless otherwise permitted in this Bylaw;
- (d) No animals other than household pets shall be kept unless otherwise permitted in this bylaw;
- (e) All development shall require piped sanitary and water services to the standards as required by the Town of Castor. Where piped sanitary services are not feasible, private sewage disposal systems may be permitted at the discretion of the MPC pending a satisfactory PSDS assessment completed by an accredited PSDS assessment technician.

(7) Animal Unit Limits

Section 68 shall be adhered to with regards to the type and number of animal units permitted within the 'RE' - Residential Estates Land Use District:

28. MHP - Manufactured Home Park District

(1) Purpose

The purpose and intent of this district is to permit the placement of manufactured homes and modular homes in rental parks specifically designed to accommodate them.

(2) Permitted Uses

- Accessory building
- Dwelling - Manufactured home
- Dwelling - Modular Home
- Manufactured Home Park
- Parks and Playgrounds
- Permitted signs

(3) Discretionary Uses

- Accessory Use
- Campground
- Day Home
- Home occupations
- Manufactured home park facilities
- Public and quasi-public buildings, facilities and installations
- Public Utility

(4) Minimum Requirements

- (a) Site Area:
 - (i) 0.8 ha (2 acres) for a manufactured home park;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (b) Lot Width:
 - (i) Minimum lot width for a manufactured home park to be at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
 - (i) 6.1 m (20 ft.) from a public roadway;
 - (ii) 3 m (10 ft.) from an internal access road within a manufactured home park.
- (d) Side Yard:
 - (i) 3 m (9.84 ft.) from any other dwelling within the park;
 - (ii) 6.1 m (20 ft.) from a public roadway;
 - (iii) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulation of this Bylaw;

- (iv) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
 - (i) 6.1 m (20 ft.) from any park boundary or any other dwelling within the park;
 - (ii) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulation of this Bylaw.
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (f) Gross Floor Area:
 - (i) 60.4 m² (650 sq. ft.) for manufactured homes;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Site Coverage:
 - (i) 55% including accessory buildings.
- (b) Height:
 - (i) 6 m (20 ft.) for manufactured homes and modular units;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

(6) Development Requirements

- (a) All manufactured homes shall be developed in accordance with **Section 58** of the General Land Use Regulations of this Bylaw;
- (b) Convenient, on-site screened containerized garbage collection facilities or garbage cans shall be provided by the park owner in compliance with Provincial and Municipal Regulations. Such provision must be indicated on the plan submitted with the application for development permit;
- (c) Each manufactured home shall be connected to and serviced by the municipal sanitary sewer, water supply and electric power systems and serviced with natural gas;
- (d) No accessory building or use shall be located in the front yard of a manufactured home lot;
- (e) The removal of snow from all internal pedestrian walkways and vehicular parking areas, excluding individual lot parking areas, shall be the responsibility of the park owner;

- (f) Outdoor lighting in the park shall be integrated in design and appearance and conform with the requirements and specifications of CSA Standard C92.2 Roadway Lighting or any successor thereto.

(7) Manufactured Home Park Requirements

- (a) Roadways
 - (i) All roads in a manufactured home park shall be constructed to the Municipality's specifications;
 - (ii) Internal pedestrian walkways shall have a minimum width of 1.5 m (5 ft.) and be surfaced to the satisfaction of the Development Authority; and
 - (iii) Each manufactured home shall have a minimum width of 5 m (16 ft.) and abut a park roadway.

- (b) Parking
 - (i) No on-street parking shall be permitted in manufactured home parks;
 - (ii) A minimum of two car parking stalls shall be provided for each dwelling in accordance with **Section 41**;
 - (iii) Visitor parking shall be one off-street parking stall for every four (4) manufactured homes. Visitor parking shall be dispersed throughout the park and clearly identified.

- (c) Appearance
 - (i) A 6.1 m (20 ft.) buffer shall be provided around the boundary of the park. This buffer shall be landscaped and fenced;
 - (ii) Each application for a manufactured home park shall be accompanied by a landscaping and site development plan;
 - (iii) All utility lines shall be placed underground in a manufactured home park;
 - (iv) A minimum of 10% of the gross site area of a manufactured home park shall be set aside for recreational use;
 - (v) Each manufactured home shall be leveled, blocked and skirted and the hitch removed within 30 days of being sited on the lot;
 - (vi) The external finish of porches and additions shall match the existing external finish of the manufactured home.

- (d) Permitted Signs
 - (i) One park identification sign at each entrance to the park. Maximum sign area is 2.9 m² (32 sq. ft.) and maximum height of sign is 1.8 m (6 ft.);
 - (ii) Directional signs within the park.

- (e) Storage
 - (i) A screened storage compound may be provided for trucks, campers, travel trailers, snowmobiles, boats, etc., at a

location and in a manner satisfactory to the Development Authority.

- (f) Future Subdivision
 - (i) The Development Authority should give consideration to the sizing and siting of individual sites and internal streets in order that the future subdivision of the manufactured home park to provide titled lots is a viable option.

29. MHR - Manufactured Home Residential District

(1) Purpose

The purpose and intent of this district is to provide for residential development in the form of manufactured homes on individual lots.

(2) Permitted Uses

- Accessory building
- Dwelling - Manufactured home
- Dwelling - Modular Home
- Parks and Playgrounds
- Permitted signs

(3) Discretionary Uses

- Accessory Use
- Day Home
- Home occupations
- Public and quasi-public buildings, facilities and installations
- Public Utility

(4) Minimum Requirements

- (a) Site Area:
 - (i) 360 m² (3875 sq. ft.) for all dwellings;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

- (b) Lot Width:
 - (i) 12 m (40 ft.) for all dwellings;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

- (c) Front Yard:
 - (i) 4.57 m (15 ft.);

- (d) Side Yard:
 - (i) 1.5 m (5 ft.);
 - (i) 3.0 m (10 ft.) on the side of a manufactured / modular dwelling containing the main entrance;
 - (ii) 3.0 m (10 ft.) abutting the flanking street on corner lots;
 - (iii) Accessory buildings shall be sited in accordance with Section 39 of the General Land Use Regulation of this Bylaw;
 - (iv) Other uses at the discretion of the Municipal Planning Commission.

- (e) Rear Yard:
 - (i) 3.0 m (10 ft.);
 - (ii) Accessory buildings shall be sited in accordance with **Section 39** of the General Land Use Regulation of this Bylaw.

- (f) Gross Floor Area:
 - (i) 60.4 m² (650 sq. ft.) for manufactured homes;
 - (ii) 74.3 m² (800 sq. ft.) for all other dwellings;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Site Coverage:
 - (i) Total site coverage including accessory buildings shall not exceed 55% for manufactured / modular dwelling lots;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

- (b) Height:
 - (i) 6 m (20 ft.) for manufactured and modular dwellings;
 - (ii) 4.5 m (15 ft.) for accessory buildings;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

(6) Development Requirements

- (a) All manufactured homes shall be developed in accordance with **Section 58** of the General Land Use Regulations of this Bylaw;

- (b) No accessory building or use shall be located in the front yard of a manufactured home lot.

- (c) Parking
 - (i) A minimum of two vehicle parking stalls shall be provided per lot in accordance with **Section 41**;

30. C-1 – Central Commercial District

(1) Purpose

The purpose and intent of this district is to provide for pedestrian oriented and centralized commercial development.

(2) Permitted Uses

- Artist's Studio
- Clinic
- Convenience store
- Financial Institution
- Professional, financial and administrative office
- Post office
- Permitted signs
- Personal service
- Restaurant
- Retail stores and services
- Library

(3) Discretionary Uses

- Accessory Building
- Accessory Use
- Amusement centre
- Communication Tower
- Day Care Centre
- Drinking Establishment
- Dwelling – One or more units attached to a commercial building
- Funeral home
- Hotel
- Liquor store
- Museum
- Out-of-School Care Centre
- Parking Lot
- Parks and Playgrounds
- Supermarket
- Theatre
- Public and quasi-public buildings and facilities and installations
- Public Utility
- School – Unconventional
- Any use that is similar to the permitted or discretionary uses listed above at the discretion of the MPC

(4) Minimum Requirements

- (a) Front Yard:

- (i) None, except where deemed necessary by the Development Authority based on the front yard provided by adjacent or surrounding buildings.
- (c) Side Yard:
 - (i) 1.5 m (5 ft.) adjacent to residential land use districts;
 - (ii) No side yard is required where a firewall is provided in accordance with the Alberta Safety Code.
- (d) Rear Yard:
 - (i) 6 m (20 ft.)

(5) Maximum Limits

- (a) Height:
 - (i) 13.7 m (45 ft.)

(6) Off-Street Parking and Loading

Off-Street Parking and loading shall be provided in accordance with **Section 40 and 41**.

- (a) Notwithstanding **Section 41**, the Municipal Planning Commission may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the Central Commercial District:
 - (i) where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
 - (ii) where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking; and
 - (iii) where appropriate on-street parking is adequately available.
- (b) Off-site parking levies or alternative requirements in accordance with **Section 41(5)** may be applied at the discretion of the Development Authority.

(7) Landscaping and Screening

- (i) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (ii) Outside storage areas of material and equipment shall be screened from adjacent sites and public thoroughfares;
- (iii) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes;

- (iv) The side and rear walls which are exposed to public view should be appropriately finished as required by the Development Authority.

31. HWY-C – Highway Commercial District

(1) Purpose

The purpose and intent of this district is to provide for a limited range of commercial uses that, in order to serve a wide area of the Town or region, locate near highways and streets with high traffic volumes and a high level of exposure.

(2) Permitted Uses

- Permitted signs
- Tourist Information Centre

(3) Discretionary Uses

- Accessory buildings and uses
- Accessory building – Fabric covered
- Agricultural equipment sales and service including industrial equipment
- Automotive Vehicle Sales including recreational vehicles and large trucks
- Automotive Repair and Service
- Auto body Shop
- Building Material sales and storage
- Bulk fuel sales depot
- Car Wash
- Campground
- Communication Tower
- Community Hall
- Community Recreation Facility
- Contractor Shop
- Drinking Establishment
- Drive Through
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Fabric Covered Building
- Hotel/ Motor Hotel
- Museum
- Public and quasi-public buildings and facilities and installations
- Public Utility
- Retail Store
- Restaurant
- Shopping Centre
- Storage Structure – accessory to a commercial use
- Any use that is similar to the permitted or discretionary uses listed above at the discretion of the MPC

(4) Minimum Requirements

- (a) Site Area:

- (i) 1858 m² (20,000 sq.ft.) for motels;
 - (ii) 1115 m² (12,000 sq.ft.) for all other uses.
- (b) Front Yard:
- (i) 20 m (66 ft.) adjacent to a highway without a service road;
 - (ii) 6.1 m (20 ft.) adjacent to a highway with a service road.
- (c) Side Yard:
- (i) 6.1 m (20 ft.) when it abuts a residential district; or
 - (ii) 3 m (10 ft.) in all other cases
- (d) Rear Yard:
- (i) 6.1 m (20 ft.).
- (e) Lot Width:
- (i) 30 m (100 ft.).

(5) Maximum Limits

- (a) Height:
 - (i) 13.7 m (45 ft.)

(6) Parking

Off-Street Parking and loading shall be provided in accordance with **Section 40 and 41.**

(7) Landscaping and Screening

- (a) The boulevard, where existing and a minimum of 10% of the site area must be landscaped in accordance with a plan approved by the Municipal Planning Commission.
- (b) Any trees or shrubs that die, that were planted under the approved plan, must be replaced the next planting season.
- (c) Highway Commercial land uses abutting a residential district shall be screened from view from the residential land uses. Uses that have potential for land use conflicts in terms of noise, dust, odor or traffic should not be approved in or adjacent to an established residential area with consideration of the future land uses for the area.
- (c) Outside storage areas for material and equipment shall be screened from adjacent sites and public thoroughfares.

- (d) Garbage and waste material must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.

32. I-1 – Light Industrial District

(1) Purpose

The purpose and intent of this district is to provide for a variety of industrial and business uses which are compatible with each other and do not adversely affect non-industrial land uses.

(2) Permitted Uses

- Accessory building
- Permitted signs

(3) Discretionary Uses

- Accessory Use
- Automotive, Truck and Recreational Vehicle Repair and Service
- Auto body Shop
- Bulk fuel sales depot
- Car Wash, including truck wash for larger vehicles and equipment
- Communication Tower
- Contractor Shop
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Equipment and Machinery Sales and Rentals
- Fabric Covered Building
- Industrial uses that are obnoxious by reason of the emission of odors, dust, smoke, gas, noise or vibration such as, but not limited to, oil and gas refineries, meat packing plants, rendering plants, chemical and chemical product industries, fiberglass and plastics plants
- Manufacturing, packaging, assembly, repair and maintenance of equipment
- Professional, financial and administrative offices accessory to an industrial land use
- Public and quasi-public buildings and facilities and installations
- Public Utility
- Recycling Facility
- Sand, gravel and building material excavation and storage
- Seed Cleaning Plant
- Self Storage facility
- Solid Waste Transfer Station
- Storage Structure – accessory to an industrial use
- Storage Yard
- Truck and Freight Terminals
- Veterinary Clinic
- Warehousing
- Any use that is similar to the permitted or discretionary uses listed above at the discretion of the MPC

(4) Minimum Requirements

- (a) Area of Site:
 - (i) 557 m² (6,000 sq. ft.).
- (b) Width of Site:
 - (i) 18.29 m (60 ft.).
- (c) Front Yard:
 - (i) 20 m (66 ft.) adjacent to a highway without a service road;
 - (ii) 9.144 m (30 ft.) with a service road.
- (d) Side Yard:
 - (i) 3.2 m (10 ft.);
 - (ii) At least one 4.5 m (15 ft.) side yard to provide alternate access to the rear of the buildings in a laneless subdivision.
- (e) Rear Yard:
 - (i) 6 m (20 ft.)

(5) Maximum Limits

- (a) Height:
 - (i) 10.6 m (35 ft.) unless otherwise approved by the Municipal Planning Commission.
- (b) Site Coverage:
 - (i) 80%.

(6) Landscaping and Screening

- (a) The boulevard, where existing, and a minimum of 5% of the site area should be landscaped in accordance with the plan approved by the Municipal Planning Commission;
- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season;
- (c) Light Industrial land uses abutting a residential district shall be screened from view from the residential land uses. Uses that have potential for land use conflicts in terms of noise, dust, odor or traffic should not be approved in or adjacent to an established residential area with consideration of the future land uses for the area;
- (d) Outside storage areas of material and equipment should be screened from adjacent sites and public thoroughfares; and

- (e) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares excluding lanes.

(7) Off-Street Parking and Loading

Off-Street Parking and loading shall be provided in accordance with **Section 40 and 41.**

(8) Special Requirements

- (a) Application for Industrial Uses shall be made in accordance with **Section 45;**
- (b) The operation of all uses shall carry out their operations such that no nuisance factors are created or transmitted beyond the walls of the building housing the industrial land use. In general, nuisance factors shall include objectionable or dangerous conditions caused by noise, smoke, vibration, dust, odor, toxic or noxious matter, radiation, flammable or explosive materials, heat, humidity or glare.
- (b) All uses must comply with the environmental and public health performance standards of the Provincial Government. The Development Authority may circulate any application to the appropriate Provincial or federal department for clarification of a perceived conflict with these standards prior to a Development Permit decision;
- (c) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items;
- (d) Self-storage facilities and warehousing that does not require sanitary and water services should be located appropriately in areas where servicing is unavailable or difficult to provide.

33. CS - Community Service District

(1) Purpose

The purpose and intent of this district is to provide for recreational, educational and community uses.

(2) Permitted Uses

- Accessory building
- Community hall
- Library
- Museum
- Parks and Playgrounds
- School - Public

(3) Discretionary Uses

- Accessory Use
- Accessory sales / services to principal recreational uses
- Active and passive recreational uses, where consistent with the general purpose of this district
- Campground
- Cemetery
- Clinic
- Communication Tower
- Community Recreation Facility
- Exhibition grounds
- Fabric Covered Building
- Golf course
- Health Care Facility
- Permitted Signs
- Public and quasi-public buildings, installations and facilities
- Public Utility
- Public Swimming pool
- School - Private
- School – Unconventional
- Any use that is similar to the permitted or discretionary uses listed above at the discretion of the MPC

(4) Development Requirements

The Development Authority shall evaluate each development permit for this district on its own merit and establish suitable development requirements for each individual application.

(5) Off-Street Parking and Loading

Off-Street Parking shall be provided in accordance with **Section 40 and 41**.

34. UR - Urban Reserve District

(1) Purpose

The purpose and intent of this district is to reserve lands outside of the developed area of the Town which are intended as future growth areas.

(2) Permitted Uses

- Single-detached dwellings - existing at the time of adoption of this Bylaw
- Manufactured homes – existing at the time of adoption of this Bylaw
- Parks and Playgrounds
- Extensive agriculture – production of hay and other crops excluding livestock or animal units grazing and/ or handling

(3) Discretionary Uses

- Accessory buildings and uses
- Communication Tower
- Greenhouse
- Horticultural nursery
- Market garden
- Public and quasi-public buildings, installations and facilities
- Public Utility

(4) Regulations

- (a) The design, siting, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Authority. When determining a development permit application the Development Authority shall take into account:
 - (i) the general purpose of the district; and
 - (ii) the existing uses and projected future land use in the vicinity.
- (b) The Municipal Planning Commission may require an area structure plan before recommending approval of a subdivision to ensure the proposed subdivision does not negatively affect the future subdivision and development framework for the surrounding area.
- (c) The Development Authority shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis.

- (d) Where a proposed use or development is listed as a permitted or discretionary use in the Land Use Districts in this Bylaw, the standard governing yards, setbacks, height, etc., applied to that use in that district shall be applied to the proposed use in this district.

35. HHV – Hospital Helipad Vicinity Overlay District

(1) Purpose

The purpose and intent of this district is to ensure development located within close proximity to the hospital helipad does not negatively impact the safety and accessibility of the helipad.

(2) Regulations

- (a) The Hospital Helipad Vicinity shall be defined as that area within a 200 m (656 ft.) radius measured from the centre of the landing/takeoff pad located on Lots 1 & 2, Block 2, Plan 7015 Z and as shown on the Land Use District Map
- (b) Any new development, or part thereof, within the Hospital Helipad Vicinity shall not exceed a height of 20.6 m (35 ft).
- (c) Any new development within 30.5 m (100 ft) of the centre of the landing/takeoff pad shall not exceed a height of 1.5 m (5 ft.).
- (d) Any new development within the Hospital Helipad Vicinity shall not be permitted if, in the opinion of the Development Officer, it generates a large amount of smoke, dust, or attracts birds.

PART VII

General Land Use Regulations

36. Subdivision of Land

- (1) A development requiring subdivision of land shall not be issued a development permit until such time as final subdivision approval has been received from the Subdivision Authority or upon appeal, the Subdivision and Development Appeal Board or the Municipal Government Board.

37. Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw in effect;
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein;
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use is continued;
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building, or
 - (c) if, at the discretion of the Development Authority, the alterations do not increase the extent of non-compliance and are within all other requirements of this Bylaw, the development may be permitted.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw;
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

38. Fencing and Hedges

- (1) In a residential district, a fence or hedge located within the required rear or side yard of a lot, shall not exceed 1.8 m (6 feet) in height;
- (2) In a residential district, a fence or hedge located within the required front yard of a corner site, shall not exceed 0.9 m (3 feet) in height above the established grade of the curb unless fencing is opaque (ie. Chain-link fencing) where the maximum height shall be 1.2 m (4 ft.);
- (3) In a residential district, a fence or hedge located within the required front yard of a lot, not on a corner site, shall not exceed 1.2 m (4 feet) in height above the established grade of the curb;
- (4) In all districts, hedges and trees shall be planted and trimmed to ensure public safety and/or good visibility for traffic and pedestrian purposes;
- (4) Swimming pools shall be fenced with a minimum height of 1.8 m (6 feet), and a maximum height of 2.5 m (8 ft.) or as required by Provincial or Federal regulations to the satisfaction of the Development Officer; and
- (5) Materials used to construct fences may be wood, brick, stone, concrete, or metal and shall be aesthetically acceptable and in general conformity with adjacent properties.

39. Accessory Buildings & Uses

- (1) A structure which is physically attached to the principal building by a roof, a floor or a foundation is not an accessory building or structure, it is to be considered part of the **principal building** and shall meet the applicable setback requirements and standards for the principal building as outlined below;
- (2) An accessory building shall not be used as a **dwelling** unless approved as a **secondary suite** in accordance with the provisions of this Bylaw;
- (3) An accessory building or use shall be located at least 2 m (6.5ft.) from any **principal building**;
- (4) The minimum side yard of an accessory building shall be 1 m (3.28 ft.) except on corner lots;
- (5) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than the **side yard** requirement for the **principal building** if there is no vehicular access to the accessory building from the flanking street;
- (6) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than 3 m (9.85 ft.) when vehicular access to the accessory building is from the flanking street;
- (7) The minimum rear yard of an accessory building shall be 1 m (3.28 ft.);
- (8) The total combined floor area of all accessory buildings shall not exceed 15% of the site area;
- (9) No accessory building or use shall be located in the front yard of a residential district.

40. Off-Street Loading & Unloading for Non-Residential Development

Any new non-residential development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.5 m (8 feet) wide and shall provide no less than 3.6 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

Use of Building or Site	Total Gross Floor Area	Spaces Required
i) Retail, industrial, warehousing or similar use	Less than 464.5 m ² (5,000 sq. ft.)	1
	464.5 m ² (5,000 sq. ft.) to 2322.5m ² (25,000 sq. ft.)	2
	Each additional 2322.5 m ² (25,000 sq. ft.) or fraction thereof	1 additional
ii) Office building, health care facility, Public utility building, school or similar use	Up to 2782 m ² (30,000 sq. ft.)	1
	Each additional 2787 m ² (30,000 sq. ft.) or fraction thereof	1

41. Off-Street Parking

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located; and
- (2) For multiple use sites, parking requirements shall be based on the calculation of parking required for each individual use.

- (3) Parking spaces for an apartment building shall not be located in the front yard.
- (4) Parking shall be on the same site as the development and located and constructed to the Town's standards so that:
 - (a) it is reasonably accessible to the vehicle intended to be accommodated;
 - (b) it can be properly maintained; and
 - (c) it is satisfactory to the Municipal Planning Commission in size - being no less than 14 m² (160 sq. ft.) and less than 2.4 m (8 ft.) in width, shape, location and construction.
- (5) The Municipal Planning Commission may:
 - (a) Accept a payment in lieu of the number of on-site parking spaces not provided. The payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the municipality elsewhere in the District in which the development is proposed;
 - (b) Reduce the parking requirements if, in the opinion of the Municipal Planning Commission, it is proven that the minimum required parking spaces are not necessary to adequately service the proposed development and it will not be a detriment to the surrounding neighborhood area;
 - (c) The developer may be required to ensure off-street parking on land other than that to be developed provided that:
 - (i) the alternative parking site is within 152 m (500 feet) of the site where the principal building is located or where the approved use is carried on,
 - (ii) the person wishing to use an alternate parking site must have absolute control of it for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purpose than to provide alternate parking and shall require a registration on title detailing the parking requirements;
 - (iii) should the alternate parking site cease to be available, another parking site must be provided meeting the above criteria or the approved use of the building on the site must be discontinued,
 - (iv) the person wishing to use an alternate site shall agree with the Municipality in writing under seal and protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking

site is located shall be used for such purposes as long as it is required by this part.

- (6) A parking space shall not be less than 14.8 m² (160 sq. ft.) in area and not less than 2.4 m (8 ft.) wide.
- (7) When a building is enlarged, altered, or a change in the use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw.
- (8) Any parking space or loading space provided shall be developed and surfaced to the satisfaction of the Development Authority.
- (9) Adequate curbs, fences and landscaping shall be provided to the satisfaction of the Development Authority. In so doing, one should consider adjacent fences, walls, boulevards, landscaped areas or buildings to protect from contact with vehicles using such parking space or area.
- (10) The following parking standards shall apply to the permitted and discretionary uses in this Bylaw:

Dwellings	- Two (2) parking spaces per dwelling unit;
Attached housing and apartments	- One (1) parking or garage space per dwelling unit plus one (1) parking or garage space per seven (7) dwelling units shall be assigned for guest parking;
Day Home	- One (1) parking or garage space per staff member;
Day Care Centre	One (1) parking or garage space per staff member and one (1) visitor parking space per 6 children;
Group Home and Residential Care Facility	- One (1) parking or garage space per staff member and one (1) visitor parking space per 6 residents;
Professional, financial & administrative office	- One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area in the building.
Retail shops, repair and service shops	- One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area in the building.

Clinics -	Two (2) parking spaces per 93 m ² (1,000 sq. ft.) of gross floor area in the building.
Restaurants	- One (1) parking space per four (4) seats.
Hotels & Motels	- One (1) parking space per guest suite.
Libraries	- Two (2) parking space per 93 m ² (1,000 sq. ft.) of gross floor area in the building.
Recreational or amusement parks- public places of assembly including sports arenas, ball parks and other	- one space per 4 seating spaces.
Health Care Facility	- One (1) parking space per 93 m ² (1,000 sq. ft.) of gross floor area.
Libraries and Clinics	- Four (4) parking spaces per 93 m ² (1,000 sq. ft.) of gross floor area.
Schools	
- Elementary & Junior High	- One (1) parking space per classroom.
- Senior High	- Four (4) parking spaces per classroom.
Worship Facilities	- One (1) parking space per 15 seats.
Other uses	The number of spaces shall be determined by the Municipal Planning Commission having regard to similar uses listed above and the estimated traffic generation and attraction fo the proposed use(s).

42. Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of a yard in any residential district:

- (1) a motor vehicle which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a parcel in a residential District, unless it is suitably housed or screened to the satisfaction of the Development Authority;
- (2) No more than one unregistered/ uninsured vehicle or a vehicle used for car racing shall be kept on a residential parcel and it shall not be located within the front yard;
- (3) A vehicle of more than 4536 kg (10,000 lbs.) GVW and/ or a length of 6.5 m (21 ft.) to be parked or stored in a residential district, excepting recreational vehicles;
- (4) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district; and
- (5) Any excavation, storage of material required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

43. Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that these shall be in general conformity in such matters with adjacent buildings. The finish of buildings shall complement other structures and natural site features.

44. Home Occupations

- (1) All development permits issued for Home Occupations shall be revocable at any time by the Development Authority, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (2) The Development Authority may issue a temporary development permit for a home occupation for a period not exceeding one year. An applicant shall seek renewal for a home occupation permit each year from the date of issue of the prior development permit.
- (3) Home Occupations shall be temporary developments and shall be subject to the standards set out herein.

- (4) Where the applicant for the Home Occupation is not the registered owner of the dwelling unit proposed to be used for a Home Occupation, the applicant shall provide to the Development Officer written authorization from the registered owner(s).
- (5) One name plate not exceeding 0.37m² (4 sq. ft.) may be posted on a building to advertise a Home Occupation.
- (6) A Home Occupation shall not include any use or operation which will cause or create a nuisance by way of noise, dust, smoke or excessive traffic. At all times, the privacy and enjoyment of adjacent residents shall be preserved and the residential amenities of the neighborhood maintained.
- (7) A commercial vehicle to be parked or maintained on the property shall be subject to the Municipal Planning Commission approval in terms of size and appearance.
- (8) There shall be no outside storage of materials, commodities or finished products. The Municipal Planning Commission, if it deems appropriate, may allow goods to be stored on the site provided that such storage is contained entirely within the dwelling or accessory building and is not a fire or health hazard.
- (9) No more than 25% of the gross floor area of the principal building shall be used for the Home Occupation. An accessory building may be used if permitted by the Development Authority if in its opinion this would not be detrimental to the neighborhood.
- (10) After a home occupation permit has been granted, if the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other conditions or restrictions imposed, the holder of the permit must obtain prior permission of the Development Authority.
- (11) Home occupations that require an off-site employee and/ or site visits from clients shall require appropriate parking requirements as determined by the Development Authority.
- (12) Employees shall be limited to the residents of the dwelling and a maximum of one (1) additional employee.

45. Industrial Development

- (1) An application for the establishment of industries shall be considered by the Development Authority who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:

Palliser Regional Municipal Services
Alberta Business Development and Tourism
Alberta Transportation
Alberta Infrastructure
Alberta Agriculture
Alberta Environment
Alberta Energy and Utilities Board
David Thompson Health Region
Palliser Regional Municipal Services - Safety Codes Service
Coronation Fire Department

The Development Authority may request that such comments be made in writing.

- (2) Each application for industrial development shall be accompanied by the following information as required by the Development Authority:

- Location map
- Type of industry
- Size of buildings
- Estimated number of employees
- Estimated water demand and anticipated source
- Geotechnical Evaluation
- Traffic Impact Assessment
- Environmental Site Assessment
- Any accessory works required (municipal utilities, etc.)
- Stormwater Management Plan

and/or any other such information as may be reasonably required by the Development Authority to make an informed decision.

46. Screening

- (a) Commercial and Industrial Developments abutting a residential district shall be screened from view to the satisfaction of the Development Authority.

- (b) If permitted, outside storage areas of commercial and industrial materials and equipment shall be screened from adjacent sites and public streets.
- (c) Garbage and waste material must be stored in weather proof and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

47. Utilities

- (1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system at the discretion of the Development Authority and in accordance with the standards of the Town of Coronation;
- (2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer.

48. Drainage

- (1) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street;
- (2) The Development Authority at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighbouring parcels;
- (3) At the discretion of the Development Authority, the applicant may be required to submit a storm water management plan, indicating how drainage will be managed on the site;
- (4) At the discretion of the Development Authority, the applicant may be required to install a catch basin or similar storm water management works on site if it is felt that drainage will otherwise affect neighbouring parcels.

49. Bed and Breakfast Establishment

- (1) Bed and Breakfast Establishments shall conform to the following and to any standards as the Alberta Safety Codes and Alberta Health Services may have:
 - (a) No cooking facilities allowed in guest rooms;
 - (b) Minimum room size of 7 m² (75 sq. ft.) per single occupant and 4.6 m² (50 sq. ft.) per person for multiple occupancy;

- (c) Each room shall have a window;
 - (d) Sanitation and potable water facilities as required by the Health Authority;
 - (e) Smoke alarms shall be installed on each level of the building;
 - (f) Portable fire extinguishers shall be provided in each level of the building;
- (2) Off street parking shall be provided with a minimum of one stall per owner plus one stall per guest room
 - (3) Access to a public lane or street shall be to the satisfaction of the Development Authority;
 - (4) Signage is restricted to one sign per site, attached to the building with a maximum size of 0.9 m² (10 sq. ft.). Appearance of the sign shall be of a professional quality to the satisfaction of the Development Authority.
 - (5) All development permits issued for Bed and Breakfast Establishments shall be revocable at any time, if in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood;
 - (6) Bed and Breakfast Establishments shall have a maximum of four (4) guest rooms.
 - (7) The Development Authority may issue a temporary permit for a Bed and Breakfast establishment if, in the opinion of the Development Authority, land use conflict potential exists with the surrounding neighborhood.

50. Automotive Service and Fuel Sales Establishments

Service stations, where permitted by this Bylaw, shall comply with the following standards:

- (1) Minimum requirements:
 - (a) No part of a service station building or any pump island shall be within 6 m (20 feet) of front, side or rear property lines;
 - (b) Front yard of no less than 12 m (40 feet) with no pumping island closer than 4.5 m (15 feet) to the building;
 - (c) Site entrances from a public street shall be located at the discretion of the Development Authority and shall not exceed 10.6 m (35 ft.) in width.
- (2) The boundaries of a service station site, other than those fronting streets, shall be appropriately screened at the discretion of the Development Officer / Municipal Planning Commission;
- (3) Where possible, the use of above ground storage tanks is the preferred means of storage of petroleum products.

51. Car Washing Establishments

(1) Site Area:

The minimum site area shall be 557 m² (6,000 sq. ft.) and shall contain a queue requirement for 3 vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, minimum site area shall be 1115 m² (12,000 sq. ft.).

(2) Site and Building Requirements:

- (a) The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris;
- (b) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Officer; and
- (c) All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer.
- (d) All sump drainage systems shall be provided in accordance with the appropriate regulations and all sump materials shall be disposed of in the appropriate manner.

52. Signs

General Provisions

- (1) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued, excepting those outlined in **Section 8**;
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant;
- (3) No signs shall be erected on or affixed to public property without the prior consent of the municipality;
- (4) No signs or advertisement shall resemble or conflict with a traffic sign;
- (5) All signs, with the exception of temporary signs, allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign;
- (6) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto;

- (7) All signs shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the Development Authority, be required to be renovated or removed. Signs advertising businesses no longer in operation shall be removed;
- (8) No signs or advertising structures other than those specified elsewhere in this land use bylaw shall be permitted in a residential district;
- (9) No signs or advertising of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Transportation has been obtained;
- (10) The following separation distances between signs shall be applied:
 - (i) 9.14 m (30 ft.) from the curb adjacent to a municipal road;
 - (ii) as required by Alberta Transportation adjacent to a Provincial highway.
- (11) Projecting signs may be permitted provided that:
 - (a) a minimum height clearance of 2.7 m (9 ft.) be provided from any sidewalk below;
 - (b) the sign shall not project above the roof by more than 1 m (3.2 ft.);
 - (c) the sign does not project within 0.6 m (2 ft.) of the curb;
 - (d) the sign does not project more than 1.5 m (5 ft.) from the face of the building;
 - (e) the sign does not exceed 1.86 m² (20 ft.²) in area.
- (12) Free standing signs (directional, advertising or identification) may be permitted provided that:
 - (a) the sign does not exceed 9 m (30 ft.) in overall height;
 - (b) the maximum total sign area allowable is 13.9 m² (150 ft.²);
 - (c) the sign shall be a minimum of 6 m (20 ft.) from a curb or 1.5 (5 ft.) from the property line whichever is the greater distance unless otherwise approved by the Municipal Planning Commission.
 - (d) There is a 30 metre (100 ft.) separation from any other sign along the same street unless otherwise approved by the Municipal Planning Commission.
- (13) Roof signs shall not exceed 9.3 m² (100 ft.²) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
- (14) Fascia signs may be permitted provided that:
 - (a) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached;
 - (b) it shall not project above the roof or marquee by more than 1 m (3.2 ft.);

- (c) the sign is at least 2.44 m (8 ft.) above grade level unless otherwise approved by the Municipal Planning Commission.
- (15) Solid awnings containing advertising shall be treated as projecting signs. However, at the discretion of the Development Authority, the minimum height clearance from the sidewalk may be relaxed.
- (16) Portable signs may be permitted provided that:
 - (a) Maximum sign area shall not exceed 3 m² (32.29 sq. ft.);
 - (b) Maximum height shall not exceed 2 m (6.6 ft.);
 - (c) The sign is not located in the sight triangle formed on a corner site by the two street property lines and a straight line which intersects them 5 m (16.4 ft.) from the corner where they meet;
 - (d) The lighting of a portable sign does not adversely affect residential sites and/or traffic lights;
 - (e) A valid development permit has been obtained for signs to be in place for more than 7 consecutive days;
 - (f) The use of a portable sign shall be limited to a maximum of 60 days following which time the sign shall be removed from the parcel;
 - (g) Only one portable sign shall be permitted on a parcel at any one time and a minimum of 30 days shall elapse between the removal of one portable sign and the erection of another on the same parcel.
- (17) Freestanding “sandwich” style boards shall be placed only within the frontage area of the business advertised. Only one Freestanding “sandwich” style board shall be permitted per business and shall not exceed 2.4 m² (8 sq. ft.) in size with the height twice the width with a variance of 20%.) and shall be removed on a nightly basis.

53. Relocation of Buildings

- (1) All applications to relocate a building or structure shall be accompanied by:
 - (i) recent colour photographs showing all sides of the building;
 - (ii) a statement on the age, size and structural condition of the building; and
 - (iii) a statement of proposed improvements to the building.and, whenever possible, a safety codes inspection report shall be provided as part of the application and the structure shall be inspected by the Development Officer.
- (2) All renovations to a relocated building are to be completed within one year of the issuance of the Development Permit.

- (3) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a letter of credit up to the amount of \$10,000.00 (\$1,000.00 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit.
- (4) The design, external finish and architectural appearance of any relocated structure shall be of similar or greater condition and quality of appearance to complement the existing structures located on the parcels adjacent to the parcel on which it is to be located.
- (5) Prior to approving a development permit for a moved in building, The Development Authority may obtain the views in writing of the adjacent registered property owners within a minimum of 60 m (196 ft) from the proposed parcel.

54. Projections Over Yards

- (1) Front Yards:
 - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 1.5 m (5 ft.) over or onto a required front yard;
 - (ii) Un-enclosed steps may project greater than 1.5 m (5 ft.) over or onto a required front yard if the development is consistent with existing development on the same street.
- (2) Side Yards:
 - (i) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
 - (iii) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
 - (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 3.0 m (10 ft.) over or onto a required rear yard.

55. Daytime Child Care Services

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to parks or other open or recreation areas, isolation

of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

- (2) All Daytime Child Care Services shall be licensed and approved by the relevant provincial agency.

56. Resource Conservation

The Development Authority shall encourage the incorporation of cost-effective measures which reduce the consumption of water and energy resources in new developments and renovations.

57. Elevation and Grading Plans

- (1) The Development Authority may, at their discretion, control the elevation (height of foundation and finished grades) for all new development and subdivisions.
- (2) At the discretion of the Development Authority, overall grade plans shall be prepared as part of a development in the form of an agreement and completed at the cost of the developer.
- (3) Where retaining walls are necessary or proposed in any development, such walls shall be developed with professional quality and shall not negatively affect adjacent parcels due to site elevations or drainage.

58. Manufactured Homes

- (1) All manufactured homes shall be C.S.A. approved;
- (2) Manufactured homes shall have a foundation capable of supporting the maximum anticipated load of the manufactured home during all seasons. The foundation shall comply with the Alberta Building Code.
- (3) All manufactured homes shall have a minimum width of 5.0 m (16 ft.).
- (4) In determining the suitability of manufactured homes for placement in the municipality, consideration may be given to condition and appearance. Manufactured homes constructed more than ten (10) years prior to the date of the development permit application may not be permitted;
- (5) The under carriage of each manufactured home shall be completely screened from view by the foundation or skirting within 30 days of placement of the manufactured home;

- (6) All accessory structures such as steps, patio, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of an equivalent quality, so that the design and construction will compliment the home. Additions to a manufactured home shall have a foundation equivalent to that of the manufactured home.
- (7) All manufactured homes shall be provided with steps and landing to all entrances within 45 days of their placement on the site.

59. Modular Homes

Modular homes are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to surrounding buildings. Modular homes will feature the following design features:

- (a) a minimum roof pitch of 6 cm of vertical rise for every 24 cm of horizontal run (3:12 pitch);
- (b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles or hand split shakes;
- (c) have a minimum roof overhang or eaves of 30 cm (1 ft) from the primary surface of each facade;
- (d) the depth shall not exceed 2.5 times the width of the dwelling;
- (e) be placed on a permanent perimeter foundation or basement; and
- (f) in the Development Authority's opinion, the proposed development complies with the amenities of the neighbourhood.

60. Secondary Suites

- (a) A secondary suite may be developed only in a single detached dwelling and only in those Land Use Districts where it is listed as a use;
- (b) Only one secondary suite shall be allowed per principal dwelling;
- (c) A secondary suite shall not exceed 40% of the total floor area of the principal building, including upper floors and basement combined and shall not be smaller than 38.0 sq. m. (400 sq. ft.)
- (d) A separate entrance door to a secondary suite shall not be located on any front building elevation facing a public street. Notwithstanding this, a single entry door providing access to an enclosed, shared landing area from which both the main dwelling unit and the secondary suite gain access, may be located on any front building elevation facing a public street;

- (e) Parking requirements shall be 1 parking space per secondary suite;
- (f) If parking space is provided in the required front yard, a minimum 30% of the front yard must remain as landscaped area;
- (g) A principal building containing a secondary suite may not be converted into condominiums; ownership of a property containing a secondary suite must be an undivided fee simple;
- (h) A Principal building with a secondary suite must be owner occupied;

61. Physical Environment

The Development Authority may consider the environmental impact of any proposed development. The Development Authority may refer the proposal to a relevant government department for comment in the nature of the environmental concern. Where a proposal is considered to have a significant environmental impact, the Development Authority may request the developer to have an environmental evaluation prepared and submitted or undertake its own environmental evaluation regarding the proposed development, at the cost of the developer.

62. Number of Dwelling Units Permitted on a Parcel

- (1) No person shall construct or locate more than one dwelling on a parcel of land unless:
 - (a) the second or additional dwelling is contained in a building designed for or divided into two or more dwellings;
- (2) The Municipal Planning Commission may conditionally approve a temporary building to be constructed or located in any land use district subject to the owner agreeing to remove such a building in accordance with the terms and conditions affixed by the Municipal Planning Commission.

63. Auto Body Shops

- (1) The Municipal Planning Commission may impose any or all of the following conditions to a development permit issued for an Auto Body Shop:
 - (a) all vehicle access doors to the building shall be located at the rear of the building;
 - (b) any areas of the site used for vehicle or materials or waste storage shall be fenced to a height of eight (8) feet and the fence shall be a solid fence of either metal or wood with the appearance satisfactory to the Development Authority, so that the vehicles or materials are not visible through the fence;

- (c) customer vehicle parking and the vehicles awaiting repair may be permitted, provided the vehicles are not parked for a period of greater than eight (8) hours;
- (d) any vehicles left for repair shall be stored within the fenced area and not be visible from streets or lanes;
- (e) sandblasting of vehicles shall not be permitted outside the building except in the "M-2"-Industrial District.

64. Architectural Controls and Guidelines

In addition to the land use rules for permitted and discretionary uses in the appropriate land use district, the Town may impose conditions on a development permit as provided for in Architectural Guidelines attached to the title by caveat.

65. Storage Structures

- (a) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (b) A storage structure shall be for cold storage only and shall not be connected to utilities.
- (c) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development.
- (d) A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential.
- (e) A storage structure shall not be used as a sign.
- (f) A storage structure may be approved on a temporary basis during construction within any land use district.

66. Drive Through

The following regulations shall apply to the development of drive through services that are applied for in connection with another use:

- (a) If outdoor speakers are provided they shall be a minimum 20 metres (66 ft.) from the property boundary of a parcel designated as a residential district and separated from a residential district by a building;
- (b) Drive through aisles shall be screened from residential land uses and not located within 20 metres (66 ft.) and shall be separated by a building;

- (c) drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses;
- (d) drive through aisles must not provide direct access to any land or street;
- (e) must not have pedestrian access located so that it crosses a drive through aisle;
- (f) must have a minimum 5 vehicle stacking spaces per order board or ordering window for the purpose of queuing vehicles;
- (g) requires a minimum of 3 vehicle parking stalls.

67. Worship Facilities

Worship Facilities where a permitted or discretionary use in this Bylaw, shall comply with the following requirements:

- (a) Minimum frontage of 30 m (100 ft.);
- (b) Minimum site area of 929 m² (10,000 sq. ft.);
- (c) Minimum site area if manse, rectory, parsonage or other building to be erected on same site, 1393.5 m² (15,000 sq. ft.);
- (d) Front, side and rear yard requirement according to district the worship facility is located on.

68. Animal Units

- (a) The application of animal units may be applied as a condition of a development permit;
- (b) All development permits issued for Animal Units shall be revocable at any time by the Development Authority, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (c) **One animal unit is permitted for every 0.81 ha. (2.0 acres)** of land contained within a parcel. The maximum number of animal units permitted shall be calculated in accordance with the total amount of acres in the parcel and the total number of animals and shall not exceed 4 animal units on any given parcel.
- (d) In the 'RA' - Residential Acreage land use district, animal units are considered a discretionary use in accordance with the following schedule:

Type of Animal	No. of Animals equivalent to one animal unit
Horse	1.0
Donkey	1.0
Sheep	2.0
Goat	2.0
Llama	2.0
Alpaca	2.0
Rams or ewes plus lambs	2.0

69. Communication Towers

- (a) The maximum height of a communication tower is 38.10 m (125.00 ft.) or at the discretion of the Development Authority unless otherwise stated in this Bylaw.
- (b) Industry Canada has authority over telecommunication towers and shall ensure that municipal consultation has been taken into consideration before issuing authorization for significant antennae structures that have potential to cause signal interference with surrounding land uses.

70. Building Demolition

- (a) The demolition of a building must be carried out so as to create a minimum of dust or other nuisance, and the property shall be reclaimed to a satisfactory state.
- (b) A development permit shall be required for the demolition of a building with an area of 56 m² (602.8 sq. ft.) or more.

71. Landscaping, Environmental Conservation and Development

Unless otherwise regulated elsewhere in this bylaw, the following standard of landscaping shall be required for all areas of a parcel not covered by buildings, driveways, storage and display areas

- (a) the conservation of existing trees and shrubs to the maximum extent possible;
- (b) areas within the Town that meet the following descriptions should be considered to be dedicated as environmental reserve for retention in their natural state:
 - (i) swamps, gullies and natural drainage courses,
 - (ii) unstable land,
 - (iii) land subject to flooding by a 1:100 year flood,
 - (iv) land with a natural slope exceeding 15%, and
 - (v) a strip of land not less than 15 m (49.2 ft.) in width along any creek or stream with such distance to be measured from the top of the bank.
- (c) the appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and public roadways;
- (d) the planting of additional trees and shrubs to provide

- (i) a minimum overall density of one tree per 35 m² (376.75 sq.ft.) of landscaped area,
 - (ii) a minimum of 33% coniferous trees, and
 - (iii) a minimum height of 1.5 m (4.92 ft.) for deciduous trees and 1.0 m (3.28 ft.) for coniferous trees;
- (e) a maximum of 15% of the parcel area being hard-landscaped;
 - (f) a sufficient depth of topsoil to facilitate growth in the soft-landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
 - (g) completion of the landscaping by the end of the first full growing season following the finishing of construction or the commencement of the use.

72. Guidelines for Other Land Uses

Developments that are not covered by specific regulations set out in **Part VII** shall be:

- (a) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses,
- (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan,
- (c) setback from any parcel boundary abutting a public roadway a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses,
- (d) of a height which will be consistent with that prevailing in the area,
- (e) designed so that there will be no adverse impact upon or by traffic on adjacent public roadways, and
- (f) in conformance with the Municipal Development Plan and any other applicable statutory plan policies.

PART VIII

Land Use District Map