

SECTION 1 APPLICABILITY OF BYLAW AND PERMITS

1.1.0 DEVELOPMENT PERMITS REQUIRED

- 1.1.1 Except as provided in Section 1.2.0 of this Bylaw, the approval of a development permit application and the release of a development permit must be obtained before development can commence or be allowed to continue.

1.2.0 DEVELOPMENT PERMITS NOT REQUIRED

- 1.2.1 A development permit is not required for the following developments but they shall otherwise comply with the provisions of the Bylaw. Proponents of any development not requiring a permit should consult with the Development Officer to ensure compliance with this Bylaw: **(31-04)**

- (a) works of maintenance, repair or alteration, on a structure, both internal and external, or on a site if, in the opinion of the Development Officer Authority, such work:
 - (i) does not include major structural alterations, **(16-17)**
 - (ii) does not change the use or intensity of the use of the structure or the site, and
 - (iii) is performed in accordance with obligatory legislation or other government regulations;
- (b) the erection, construction, or the maintenance of gates, fences, walls, or any other means of enclosure 2m or less in height, in any district, provided it does not contravene any other provision of this Bylaw and does not form part of a development which requires a development permit; **(16-17)**
- (c) the construction and maintenance of a public road, public utility, utility building or public park within a public road, public easement or publicly owned parcel; **(31-04)**
- (d) single detached dwellings, duplexes, dwelling - secondary suite and dwelling - accessory and additions thereto in a district in which it is listed as a "Permitted Use", except where it is located in the flood risk area; **(16-17 and 16-19)**
- (e) the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- (f) the construction, maintenance, and repair of walkways, pathways and driveways at grade, except where they form part of a development which requires a development permit; **(16-17)**
- (g) excavations, importing, removal or stockpiling of soil associated with an approved development permit, Stripping and Grading Permit, executed Subdivision Servicing Agreement, or for agricultural purposes where extensive agriculture is a permitted use; **(21-18)**
- (h) the construction of an accessory building, provided it meets all other provisions of this Bylaw and is a permitted use, in a residential district or in the Agriculture (A) District, except where the accessory building is located in the flood risk area or is

Commented [c1]: Development Officer is used where it's an administrative function; Development Authority is used where it's an approval or enforcement function.

SECTION 1 APPLICABILITY OF BYLAW AND PERMITS

a swimming pool, hot tub, dugout or water feature located within 30m of an escarpment; (21-18)

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(i) a change of use on a site in any commercial or industrial district, or in a direct control district for which Council has approved specific uses or has designated the listed uses of another district to be used as a guideline when considering any development permit on the site, where:

(i) the development has been approved,

(ii) the proposed use is a permitted use in the district, and

(h)

iii) any additional parking requirements have been met on the site or, in the case of developed sites, the onsite parking has been maximized in the opinion of the Development Officer;

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(i) a change in use on a site in any commercial or industrial district where: (16-17)

(i) the development has been approved,

(ii) the proposed use is a permitted use in the district, and

(iii)(i) any additional parking requirements have been met on the site or, in the case of developed sites, the onsite parking has been maximized in the opinion of the Development Authority; (23-19)

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(j) home occupation-minor;

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(k) awnings and canopies which do not project over a public road, setback or public property;

(l) landscaping where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development which requires a development permit;

Commented [c2]: May affect existing or design grade and natural or engineered surface drainage pattern

(m) the temporary use of a portion of a building or structure for which a development permit has been granted under this Bylaw, for the marketing of the building or structure;

(n) a satellite dish less than 0.6m in diameter;

(o) a family day home in a residential district; (14-12)

(p) placement of a shipping container on any non-residential or multi-residential site for use during construction of a development for which a development permit has been issued, notwithstanding that shipping containers may not be a listed use in the district, provided the placement is satisfactory to the Town and the shipping container is removed from the site prior to occupancy of the development or upon thirty days written notice by the Town, whichever is sooner; (16-13)

(q) a deck, balcony or retaining wall that conforms to all requirements of this Bylaw; (16-17)

(r) development within the Aerodrome (AD) District directly related to aviation; (16-17)

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SECTION 2 DEVELOPMENT AUTHORITIES

2.1.0 DEVELOPMENT OFFICER

2.1.1 The Office of the Development Officer is hereby established and one (1) or more Town employees shall be appointed by the Chief Administrative Officer to the position of Development Officer. (16-17)

2.1.2 The Development Officer is authorized to act as Development Authority in those matters prescribed in this Bylaw.

2.1.3 The Development Officer:

- (a) shall keep and maintain, for the inspection of the public during office hours, a copy of this Bylaw as amended and ensure that copies of the Bylaw are available to the public at a reasonable charge;
- (b) shall keep a register of all applications for development, including decisions, reasons for decisions, and all orders in accordance with the retention period established for these documents; (16-17)
- (c) shall receive, consider, and may decide on applications for a development permit for:
 - (i) permitted uses,
 - (ii) excavations, importing, removal or stockpiling of soil not associated with a Stripping and Grading Permit or an executed Subdivision Servicing Agreement or Development Agreement, (16-17)
 - (iii) discretionary uses on a site for which a development permit has been issued, (16-17)
 - (iv) time extensions,
 - (v) bed and breakfast accommodation,
 - (vi) major, minor and rural home occupations, (21-18)
 - (vii) single detached dwellings and residential accessory buildings,
 - (viii) shipping containers,
 - (ix) signs, (16-17)
 - (x) temporary buildings; (16-17)
 - (xi) dwelling - secondary suite; and (16-19)
 - (xii) dwelling -- accessory; and
 - (xii)(xiii) development permit amendments. (16-19)
- (d) shall receive and refer with a report to the Municipal Planning Commission for its consideration and decision, applications which have not been assigned to the

Commented [c3]: clarification

Commented [c4]: Amendments are typically relatively minor in nature; taking them back to MPC or Council creates an extra delay where the base development has already been approved.

SECTION 2 DEVELOPMENT AUTHORITIES

Development Officer pursuant to clause (c); or to Council, applications on Direct Control sites where development authority has not been delegated;

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- (e) shall receive and may refer with a report to the Municipal Planning Commission for its consideration and decision, applications which have been assigned to the Development Officer pursuant to clause (c);
- (f) shall issue all Orders with regard to contravention of the Act, or enforcement of regulations, Bylaws or permits; **(16-17)**
- (g) shall sign and issue all valid development permits, Certificates of Compliance, Notices of Decision, and Notices;
- (h) shall collect fees as prescribed by resolution of Council; and
- (i) shall be considered a designated officer for the purpose of performing site inspections pursuant to the Act. **(16-17)**

2.2.0 MUNICIPAL PLANNING COMMISSION

2.2.1 The Municipal Planning Commission is authorized to act as Development Authority in those matters prescribed in this Bylaw and the Committees Bylaw. **(16-17)**

2.2.2 The Municipal Planning Commission shall consider and decide on all development permit applications referred to it by the Development Officer.

SECTION 3 DEVELOPMENT PERMIT APPLICATIONS

3.1.0 INFORMATION REQUIREMENTS FOR A DEVELOPMENT PERMIT APPLICATION (16-17)

3.1.1 A development permit application shall include all of the following items:

- (a) a complete application form, signed by the registered owner of the subject property and the applicant, or their authorized agent(s); a letter of authorization from the registered owner or authorized agent may be provided in place of owner signature on the application form, provided the content matches the authorization text on the application form;
- (b) acceptable form of payment of applicable fee;
- (c) a copy of the title and all relevant land-related encumbrances (easements, restrictive covenants, caveats, etc.) as registered in the South Alberta Land Titles Office, obtained from Land Titles and dated not more than 30 days prior to the application date; ~~a current copy (within the last thirty (30) days) of the title and all relevant land related encumbrances (easements, Restrictive Covenants, Caveats etc.) as registered in the South Alberta Land Titles Office;~~
- (d) a vicinity map indicating the location of the proposed development in relation to nearby streets and other significant physical features which may have implication on the proposed development;
- (e) a statement of intended uses of the proposed development;
- (f) where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings;
- (g) where a building is proposed to be moved, the applicant shall provide, as part of the application, photographs of the existing building and a Building Inspection Report;
- (h) where a development is proposed within the flood risk area, the applicant shall provide, as part of the application, a comprehensive Flood Risk Area Planning and Hydrological Engineering Report prepared by a qualified professional;
- (i) where a development is proposed within 30m of an escarpment, the applicant shall provide, as part of the application, a comprehensive Slope Stability Geotechnical Report prepared by a qualified professional;
- (j) a site plan showing the following:
 - scale of the plan, 1:200 or other standard metric scale satisfactory to the Development ~~Officer~~ Authority;
 - legal description and municipal address on every page,
 - north arrow,
 - property lines clearly marked with dimensions,
 - front, side and rear yards with dimensions,
 - dimension and layout of existing and proposed parking areas, driveways, paved areas, entrances and exits abutting streets and lanes, shown and labelled,

Commented [c6]: Expanding options for the applicant's benefit

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SECTION 3 DEVELOPMENT PERMIT APPLICATIONS

- sidewalks and/or curbs, and existing or proposed landscaping, including removal or relocation of existing trees, in abutting public rights of way,
- areas to be landscaped on-site and provide a chart on the plan indicating the area of the site, the area to be landscaped and the number of coniferous and deciduous trees, large and small, in accordance with the Land Use Bylaw,
- existing and proposed improvements to all portions of the site including loading facilities, bike racks, parking, drive aisles, fences, screening, retaining walls, storage areas and garbage/recycling facilities, etc.,
- dimensions of the site and relationships to property lines of all existing and proposed improvements, including retaining walls,
- truck turning templates for Fire, delivery and garbage trucks,
- access locations to and from the site including dimensions, and
- freestanding sign location;

(k) elevation plans showing:

- scale of the plan, 1:200 or other standard metric scale satisfactory to the Development OfficerAuthority,
- elevations of all facades of each new building or addition, including details of finishing materials and colors, building height, and directional labels;~~elevations of all facades of each new building or addition including details of finishing materials and colours and building height,~~
- ~~identify each elevation as west, east, north or south,~~
- all fascia sign locations, a chart providing the dimensions and copy area of each sign, the areas of the face of the building or bay it is attached to and the percentage of the face of the building or bay the sign will occupy, details of the sign design and construction,
- all proposed window signage – include window signage in the chart,
- how all rooftop apparatus will be screened. If behind parapets, a shadow plan showing the outline of the apparatus behind,
- a sight line plan showing how the rooftop apparatus cannot be seen from adjacent roadways, walkways and/or public places,
- color elevations,
- elevations of all site details such as garbage enclosures, bike racks, bollards, fences,
- freestanding sign details,
- photos of any existing buildings on the site and abutting sites, and
- location of the site address on the building(s) or freestanding sign;

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(l) building floor plans showing:

- the proposed uses and the area of each use including mezzanines, and
- total gross floor area and dimensions of the building(s) and bays.

3.2.0 SUPPLEMENTARY REQUIREMENTS FOR A DEVELOPMENT PERMIT APPLICATION (16-17)

3.2.1 The Development OfficerAuthority may require:

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- (a) a Real Property Report to verify the location of an existing building or development that is the subject ~~to~~ of the development permit application;
- (b) photographs~~ic prints~~ showing the site in its current condition;

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SECTION 3 DEVELOPMENT PERMIT APPLICATIONS

- (c) photographs ~~sic prints~~ of abutting sites;
- (d) ~~ex~~amples of exterior finishing materials;
- (e) a biophysical impact assessment prepared by a qualified professional;
- (f) an environmental site assessment, to the extent required to determine potential contamination and mitigation, prepared by a qualified professional;
- (g) a traffic impact report prepared by a qualified engineer specializing in transportation engineering. Such an analysis shall address, but not be limited to, impacts on adjacent and affected public roadways and intersections, pedestrian and vehicular circulation on and off the site, turning radius diagrams for large truck and emergency vehicle movement on and off the site, and any other information required by the Development Officer; ~~a traffic impact analysis prepared by a qualified engineer specializing in transportation engineering. Such an analysis shall address, but not be limited to, impact of adjacent public roadways, pedestrian circulation on and off site, vehicular circulation on and off the site, turning radius diagrams for large truck movement and emergency vehicles on and off the site and any other information required by the Development Authority;~~
- (h) a parking study prepared by a qualified professional;
- (i) a noise attenuation study prepared by a qualified professional;
- (j) a hazardous material impact analysis;
- (k) descriptive information and plans describing how the form, mass and character of the proposed development will relate to and impact neighbouring development including but not limited to effects of wind and shadows produced by the proposed development;
- (l) a Development Site Servicing Plan that complies with the requirements of the Okotoks General Design and Construction Specifications;
- (m) a Detailed Landscaping Plan and a Tree Protection Plan that complies with the requirements of Okotoks General Design and Construction Specifications;
- (n) a Site Lighting Plan that meets the requirements of this Bylaw;
- (o) a site remediation plan where remediation of the site may be required after the removal of a temporary development or use;
- (p) approvals, acceptance or recommendations from other committees or agencies;
- (q) sign criteria;
- (r) that the developer provide notification to the neighbourhood of the development and hold an Open House at a time and location satisfactory to the Development ~~Officer~~Authority; and
- (s) additional information of any kind that the Development ~~Officer~~Authority may consider necessary to properly evaluate the proposed development.

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SECTION 3 DEVELOPMENT PERMIT APPLICATIONS

3.3.0 INFORMATION REQUIREMENTS FOR AN AMENDMENT TO AN ACTIVE APPROVAL OR DEVELOPMENT PERMIT (16-17)

3.3.1 An application for a development permit for proposed changes to an approved development permit including the Approved Site Plan, Elevation Plans (including signage), Accepted Landscape Plan (including tree protection plan) and/or Accepted Site Lighting Plan shall be made by submitting:

- (a) a completed application form, signed by the registered owner of the subject property and the applicant, or their authorized agent(s); a letter of authorization from the registered owner or authorized agent may be provided in place of owner signature on the application form, provided the content matches the authorization text on the application form;
- (b) acceptable form of payment of applicable fee;
- (c) a copy of the title and all relevant land-related encumbrances (easements, restrictive covenants, caveats, etc.) as registered in the South Alberta Land Titles Office, obtained from Land Titles and dated not more than 30 days prior to the application date; a current copy (within the last thirty (30) days) of the title of the and all relevant land-related encumbrances (easements, Restrictive Covenants, Caveats etc.) as registered in the South Alberta Land Titles Office;
- (d) the existing approved or accepted plan, indicating the area(s) to be changed using highlighting or clouds and identified in call-outs with a number or letter;
- (e) a separate sheet describing the proposed changes in detail identifying each one with the corresponding number or letter on the plan – only the changes listed and described will be considered by the Development Authority;
- (f) two (2) full size scale copies of the plans, folded with no binding or staples; and
- (g) one (1) photocopy of all plans in an 11" x 17" format and in PDF by email or DVD.

3.3.2 Changes to Approved Building Elevations:

- (a) for changes to exterior finishing materials including colors, a material board may be required;
- (b) all fascia signage and a summary of sign area(s), the area of the building or bay it is attached to and the percentage of the face of the building or bay the sign will occupy;
- (c) details on the design of the signage (a copy of the sign criteria-if applicable);
- (d) if there is rooftop apparatus behind an existing parapet that is proposed to be removed, details on the apparatus will be screened;
- (e) all proposed window signage; and
- (f) photographs of the elevation to be changed.

Commented [c15]: Expanding options for the applicant's benefit

Commented [c16]: clarity

SECTION 3 DEVELOPMENT PERMIT APPLICATIONS

3.4.0 NON-COMPLIANCE WITH INFORMATION REQUIREMENTS

3.4.1 The Development OfficerAuthority must review development permit applications to determine whether they are complete, and provide written notice to applicants, in accordance with Section 683.1(1) of the Act. (43-17)

Commented [c17]: Administrative function

(a) When the Development OfficerAuthority determines that the development permit application is complete, the Development OfficerAuthority must provide notice in accordance with Section 4.5.1 of this Bylaw and the Act.

(b) Despite 3.1.1, in the course of reviewing the application, the Development OfficerAuthority may request additional information or documentation from the applicant that the Development OfficerAuthority considers necessary to review the application.

3.5.0 WAIVER OF INFORMATION REQUIREMENTS

3.5.1 The Development OfficerAuthority may make its decision without all of the information as set out above, if it is of the opinion that a decision on the application can be properly made without such information.

3.5.2 ~~The Development Officer has the discretionary power to waive the requirement for the Traffic Impact Report at the time of application in circumstances where sufficient information has been provided in the application and previous applications.~~

Commented [c18]: This is redundant; it's only one of many plans the development authority MAY request and is not a requirement.

SECTION 4 DECISION PROCESS

4.1.0 DEVELOPMENT REFERRALS

- 4.1.1 The Development Officer shall refer to any adjacent municipality for consideration and recommendation any matter or any application for a development permit that is, in the opinion of the Development Officer, of interest to the adjacent municipality.
- 4.1.2 The Development Officer may refer for comment any matter or any application for a development permit to any authority deemed necessary.
- 4.1.3 Having received a reply on a matter referred to any adjacent municipality, or any authority, the Development Authority shall give due consideration to the reply.
- 4.1.4 After fifteen (15) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

4.2.0 NOTICE POSTING REQUIREMENTS FOR APPLICATIONS

- 4.2.1 When a development permit is received for a property in all residential districts and the Heritage Mixed Use (HMU) District, the Development ~~Officer~~Authority shall post ~~a notice~~on the site for a minimum of seven (7) days prior to making a decision. The notice shall include a brief description of the proposal, the time and place where details of the proposal may be reviewed and the process for public input. (16-17)
- 4.2.2 When a development permit application is received for a dwelling - secondary suite or dwelling - accessory, the Development Authority shall post the property and provide written notification to each owner of adjacent land twenty-one (21) days prior to making a decision. The notice shall include a brief description of the proposal, the time and place where details of the proposal may be reviewed and the process for public input. (28-09 and 16-19)

4.3.0 DECISIONS OF A DEVELOPMENT AUTHORITY

- 4.3.1 The Development Authority shall approve all applications for a development permit for a "Permitted Use" with or without conditions upon the application conforming in all respects to the provisions of this Bylaw.
- 4.3.2 In making a decision on an application for a development permit for a "Discretionary Use", the Development Authority shall:
- (a) approve the application; or
 - (b) approve the application subject to conditions and restrictions considered appropriate or necessary; or
 - (c) refuse the application.
- 4.3.3 The Development Authority shall not allow the use of land or a building not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated.
- 4.3.4 The Development Authority shall not approve an application for a development permit that is not in conformity with the Municipality's statutory plans. The Development Authority shall give due regard to relevant Master Plans, Policies and guiding documents when considering an application for a development permit.

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SECTION 4 DECISION PROCESS

4.3.5 The Development Authority shall not issue a permit for a development which is to be serviced by private sewer and water systems until the systems have been approved in principle by the appropriate local and provincial authorities.

4.3.6 The Development Authority may require a developer to provide a performance security in a form and amount satisfactory to the Town to ensure completion of any requirement set out as a condition of approval of a development permit.

4.3.7 The Development Authority may require that the land owner enter into a Development Agreement with the Town to ensure compliance with an approved development permit.~~The Development Authority may require that a Development Agreement be entered into, between the Town Council and the land owner, to ensure compliance with an approved development permit.~~

4.3.8 The Development Authority may require additional information be provided as condition(s) of development approval prior to the issuance of the development permit. (16-17)

4.3.9 The Development Authority may require specific conditions of an approved development permit be completed prior to occupancy of the land or building.

4.4.0 DISCRETION OF THE DEVELOPMENT AUTHORITY

4.4.1 The Development Authority may approve a development permit application for a proposed development with variances if: (16-17)

- (a) the development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties;
- (b) the development conforms with the use prescribed for that land or building in the Land Use Bylaw; and
- (c) notice is given in accordance with Sections 4.5.1 and 4.5.3 of this Bylaw. (43-17)

4.4.2 In all commercial and industrial districts, the parking requirements for a site may be varied by the Development Authority where the potential amount of parking on the site has been maximized to the satisfaction of the Development Authority. (16-17)

4.4.3 The Development Officer may issue a Certificate of Compliance, granting any variance to the requirements of this Bylaw provided that: (16-17)

- (a) the terms and conditions of any permit relating to the land and development have been met to the satisfaction of the Development Officer;
- (b) the development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties;
- (c) the development conforms with the use prescribed for that land or building in the Land Use Bylaw; and
- (d) a notice is published on the Town website~~in a newspaper circulating in the Municipality~~ stating the location of the property for which the variance has been made and the Bylaw requirements being varied pursuant to this Section.

Commented [c20]: Where development approvals are required, they are issued before safety codes approvals

Commented [c21]: clarity

Commented [c22]: Updated per MGA 606.1: "A council may by bylaw provide for one or more methods, which may include electronic means, for advertising..." This now aligns with 4.5.3, which was updated following 2017 MGA amendments.

SECTION 4 DECISION PROCESS

4.4.4 The Development Authority may allow a minor variance of up to 20% or less without advertising, notice posting or notification to the adjacent/affected landowners to each of the following requirements when considering development permit applications and requests for Certificates of Compliance where, in the Development Authority's discretion, such variance does not unduly affect the amenities, use or enjoyment of the site or neighbouring properties: **(16-17)**

- (a) the front yard setback;
- (b) ~~one (1)~~ any side yard setback;
- (c) the rear yard setback;
- (d) the height of building requirement; and
- (e) the Projection Over Setbacks provisions in Section 9.1.3(b). **(53-98 and 24-03)**

A variance greater than 20% to these requirements may be granted by the Development Authority in accordance with Sections 4.4.1 and 4.4.3. **(16-17)**

4.5.0 ISSUANCE OF DEVELOPMENT PERMITS AND NOTICES

4.5.1 General:

- (a) A development permit issued pursuant to this Bylaw does not ~~authorize~~ include work governed by the Alberta Safety Codes Act. **(16-17)**
- (b) If the prior to release conditions of a decision approving a development are not met within twelve (12) months of the decision date, the approval is deemed to be void, unless an extension to the approval is granted by the Development Officer. **(16-17)**
- (c) If the development authorized by a development permit is not commenced within twelve (12) months of issuance of the permit, and completed within twenty-four (24) months of issuance of the permit, the permit is deemed to be void, unless an extension to the commencement or completion date is granted by the Development Officer. **(16-17)**
- (d) Notwithstanding 4.5.1(c), in the case where the developer is required to enter into a Development Agreement as a condition of approval of the permit, the development must commence within twelve (12) months of issuance of the permit and be completed including issuance of the Development Completion Certificate within sixty (60) months (five (5) years) of the issuance of the permit at the discretion of the Development Officer. **(16-17)**
- (e) Any notice to be provided under this Bylaw shall be in writing, and must specify the date on which the decision was made, and must be given or sent to the applicant within twenty-four (24) hours of the decision being made, in accordance with the *Act*. **(16-17 and 43-17)**
- (f) Any notice to be provided under this Bylaw shall be provided by email, unless otherwise directed by the applicant, addressed to the parties at the addresses specified on the application form and be deemed to have been received in accordance with the *Act*. **(16-17 and 43-17)**

Commented [c23]: There is no related safety requirement limiting reduced side yards to one side only

SECTION 4 DECISION PROCESS

- (g) Delivery of any notice provided under this Bylaw and sent by regular mail shall be deemed to have been received in accordance with the *Interpretation Act* and amendments thereto. **(16-17 and 43-17)**

4.5.2 Permitted Uses: **(16-17)**

- (a) Where a development permit application is for a permitted use in a building or on a parcel and the proposed development conforms to all of the applicable requirements and rules of this Bylaw, the Development Authority must approve the application and issue the development permit.
- (b) Where a development permit application for a permitted use does not show that the development conforms to all of the applicable requirements and rules of this Bylaw, the Development Authority may, as a condition of issuing the development permit, require that the applicant amend specific elements of the plans to conform to the applicable requirements.
- (c) The Development Authority may require the fulfilment of the conditions prior to the release of the development permit.
- (d) When a development permit application for a permitted use is refused, the applicant must be given notification of the decision and the reason for it.

4.5.3 Discretionary Uses and Variances:

- (a) When an application for a discretionary use is approved with or without conditions or a variance is granted: **(43-17)**
- (i) the Notice of Decision shall be provided to the applicant and a notice shall be published on the Town's website stating the location of the property for which the application has been made, the use approved and any Bylaw requirements which were varied. At the discretion of the Development Authority, notice may also be published in a newspaper circulating in the municipality, and
- (ii) a development permit shall not be issued until twenty-one (21) days after the Notice of Decision has been published and ~~until~~ all applicable prior to release conditions have been met.
- (b) The Development Authority may direct that ~~a notice~~ the Notice of Decision be immediately posted on the property for which the application has been made.
- (c) For the purposes of this Bylaw, Notice of Decision for approval of a discretionary use or a variance is deemed to have been given on the date the Notice of Decision is published on the Town's website. **(43-17)**

4.5.4 Refusals:

- (a) When an application for a development permit is refused, the Development ~~Officer~~ Authority must provide notice in accordance with Section 4.5.1 of this Bylaw and the *Act*. **(43-17)**
- (b) If an application is incomplete and the applicant fails to submit all the outstanding information and documents on or before the date referred to in the notice to the

Commented [c24]: A notice of decision is an approval or refusal. A notice regarding the application is posted on the site, not a decision

SECTION 4 DECISION PROCESS

applicant required under the *Act*, the application is deemed to be refused unless an extension is granted in writing by the Development Officer. (43-17)

- (c) An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a Development Authority is not made within forty (40) days after receipt of a complete application unless the applicant has entered into an agreement with the Development OfficerAuthority to extend the forty (40) day period. (16-17)
- (d) When an application for a development permit has been refused pursuant to this Bylaw or ultimately after an appeal, the Development OfficerAuthority may refuse, at its discretion, the submission of another application for a development permit on the same parcel of land for six (6) months after the date of refusal.

Commented [c25]: Allows for more flexibility in working with applicants. Currently in practice; amendment will formalize it.

SECTION 5 APPEALS

5.1.0 GENERAL

5.1.1 The Subdivision and Development Appeal Board is authorized to perform such duties as specified in the Act and this Bylaw.

5.1.2 When an appeal is made, a development permit which has been approved shall not be issued unless or until the decision of the Development Authority has been sustained by the Subdivision and Development Appeal Board.

5.2.0 APPEAL PROCEDURE

5.2.1 Anyone receiving notice of, and affected by, an order, decision or development permit decision, made or issued by the Development Authority, may appeal to the Subdivision and Development Appeal Board by serving written notice to the Board in the time period specified in the *Act*. **(16-17 and 43-17)**

5.2.15.2.2 Notwithstanding Section 5.2.1, if a decision with respect to a development permit application in respect of a direct control district is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

Commented [c26]: Consistent with MGA 685(4)(a) and provides clarity

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SECTION 7 AMENDMENTS

7.1.0 AMENDMENT PROCEDURE

- 7.1.1 An application to amend this Bylaw shall be made by submitting the prescribed form, signed by the owner or authorized agent and accompanied by the fee as set in the current fee schedule and any supporting documentation required by the Town. (16-17)

Commented [c27]: Supporting documentation can vary, depending on the nature of the amendment. A textual amendment may not require any documentation, whereas a redesignation would.

SECTION 8 ESTABLISHMENT OF DISTRICTS

8.1.0 LAND USE DISTRICTS

8.1.1 For the purposes of this Bylaw, the land within the boundaries of the Municipality shall be divided into one or more districts.

8.2.0 LAND USE MAP

8.2.1 ~~The Land Use Map, as amended, is that Map attached to and forming part of this Bylaw and among other things, bearing the following identification:~~

~~(a) Bylaw 40-98, Section 8.2.0; and~~

~~(b) Appendix 1 – Town of Okotoks Land Use District Map; and~~

~~(c) Adopted by Council October 13, 1998, AD.~~

8.2.1 The Land Use Map, as amended, is that Map attached to and forming part of this Bylaw and among other things, bearing the following identification:

(a) Appendix 1 – Town of Okotoks Land Use District Map;

(b) Section 8.2.0 of Bylaw 40-98; and

(c) adopted by Council this October 13, 1998, AD.

8.2.2 In the event that a dispute should arise over the precise location of a boundary of any district as shown on the Land Use Map, the Council shall decide on the dispute.

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Commented [c28]: The Land Use Map has been revised to include this information.

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

9.1.0 GENERAL SETBACK REGULATIONS AND PROVISIONS

9.1.1 Double Frontage Lot Setbacks (Yards):

For sites other than corner sites which have frontages on two (2) streets, the Development ~~Officer~~Authority shall determine which frontage is the front and rear yards. In reaching its decision, the Development ~~Officer~~Authority shall take into consideration the orientation of other buildings in the area.

9.1.2 Setbacks not Required:

Subject to compliance with Section 9.1.9, ~~The~~ minimum distances required for yards do not apply to:

Commented [c29]: clarity

- (a) construction wholly beneath the surface of the ground;
- (b) unenclosed patios, decks, sidewalks and steps provided: **(24-03)**
 - (i) their floor surface does not rise more than 0.61m above the finished ground elevation, **(16-17)**
 - (ii) the development is wholly within the site, and
 - (iii) no portion of the development creates an obstruction for emergency access around the perimeter of the building;
- (c) decorative features such as light pillars, address displays, statues, provided they are not located within a utility right-of-way or easement. **(16-17)**
- (d) where duplexes – side by side or attached houses are developed on separate lots and divided by a common party wall, no side yards shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit, or on the side of the accessory building which abuts the adjacent accessory building, at the common wall, where duplexes – side by side or attached houses are developed on separate lots and divided by a common party wall, no side yards shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit at the common wall. **(16-18)**

Commented [c30]: Allows for zero setback at common wall for detached garages accessory to duplexes

9.1.3 Projections Over Setbacks (Yards):

- (a) Subject to compliance with Section 9.1.9, in all districts except single detached residential districts and the Residential Low Density Multi-Unit (R2) District, projections over or onto a required minimum yard are at the discretion of the Development Authority. **(16-17)**

Commented [c31]: clarity

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- (b) Subject to compliance with Section 9.1.9, in single detached residential districts and the Residential Low Density Multi-Unit (R2) District, portions of buildings may project over or onto a required minimum yard as follows: (16-17)

| Structure | Front Yard | Rear Yard | Side Yard | Conditions |
|---|------------|---|---|---|
| Sills, Cornices, Eaves, Gutters | 0.61m | 0.61m | 0.61m | These structures shall be 2.4m or more above grade |
| Steps, Ramps and Exterior Staircases | 1.5m | 1.5m | No limit unless required pursuant to provincial regulations | These structures may occupy yards provided the cumulative area of all does not exceed 3.75m ² and shall not cause an obstruction for emergency access to the rear yard |
| Awnings, Canopies, Cantilevers, Bay Windows, Balconies, Chimneys or Pilasters | 0.61m | 1.5m | 0.61m | These structures may occupy yards provided the cumulative area of all does not exceed 2.5m ² per yard. These structures shall not cause an obstruction for emergency access to the rear yard and shall be permitted in only one (1) side yard where side yards of less than 1.5m are provided. |
| Air Conditioner | None | 0.61m | 0.61m | |
| Window Wells | 0.80m | 0.80m | 0.80m | |
| Unenclosed Decks with a floor surface greater than 0.61m above grade | None | 2.0m | None | These structures may occupy the rear yard to a maximum cumulative area of 12m ² . Steps/ramps attached to the deck are considered part of the deck and are included in cumulative area |
| Accessory buildings 10m ² or less in area (e.g. garden sheds, hot tubs, gazebos, pergolas) | None | No limit unless required pursuant to provincial regulations | | May occupy yards to a maximum cumulative area of 20m ² . These structures shall not: have a permanent foundation; or exceed 3.0m in height; or cause an obstruction for emergency access to the rear yard |
| Landscape structures, pergola, trellis, arbours | None | No limit unless required pursuant to provincial regulations | | May be anchored or bolted down. Will be included in maximum limits for coverage of site for all accessory buildings. These structures shall not: have a permanent foundation; exceed 3.0m in height; or cause an obstruction for access to the rear yard |
| Planters up to 1.0m in height | 1.5m | No limit unless required pursuant to provincial regulations | | |

Commented [c32]: clarity

Commented [c33]: Intent was to keep the side yard free of obstructions for emergency access. This is not a requirement of the building or fire code and creates significant challenges for builders and homeowners.

Commented [c34]: Air conditioners and window wells were added to the table in 2017 to align with City of Calgary. Previously they were not addressed in the table, and were not considered during the plot plan or Certificate of Compliance stage. Adding these features has resulted in greater incidence of non-compliance and delays to building permits and certificates of compliance.

Intent of allowing projections on one side only was to keep one yard free of obstructions for emergency access. This is not a requirement of the building or fire code and creates significant challenges for builders and homeowners.

Commented [c36]: This can be better addressed via maximum coverage by accessory buildings in each individual land use district.

Commented [c35]: A pergola is considered an accessory building, and not a landscape structure. Setbacks apply if they exceed 10m².

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

| Structure | Front Yard | Rear Yard | Side Yard | Conditions |
|-----------------------------------|----------------|---|----------------------------|--|
| Rear Attached Garages or Carports | Not Applicable | No closer than 1.0m from rear property line | Same as principal building | These structures shall not exceed 5.0m in height for the portion that projects into the rear yard and shall meet the side yard requirements of the district for the principal building |

9.1.4 River and Escarpment Setbacks:

- (a) Notwithstanding any other setback provision in this Bylaw, all new development shall be: **(16-17)**
 - (i) at least 60m from the high water level of the Sheep River as defined by provincial regulation, and
 - (ii) at least 30m from the top and toe of any escarpment having a slope of 15% or greater.
- (b) The requirements of clauses (i) and (ii) above may be relaxed by the Development Authority if it can be demonstrated through a Slope Stability and/or Flood Risk Area Planning and Hydrological Engineering Report that a reduced setback will not adversely impact the Sheep River and/or escarpment.

9.1.5 Noise Attenuation Setbacks:

All residential buildings adjacent to Southridge/Northridge Drive (Highway 2A), Highway 7, 32 Street, and the Canadian Pacific Railway shall be setback a minimum distance of 27m from the boundary of the right-of-way to the nearest wall. This setback may be reduced if a sound shadow exists or a noise attenuation device is provided and the applicant demonstrates, to the satisfaction of the Development Authority, that a lesser setback is warranted.

9.1.6 Sub-Standard Lane Setbacks:

When a site abuts a lane 7.0m or less in width, the Development Authority may require a setback from the property line adjacent to the lane greater than the prescribed minimum for all development, including but not limited to parking spaces. Such increase in setback shall not be greater than the distance the lane width is short of 7.0m.

Commented [c37]: Clarification

9.1.7 High Pressure Pipeline Setbacks:

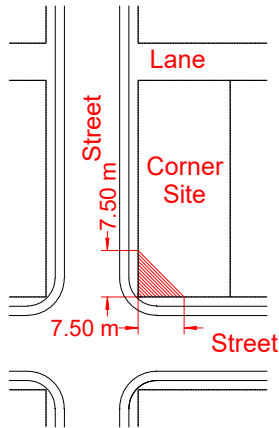
Notwithstanding any other setback provision in this Bylaw, all habitable buildings or structures shall be setback a minimum distance of 15m from the center line of a high pressure pipeline operating in excess of 690 KPA.

9.1.8 Corner Visibility Setbacks:

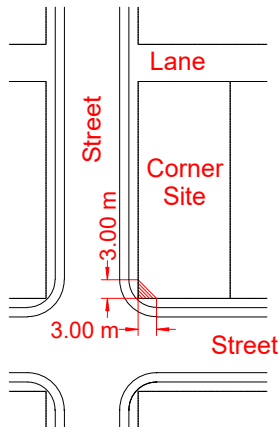
No vegetation, finished lot grade, fence, building or structure shall exceed the general elevation of the street by more than 0.75m within the area defined as a corner visibility triangle as illustrated below:

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- (a) All districts but the Central Business Commercial (CCB) and Heritage Mixed Use (HMU) Districts:



- (b) Central Business Commercial (CCB) and Heritage Mixed Use (HMU) Districts:



9.1.9

Projection Over Utility Right-of-Way and Easements Encroachments:

Notwithstanding any setback provision of this Bylaw, no development, including but not limited to buildings, structures or retaining walls, excavations and projections, shall encroach onto, under or over

- (a) A utility right-of-way or easement to which the Town is a party;
(b) A road; or
(c) A property owned by or under the care and control of the Town

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SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

except in accordance with the Town of Okotoks Encroachment Policy in effect at the time of construction.

~~Notwithstanding any setback provision of this Bylaw, no buildings, structures or retaining walls including projections such as eaves, stairs, decks, porches, cantilevers and other similar projections shall encroach onto, under or over a utility right-of-way or easement that the Town of Okotoks is party to except in accordance with the Town of Okotoks Encroachment Policy in effect at the time of construction.~~ **(36-00 and 16-17)**

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9.2.0 SITE SERVICING

9.2.1 Septic, biological or other sewage treatment and disposal tanks may be permitted where no public sewerage system is available within 50m of the site and is not likely to become available within a reasonable time.

9.2.2 Private sewage disposal systems shall not be constructed on any premise once a public sewer is made available within 50m of the principal building.

9.2.3 Septic tanks or sewage holding tanks must be in conformance with relevant provincial legislation, as regulated by provincial legislation, shall not be located within:

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(a) 1m of any property line;

(b) 10m of any water source; and

(c) 1m of any building.

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9.2.4 The owner of a private sewage disposal system shall maintain a log of the maintenance and servicing of the system for purposes of inspection by the Development Authority.

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9.3.0 PARKING AND LOADING FACILITIES

(16-17)

9.3.1 Determining Parking Requirements:

Commented [c39]: This is not a Planning function and does not belong in the Land Use Bylaw

(a) Parking spaces shall be calculated on the basis of gross floor area and, where a fractional figure occurs, shall be rounded to the next higher figure.

(b) In multi-unit commercial, industrial and mixed used buildings the following areas are not included for the purpose of calculating parking spaces:

(i) elevator shafts;

(ii) crawl spaces and storage basements;

(iii) common corridors, stairwells and halls available to more than one use; and

(iv) underground parking.

Commented [c40]: Clarification

(c) Where the term "seats" is used, parking shall be based upon fire occupancy rating.

(d) Where employee parking is required, parking shall be factored on the basis of maximum employeespersons employed on-site at any one time.

Commented [c41]: Clarification

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- (e) When a building is occupied by a combination of two (2) or more uses, parking requirements shall be determined in accordance with each use separately.
- (f) When a building is enlarged or altered or there is a change in the use of the building or portion thereof, full parking requirements for the entire site ~~may be required~~ shall be provided in accordance with this Bylaw.

Commented [c42]: Acknowledges variance powers regarding parking in Section 4.4.2

9.3.2

Parking Requirements:

The minimum parking requirements for each use is indicated in the list of permitted and discretionary uses in each district. These requirements are summarized in the table below for the purpose of determining parking requirements in circumstances where the Development Authority is given discretion, for similar uses or when new land uses are added to the Bylaw.

| Class | | | Standard |
|-------|---|--|--|
| 1 | A | Suburban Commercial | 1 space/17m ² |
| | B | General Commercial | 1 space/37m ² |
| | C | Low Intensity Commercial | 1 space/46m ² |
| | D | Commercial Accommodations | 1 space/room + 1 space/employee |
| | E | Industrial | 1 space/56m ² |
| 2 | A | Vehicle Service Bays | 3 parking spaces/service bay |
| | B | Fuel Pumps and Car Washes | 3 stacking spaces/pump or car wash entrance |
| | C | Drive Through Windows | 5 stacking spaces/window + 2 parking spaces/window for food services |
| | D | Outdoor Display/Storage of Products | 1 parking space/2000m ² of display or storage area |
| 3 | A | Facilities designed with seating (Arenas, Assembly Halls, Bingo Establishments, Community Buildings and Facilities, Funeral Homes, Public and Quasi-Public Buildings and Facilities, Theaters, Religious Institutions) | 1 space/5 seats |
| | B | Community, Public and Quasi-Public Buildings and Facilities not designed with seating | 1 space/37m ² |
| | C | Schools | 2 spaces/class for elementary schools 4 spaces/class for junior high/middle schools 8 spaces/class for senior high schools |
| | D | Bowling Alley | 5 spaces/alley + typical parking standard of the district for floor space not used for bowling alleys |
| 4 | A | Dwelling Units | 2 spaces/dwelling |
| | B | Apartments and Attached Housing in RMD District | 1.5 spaces/dwelling |
| | C | Dwelling - Secondary Suite (16-19) Dwelling - Accessory (16-19) | 1 space for 1 bedroom units and 2 spaces for 2 and 3 bedroom units (16-19) |
| | D | Group Homes | 1 space/employee |

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

9.3.6 Off-Site Parking Spaces:

Should the Development Authority deem it advisable, it may require the developer to provide required parking on land other than that to be developed provided that:

- (a) the alternate parking area is within 122m of the site where the principal building is located or where the approved use is carried on, but shall not be provided in a residential district;
- (b) the alternate parking area shall be located in a district that allows parking lots or structures;
- (c) the alternate parking area must be coveated to ensured it remains for the use of the development until such time as the additional parking is developed on-site or another alternate site to the satisfaction of the Development Authority;
- (d) there must be a safe public sidewalk or walkway from the alternate parking area to the development;
- (e) the alternate parking area shall be developed at the same time and to the same standard as on-site parking; and
- (f) the alternate parking area will be maintained and made available at all times in a manner similar to an on-site parking area.

9.3.7 Tandem Parking:

Tandem parking may only be permitted for the following:

- (a) Funeral Homes;
- (b) Single Detached Dwellings;
- (c) Attached houses and duplexes in a dwelling group where the overall parking provision is greater than 2.5 spaces per dwelling unit;
- (d) Dwelling - Accessory; or **(16-19)**
- (e) Dwelling - Secondary Suite. **(16-19)**

9.3.8 Bicycle Parking:

- (a) All development shall provide bicycle parking suitable in number and location for the intended land uses. Each bicycle parking facility shall be affixed to a hard surface in close proximity to the entrance to the building(s).
- (b) Bicycle parking must not interfere with a pedestrian walkway.

9.3.9 Loading Space:

- (a) Loading spaces shall be provided entirely within the property of the development being served, and shall be subject to all setback requirements.
- (b) Loading shall be oriented away from residential developments.

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

9.5.2 Landscaped areas shall conform with the following requirements and standards:

- (a) all areas of a site not covered by buildings, outside storage, parking or vehicular maneuvering areas or similar structures shall be landscaped, with the exception of sites within the Agriculture (A) District; **(21-18)**
- (b) where a private outdoor amenity space is provided within a required minimum landscaped area, it shall be considered as satisfying both requirements;
- (c) existing soft landscaping retained on the site may be considered in fulfillment of the total landscaping requirement;
- (d) trees shall be planted in the overall minimum ratio of one tree per 35m² of the landscaped area provided, except that the ratio shall be one tree per 70m² for public and separate schools;
- (e) the quality and extent of landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development;
- (f) ~~all landscaped areas must incorporate xeriscaping principles, and any rainwater harvesting must conform to the applicable legislation; and all areas of landscaping to incorporate principles of xeriscaping, and any rain water harvesting to be completed in accordance with applicable legislation; and~~ **(16-17)**
- (g) in addition to all other landscaping requirements, all Town boulevards adjoining the site shall be landscaped.

9.5.3 Soft landscaping shall be provided as follows:

- (a) all plant materials shall be of a species capable of healthy growth in Okotoks and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock and be in accordance with the Alberta Weed Control Act; **(16-17)**
- (b) the mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50% large trees;
- (c) coniferous trees shall comprise a minimum proportion of one third of all trees planted;
- (d) the minimum size for deciduous trees shall be:
 - (i) for small deciduous trees, 50 millimeters caliper except 35 millimeters caliper for flowering ornamentals, and
 - (ii) for large deciduous trees, 85 millimeters caliper;
- (e) the minimum size for smaller coniferous trees shall be a height of 2m and for large coniferous trees, a height of 3m;
- (f) shrubs shall be a minimum height or spread of 600 millimeters at the time of planting;
- (g) wherever space permits, trees shall be planted in groups;
- (h) a majority of the required landscaping shall be concentrated in the front yard; and

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- (i) all plant material locations shall take into consideration building and freestanding signage to ensure the mature height of the plants will not interfere with the signage, resulting in improper pruning of the plants. (16-17)

9.6.0 SCREENING BETWEEN RESIDENTIAL AND NON-RESIDENTIAL LAND USES

- 9.6.1 Where a development is proposed that is not residential and which abuts an existing residential site, adequate screening or buffering shall be provided on the site of the development to the satisfaction of the Development Authority.

9.7.0 OUTSIDE STORAGE

- 9.7.1 Outside storage is not permitted except for:
 - (a) the parking of vehicles used in the operation of an approved commercial or industrial use for periods no longer than seventy-two (72) hours;
 - (b) the display of new and used vehicles intended for sale to the public within an approved Automobile Dealership;
 - (c) the temporary storage of vehicles intended for repair at an Automotive Repair and Service Shop or Auto Body and Paint Shop;
 - (d) the temporary storage of building supplies intended for sale to the public within an approved Building Supply Center; and
 - (e) within an approved Storage Yard or a storage yard accessory to an approved industrial use.
- 9.7.2 Storage Yards and all storage areas shall be screened from all adjacent sites and thoroughfares to the satisfaction of the Development Authority.
- 9.7.3 Storage Yards and storage areas for wrecked or damaged vehicles shall be enclosed by buildings and/or screening fence with a minimum height of 2m to the satisfaction of the Development Authority.
- 9.7.4 All outside storage of building supplies for Building Supply Centers in a commercial district shall be enclosed by buildings and/or screening fence with a height of 2.5m to the satisfaction of the Development Authority.

9.8.0 WASTE AND RECYCLING FACILITIES (16-17)

- 9.8.1 All developments shall provide facilities suitable for the intended land use(s) in number and size for waste, recycling, organics and where required a grease container.
- 9.8.2 Waste, recycling, organics and grease receptacles shall be:
 - (a) stored in weatherproof and animal-proof containers;
 - (b) screened from adjacent sites and public thoroughfares; and
 - (c) provided in a location easily accessible for users and pickup;to the satisfaction of the Development Authority.

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

9.8.3 A waste/recycling facility on a residential multi-unit site shall be located within 30m of a door of every dwelling unit.

9.9.0 HOME OCCUPATIONS

9.9.1 The following standards apply to both Minor and Major home occupations: **(21-18)**

| Performance Standard | Minor and Major | Rural |
|--|--|--|
| Outside storage or window display | None | On parcels 4 hectares or larger, exterior storage may be allowed if, in the opinion of the Development Authority, the exterior storage is adequately screened |
| External impact | Shall not create noise, dust, odours, vibrations or anything of an offensive or objectionable nature, which is detectable to normal sensory perception beyond the boundary of the parcel | |
| Mechanical or electronic equipment may be used | Shall not create visible or audible interference in radio or television receivers or cause fluctuations in voltage off the premises | |
| May operate in a garage | Provided at least the minimum number of parking spaces required for all other uses on the site are available for the intended uses at all times | |
| Hours of operation | 9:00 a.m. to 10:00 p.m. No vehicle traffic between 10:00 p.m. and 8:00 a.m. | |
| Commercial vehicle associated with the home occupation | One (1) may be parked on-street near the premises up to a maximum of four (4) consecutive hours | Maximum of three (3) outdoors on parcels under 4 hectares Maximum of five (5) outdoors on parcels 4 hectares or larger. One (1) may be parked on-street near the premises up to a maximum of four (4) consecutive hours |
| Signage | One flush-mounted sign 0.2m ² in area may be displayed on the principal or accessory building Sign can show: <ul style="list-style-type: none"> Type of occupation Business name Name of occupant or combination of these Shall not be illuminated | As approved by Development Permit |
| External appearance of buildings | There shall be no change to the residential character or external appearance of the buildings or site | |
| Maximum number of home occupations | Two (2) per dwelling unit provided the operation of two (2) home occupations does not exceed the maximum limits for signage, client visitation, business associated vehicle visits per hours and number of students per class at any one time | |
| Off site business | There is no limit to the number of employees for a home occupation where the dwelling is the base (office) for a business that operates off site (construction, landscaping), provided all interaction with the employees is off site and employee vehicles are not parked on or about the premises. | |

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

9.11.3 Flood Risk Map:

The Flood Risk Map is attached to the Land Use Bylaw as Appendix 2.

9.12.0 OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL DISTRICT

9.12.1 No person shall be allowed to keep or maintain on a residential site or within the Heritage Mixed Use (HMU) District:

- (a) a school bus or a commercial vehicle with a gross vehicle weight (GVW) rating in excess of 4,762.8 kg for longer than is reasonably necessary to unload the vehicle;
- (b) an industrial or construction vehicle with a gross vehicle weight (GVW) rating in excess of 4,762.8 kg except when such a vehicle is required pursuant to a development or building permit for that site;
- (c) any object or chattel which, in the opinion of the Development Officer Authority, is unsightly or tends to adversely affect the amenities of the district;
- (d) a generator that is not completely enclosed in a building; and (16-17)
- (e) a sports ramp. (16-17)

9.13.0 GROUP HOMES

9.13.1 Group Homes shall be:

- (a) located on a collector road; and
- (b) located on a corner site and/or have access from a lane.

9.13.2 In considering whether a Group Home would be suitable for the location proposed, the Development Authority shall take into consideration:

- (a) the design and intensity of the facility being proposed relative to the density of the district;
- (b) potential vehicle and pedestrian traffic generation;
- (c) proximity to parks or other open space areas;
- (d) the site's relationship to surrounding residential lots; and
- (e) existing and proposed buffering to minimize impacts on surrounding residential properties.

9.13.3 In making its decision, the Development Authority shall establish the maximum number of residents and employees for the facility, having regard to provincial regulations and all other relevant factors.

9.14.0 CHILD CARE FACILITIES

9.14.1 In considering whether a Child Care Facility would be suitable for the location proposed, the Development Authority shall take into consideration:

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- (b) the landowner files with the Town, in a form satisfactory to the Town's solicitors, a public liability and property damage policy issued by an insurance company in favor of the Town in an amount satisfactory to the Town which shall:
 - (i) insure in respect of loss or damage, including personal injury or death, sustained by one (1) or more persons or damage to property,
 - (ii) indemnify against liabilities, claims, actions, loss, damages, judgments, costs and expenses which may accrue or be suffered by the Town or by any person by reason of, or arising out of, the erection, installation, suspension or alteration and maintenance and use of the awning or canopy,
 - (iii) be maintained in force by the lawful owner of the awning or canopy until the awning or canopy has been removed, and
 - (iv) name the Town as co-insured.

9.16.3 Canopies and Awnings shall:

- (a) not project more than 1m over public property and closer than 0.6m to the sidewalk face of curb;
- (b) have a minimum clearance of 2.4m from grade, including any attached signage; and **(16-17)**
- (c) not require any support system that encroaches onto public property.

9.16.4 Signs may be attached to or incorporated into the sides, front or bottom of a canopy or awning in accordance with Section 10.0.0 of the Bylaw.

9.17.0 BUILDING EXTERIORS

9.17.1 The exterior finish on all buildings shall be of a permanent material satisfactory to the Development Authority.

9.17.2 The design, character and appearance of a building shall:

- (a) be of a good architectural standard;
- (b) be compatible in materials and design with other buildings on the site and in the vicinity; **(16-17)**
- (c) be suited to the purpose of the land use district in which it is located; and
- (d) comply with the provisions of any statutory plan, concept plan, or district guidelines applicable to the design, character or appearance of buildings; **(16-17)**

to the satisfaction of the Development Authority.

9.17.3 Mechanical equipment shall not be located within the setback of the district and whether on the ground or the roof shall be screened: **(16-17)**

- (a) from adjacent roadways, pedestrian corridors and residential developments; and

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

(b) with high quality, low maintenance materials

to the satisfaction of the Development Authority.

9.17.4 The quality of the facade of all buildings shall be the minimum standard maintained on the site for the life of the development.

9.18.0 COMPREHENSIVE SITE PLANNING

9.18.1 Where the site is part of a larger area the whole of which may eventually be developed, the Development Authority shall require the submission of a comprehensive Development Phasing Plan for the whole area before dealing with the initial application and may require that the plan be prepared by a qualified professional.

9.19.0 PRIVATE VEHICLE AND PEDESTRIAN FACILITIES

9.19.1 All private roads shall be constructed and surfaced to acceptable engineering standards and designed to accommodate emergency vehicles.

9.19.2 Private roads shall have a minimum carriageway of 7m and in cases where more than 200 vehicle trips per day are expected, private roads shall have a minimum carriageway of 9m.

9.19.3 Dead-end roads or cul-de-sacs shall have a turning circle at the dead-end with a radius of at least 13m.

9.19.4 Areas intended for vehicle circulation shall be adequately signed to ensure that private roads are not blocked by parked vehicles or other obstructions that would impede the movement of emergency vehicles.

9.19.5 Internal pedestrian walkways, where provided, shall have a minimum width of 1m and shall be constructed and surfaced to acceptable engineering standards.

9.20.0 OUTDOOR SEATING AREAS FOR EATING ESTABLISHMENTS

9.20.1 Outdoor seating areas may be developed in conjunction with eating establishments in side, front or rear yards in districts in which "eating establishment" is listed as a permitted or discretionary use provided that:

(a) the development does not encroach upon a public sidewalk; and

(b) the development does not displace any existing parking.

9.20.2 Outdoor seating areas for eating establishments in the Central Business Commercial (CCB), Special Development Commercial (CSD) and Heritage Mixed Use (HMU) Districts are exempt from 9.20.1 provided the outdoor seating area has received approval from the Town and remains compliant with any License of Occupation issued by the Town. (16-15)

9.21.0 OUTDOOR LIGHTING

(53-98)

9.21.1 Purpose and Intent:

It is the intent of this section to encourage lighting practices and systems which minimize light pollution, glare and light trespass, while maintaining night-time on-site safety and security and providing for product display during evening operating hours. The intent is to ensure all light fixtures are installed to maximize their effectiveness on the targeted

Commented [c43]: Reference changed over time with bylaw amendments; in 2015, when this clause was added, Outdoor Seating Areas was section 9.21.0.

SECTION 9 GENERAL LAND USE REGULATIONS AND PROVISIONS

- 9.27.5 Shipping containers shall not be stacked.
- 9.27.6 A shipping container shall not occupy the minimum required parking spaces, loading spaces or landscaped areas on a site nor be placed over a utility right-of-way or easement.
- 9.27.7 A shipping container shall not be used as a sign, and no signage shall be installed upon it or on top of it.
- 9.27.8 Shipping containers must comply with all applicable Land Use Bylaw regulations.
- 9.27.9 Shipping containers must be kept locked at all times to prevent trespass.
- 9.27.10 In addition to the conditions outlined under Section 9.26.0 shipping containers in Public Service (PS) Districts are subject to the following restrictions and limitations:
- (a) in all Public Service (PS) Districts with the exception of sites used exclusively for municipal public works:
 - (i) not more than one (1) shipping container may be approved on a site,
 - (ii) approval is limited to those sites containing a permanent principal building and the shipping container must be located immediately adjacent to the principal building; and
 - (b) all development permit applications for placement in a Public Service (PS) District must:
 - ~~(i) be circulated to all adjacent property owners for comment and a notice must be posted on the site at least fourteen (14) days prior to a decision on the application;~~
 - ~~(ii) be referred to the Culture, Parks and Recreation Committee for comment prior to a decision on the application.~~

Commented [c44]:

9.28.0 ADULT ENTERTAINMENT USES (24-13)

- 9.28.1 An adult entertainment use shall only be listed as a use on a parcel that has been designated Direct Control for that purpose.

When considering an application for rezoning of a parcel for an adult entertainment use, Council shall take into account the proximity between the building or bay to be occupied by the adult entertainment use and the property line of any property used or zoned for:

- (a) dwelling units;
- (b) active or passive recreation, including but not limited to public and private recreation facilities, community buildings and/or facilities, community baseball diamonds, public or quasi-public buildings or facilities containing a public recreation facility or library, commercial schools offering programs to children, amusement arcades, bowling alleys, parks and playfields;
- (c) child care facilities;
- (d) religious institutions;

9.33.0 RECREATION VEHICLE STORAGE (21-18)

9.33.1 Development approvals for recreation vehicle storage shall comply with the following provisions:

- ## 9.34.0 RIDING ARENAS (21-18)

9.34.2 Applicants must comply with Section 9.28 regarding livestock densities.

9.34.4 Criteria for Riding Arenas are as follows:

- 9.34.5 The Development Authority may impose limits and restrictions on the development which may include, but are not limited to:

- Page | 56

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (i) advertising the sale or lease of a building, or a bay, or land,
- (ii) identifying a construction or demolition project for which a permit has been issued,
- (iii) identifying a political campaign. Such a sign may be displayed for thirty (30) days prior to an election or referendum and must be removed within seven (7) days following the election or referendum,
- (iv) advertising a garage sale or open house. Such a sign may be posted for a maximum period of forty-eight (48) hours, or
- (v) advertising a campaign event or drive which has been approved by Council. Such a sign may be posted for a maximum period of fourteen (14) days;
- (b) one (1) ~~temporary~~~~interim~~ sign in any district which does not exceed 18m² in area and is intended for identifying and advertising a new ~~subdivision~~~~development~~ area;
- (c) signs in the Residential Narrow Lot Single Detached (R1N), Residential Small Lot Single Detached (R1S), Residential Single Detached (R1), Residential Suite (R1ST), Residential Estate Single Detached (R1E), Residential Single Detached Air Ranch (R1AR), Residential Narrow Lot Air Ranch (RNAR), Residential Low Density Multi-Unit (R2), Residential Manufactured Home (RMH), Residential Mixed Dwelling (RMD), Restricted Development (RD) and Country Residential (RC) Districts and residential developments in the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL), Mixed Gateway Village (MGV) and Mixed Use Medium Density (MUM) Districts which contain no more than the name, address, and number of a building or occupant, provided the sign area does not exceed 0.2m²; **(21-18, 44-18 and 20-19)**
- (d) signs associated with an approved Home Occupation or Bed and Breakfast Accommodation;
- (e) municipal signs used to indicate street names, to control traffic, or to identify municipal buildings;
- (f) an official notice, sign, placard or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;
- (g) existing signs when only the face of a previously approved sign is being changed to reflect a change in the business name;
- (h) signs in the Residential Medium Density Multi-Unit (R3), Residential Medium Density Multi-Unit Air Ranch (R3AR), Urban Holdings (UH), Public Service (PS), and Agriculture (A) Districts, commercial developments within the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL), Mixed Gateway Village (MGV), and Mixed Use Medium Density (MUM) Districts, and all commercial and industrial districts which contain no more than the name, address, and number of a building, institution or occupant provided that sign area does not exceed 1.5m²; **(21-18 and 44-18)**
- (i) on-site traffic circulation and parking regulations provided the sign area does not exceed 1.0m² and the height, if freestanding, does not exceed 1.2m; **(16-17)**

Commented [c45]: Clarity. This size of sign is intended for subdivisions, not for individual sites associated with a development permit.

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (j) maintenance of any lawful sign;
- (k) window signs that meet the regulations of Section 10.6.11; **(16-17)**
- (l) A-board signs;
- (m) signs intended to provide guidance, warning or restraint of persons, provided the sign area does not exceed 0.4m²;
- (n) sponsorship signs within Direct Control (DC) Districts where sponsorship signs are permitted; and **(12-15)**
- (o) Gate signs on parcels larger than 8.5 hectares in the Agriculture (A) District provided that the sign area does not exceed 1.5m². **(21-18)**

10.4.0 APPLICATION FOR A DEVELOPMENT PERMIT

10.4.1 An application for a development permit shall be made by submitting to the Development Authority the prescribed form, signed by the owner or an authorized agent, and accompanied by a replica of the proposed sign, drawn to scale showing:

- (a) all dimensions of the sign structure, including the height and projection of the signs attached to buildings;
- (b) the area of the sign and the copy face(s);
- (c) the design of the copy face;
- (d) the manner of all sign illumination ~~and/or animation~~;
- (e) the type of construction and finish to be utilized;
- (f) the method of supporting or attaching the sign; and
- (g) in the case of a freestanding sign, a site plan showing the sign location in relationship to property lines, parking and buildings and an elevation plan showing the height of the sign in relationship to the height of the principal building taking into account the gradient of the site.

Commented [c46]: Animation is not permitted under the existing regulations.

10.4.2 The Development Authority may require additional copies of the application or of the sign replica.

10.4.3 If the sign is to be located other than on the applicant's property a statement of permission from the property owner is required to be provided.

10.5.0 GENERAL REGULATIONS FOR SIGNS

10.5.1 In considering a development application for a sign, the Development Authority shall:

- (a) have due regard to the amenities of the district in which the sign is located and the design of the proposed sign and ensure that the sign does not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings; and

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (b) not permit a sign to be erected which promotes intolerance, hate or ridicule of any race, religion or other segment of society. **(31-18)**
- 10.5.2 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or color where it may interfere with, or be confused with any authorized traffic sign, signal or device and in so doing create a traffic hazard.
- 10.5.3 Signs may be illuminated but not flashing.
- 10.5.4 Electrical signs shall be erected, installed, and maintained so that they conform to:
- (a) provincial regulations; and
- (b) the specifications of the Canadian Standards Association.
- 10.5.5 Permanent electrical signs shall not be connected in a temporary manner and all wiring crossing outdoor public access areas shall be located underground.
- 10.5.6 No person shall erect, construct or maintain a sign or display structure so as to create a hazard for pedestrian or vehicular traffic.
- 10.5.7 The base of all private signs shall be located within the site and with the exception of an approved awning, canopy, or projecting signs no part of the sign shall overhang a public road or an adjacent site.
- 10.5.8 A sign which is separate from a building must be located so as to comply with the front yard setback requirements applicable to the principal building, unless otherwise provided.
- 10.5.9 A sign shall not be erected on, or attached to, municipal, provincial, or federal property, buildings, or structures unless permission is granted in writing from the authority having jurisdiction, and unless a development permit is issued.
- 10.5.10 When a sign no longer fulfills its function under the terms of the approved development permit or is deemed to create a hazard for pedestrian or vehicular traffic or is deemed to be in a state of disrepair such that it negatively impacts on the amenities of the neighborhood, the Development Authority may order the removal of such a sign, and the lawful owner of the sign or where applicable, the property owner, shall:
- (a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice; and
- (b) restore the immediate area around the sign, to the satisfaction of the Municipality, including the ground or any building to which the sign was attached, as close as possible to its original ~~form~~ prior to the installation of the sign.
- 10.5.11 The message on a sign shall relate to the use of the parcel(s) on which the sign is located.
- 10.5.12 The owner of a sign shall be responsible for maintaining the sign in a proper state of repair and shall:
- (a) keep it properly painted at all times;
- (b) ensure that all structural members and guy wires are properly attached to the sign and building; and

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (c) wash or otherwise clean all sign surfaces as it becomes necessary.

10.5.13 When a sign cannot be clearly categorized as any one (1) of the sign types defined in this Bylaw, the Development Authority shall determine the sign type and applicable controls.

10.6.0 SIGN REGULATION BY TYPE

10.6.1 A-Board Signs:

- (a) A-board signs shall only be allowed in the Heritage Mixed Use (HMU), Mixed Use Medium Density (MUM), Mixed Use Low Density (MUL), Mixed Gateway Village (MGV) Districts and all commercial and industrial districts. **(20-17 and 44-18)**
- (b) A-board signs in the Heritage Mixed Use (HMU), Mixed Use Medium Density (MUM), Mixed Use Low Density (MUL), Mixed Gateway Village (MGV) Districts and commercial districts shall not exceed 0.6m in width and 1.0m in height. **(20-17 and 44-18)**
- (c) A-board signs in industrial districts shall not exceed 1.0m in width and 1.0m in height.
- (d) A-board signs shall be manufactured by a professional sign painter, have a painted finish, be neat and clean and be maintained as such.
- (e) A-board signs shall not impede the movement of pedestrian and vehicular traffic.
- (f) A-board signs shall not be erected for a period exceeding twelve (12) hours per day.
- (g) A-board signs shall not exceed one (1) sign per site.

10.6.2 Awning and Canopy Signs:

- (a) Awning and canopy signs shall only be allowed in the Mixed Use Medium Density (MUM), Mixed Use Low Density (MUL), Mixed Gateway Village (MGV) Districts, and commercial and industrial districts. **(20-17 and 44-18)**
- (b) Awning and canopy signs shall only be used as identification signs.
- (c) Awning and canopy signs shall only be attached to a canopy or awning which complies with Section 9.16.0 of the Land Use Bylaw.
- (d) Awning and canopy signs may be attached directly to the sides, front or bottom of an awning or canopy provided minimum clearance above grade is maintained.

10.6.3 Billboards:

Billboards shall not be permitted.

10.6.4 Community Advertising Signs:

- (a) Community advertising signs shall only be allowed in the Central Business Commercial (CCB), Business Industrial (I1), General Industrial (I2), and Urban Holdings (UH) Districts.

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (b) The number, size and location of community advertising signs shall be determined by the Development Authority.
- (c) Notwithstanding Section 10.5.11 community advertising signs containing messages related to businesses may be located on parcels other than the parcel upon which the business occurs.

10.6.5 Electronic Message Sign: (16-17)

- (a) Shall be allowed in all industrial districts, and the Central Business Commercial (CCB), Highway Commercial (CHWY), Shopping Center Commercial (CSC), Gateway Commercial (CGATE), Mixed Gateway Village (MGV) and Public Service (PS) Districts. (44-18)
- (b) On s Sites where there are multiple freestanding and/or monument signs only one (1) freestanding sign may contain a computerized sign.
- (c) No third party advertising shall be allowed with the exception of non-profit advertising and community events.
- (d) No direct interface with residential development shall be allowed.
- (e) The minimum separation distance between electronic message signs shall be at the discretion of the Development Authority and shall not be less than 300m.
- (f) Shall not interfere with intersection sight lines or traffic safety.
- (g) Shall not be portable.
- (h) Copy shown on the digital display must be static and remain in place for a minimum of six (6) seconds before switching to new copy. The sign operator is expected to exercise discretion and display copy for longer periods as required if the message involves more text.
- (i) The maximum transition time between each digital copy must not exceed 1.0 second.
- (j) Transition between each digital copy must not involve visible effects including but not limited to action, motion, fading in and out, dissolving, blinking, intermittent or flashing light or the illusion of such effects.
- (k) The display of full-motion video is not allowed at any time.
- (l) The sign must be equipped with ambient light sensor(s). Brightness levels may not exceed 0.3 foot-candles / 3.23 lux above ambient light conditions at any time.
- (m) Copy must not be shown in a manner that requires the copy to be viewed or read over a series of sequential copy messages on a single digital display or sequenced on multiple digital displays.
- (n) The sign must display only a blank black screen in the event of a malfunction of the display.

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (o) The sign owner is responsible to ensure that all individuals responsible for programming of sign content are made aware of, and follow, the operational conditions.

10.6.6 Fascia Signs: (16-17)

- (a) Fascia signs shall be allowed in the Heritage Mixed Use (HMU), Mixed Gateway Village (MGV) and Public Service (PS) Districts, all commercial districts and industrial districts and the commercial portion of a mixed use building. (44-18)
- (b) Fascia signs in the Public Service (PS) District shall only be used as identification signs.
- (c) In the Heritage Mixed Use (HMU) District, fascia signs shall not exceed 0.3m² in total sign area per site.
- (d) In all commercial and industrial districts, the Mixed Gateway Village (MGV) and the Public Service (PS) Districts: (44-18)
 - (i) the copy area of all fascia signs on the front elevation of a building or bay shall not exceed 12%,
 - (ii) at the discretion of the Development Authority may be located on elevations other than front,
 - (iii) the copy area of fascia signs considered on elevations other than frontage shall not exceed 10% of the building or bay,
 - (iv) fascia signs thatwith interface with residential uses shall be non-illuminated.

10.6.7 Freestanding Signs:

- (a) Freestanding signs shall be allowed in all industrial districts and the Heritage Mixed Use (HMU), Mixed Gateway Village (MGV), Highway Commercial (CHWY), Shopping Center Commercial (CSC), ~~and~~ Gateway Commercial (CGATE) and Public Service (PS) Districts. (16-17 and 44-18)
- (b) Freestanding signs in the Highway Commercial (CHWY), Shopping Center Commercial (CSC), Gateway Commercial (CGATE), Mixed Gateway Village (MGV) Districts and all industrial districts shall: (5-01 and 44-18)
 - (i) not exceed 9m in height or project above the height of the principal building,
 - (ii) not exceed 9m² in sign area,
 - (iii) not project within 600mm of a property line,
 - (iv) for a single building not exceed one (1) per site, (16-17)
 - (v) sites with multiple buildings may have more than one (1) sign at the discretion of the Development Authority and where applicable in accordance with approved concept plan, and (16-17)

SECTION 10 SIGN REGULATIONS AND PROVISIONS

- (c) Portable signs shall not project within 600mm of a property line.
- (d) Portable signs shall not be placed on private internal sidewalks and parking areas.
- (e) Portable signs shall not exceed 4.25m² in sign area and their height shall not exceed 2.5m. **(16-17)**
- (f) Only one (1) portable sign is permitted per site.
- (g) Each site is permitted one (1) sign for a period or periods not exceeding a total of two (2) months per calendar year.

10.6.9 Projecting Signs:

- (a) Projecting signs shall be allowed in all commercial and industrial districts and the commercial portion of a mixed use building. **(16-17)**
- (b) Projecting signs shall:
 - (i) not project more than 1m from a building face,
 - (ii) have a minimum clearance of 2.1m from grade,
 - (iii) not have any support from the ground over which it is hung, and
 - (iv) not exceed 2.75m in maximum height and the sign must not project above the height of the principal building.
- (c) Projecting signs in the Central Business Commercial (CCB), Special Development Commercial (CSD) and Heritage Mixed Use (HMU) Districts may encroach into public property provided the landowner enters into an encroachment agreement with the Town. **(12-15)**

10.6.10 Roof Sign:

Roof signs shall not be permitted.

10.6.11 Window Signs:

(16-17)

- (a) Window signs shall be allowed in all commercial, mixed use, and industrial districts. **(44-18)**
- (b) Window signs in the Heritage Mixed Use (HMU) and Special Development Commercial (CSD) Districts shall:
 - (i) contain no more than the name, address and occupant of the building or bay, and
 - (ii) not exceed 0.2m² in sign area.
- (c) Window signs in all commercial districts other than the Heritage Mixed Use (HMU) and Special Development Commercial (CSD) Districts, all industrial districts and the commercial portion of buildings in the Mixed Use Low Density (MUL), Mixed Gateway Village (MGV) and Mixed Use Medium Density (MUM) Districts shall: **(20-17 and 44-18)**

SECTION 11A RESIDENTIAL NARROW LOT SINGLE DETACHED DISTRICT (R1N)

- (ii) laneless sites without attached garages: one (1) unobstructed side yard 3m the other 1.2m (17-04)
 - (iii) all other: 1.2m
- (b) Dwelling - Accessory: (9-00 and 16-19)
 - (i) street side of corner site: 3m except for a wall with a vehicle entrance which shall have a 5m setback from the property line (28-09)
 - (ii) all other: 1.5m
- (c) Accessory Buildings: (16-17)
 - (i) street side of a corner site: 3m except for a wall with a vehicle entrance which shall have a 5m setback from the property line
 - (ii) all other: 610mm
- 11A.4.5 Rear Yard:
 - (a) Principal Building: 7.5m
 - (b) Accessory Buildings: 1m (16-17)
 - (c) Dwelling - Accessory: 1.5m (9-00 and 16-19)
- 11A.4.6 Gross Floor Area per Dwelling Unit (Principal Dwelling): (16-17)
 - (a) 93m² for a single storey dwelling unit which includes a bungalow or bi-level
 - (b) 107m² being the combined area of two levels of a split-level unit, or the combined area of two levels of a two (2) storey unit
- 11A.4.7 Landscaping: the boulevard and 30% of the site
- 11A.5.0 MAXIMUM LIMITS**
- 11A.5.1 Coverage of Site: (16-17)
 - (a) All buildings together, including all Accessory Buildings: 50% of site
 - (b) All Accessory Buildings: 14% of the site
- 11A.5.2 Building Height: (16-17)
 - (a) Principal Building: 10m
 - (b) Accessory Buildings: 5m
 - (c) Dwelling - Accessory (16-19)
 - (i) above a detached garage: 9m
 - (ii) other: 5m

Commented [c47]: Revised to clarify this minimum standard does not apply to suites.

SECTION 11C RESIDENTIAL SINGLE DETACHED DISTRICT (R1)

- (c) Accessory Buildings: **(16-17)**
- (i) street side of a corner site: 3m except for a wall with a vehicle entrance which shall have a 6m setback from the property line
- (ii) all other: 610mm
- 11C.4.5 Rear Yard:
- (a) Principal Building: 7.5m
- (b) Accessory Buildings: 1m **(16-17)**
- (c) Dwelling - Accessory: 1.5m **(9-00 and 16-19)**
- 11C.4.6 Gross Floor Area per Dwelling Unit (Principal Dwelling): **(16-17)**
- (a) 93m² per unit of a single storey dwelling unit which includes a bungalow or bi-level
- (b) 107m² per unit being the combined area of two (2) levels of a split-level unit, or the combined area of two (2) levels of a two (2) storey unit
- 11C.4.7 Landscaping: the boulevard and 30% of the site
- 11C.5.0 MAXIMUM LIMITS**
- 11C.5.1 Coverage of Site: **(16-17)**
- (a) All buildings together, including all Accessory Buildings: 50% of site
- (b) All Accessory Buildings: 14% of the site
- 11C.5.2 Building Height: **(16-17)**
- (a) Principal Building: 10m
- (b) Accessory Buildings: 5m
- (c) Dwelling - Accessory **(16-19)**
- (i) above a detached garage: 9m
- (ii) other: 5m
- 11C.5.3 Residential Dwelling Units per Lot: one (1) principal dwelling unit and one (1) dwelling - accessory or dwelling - secondary suite **(9-00 and 16-19)**
- 11C.6.0 SPECIAL CONDITIONS**
- 11C.6.1 Front Yards:
- The minimum front yard for a principal building, other than for a wall containing a vehicle entrance, may be reduced by 1.5m in this district where a setback plan showing the required setback for each lot in a residential subdivision phase has been provided to the satisfaction of the municipality prior to development of the subdivision. The required

SECTION 11D RESIDENTIAL SUITE DISTRICT (R1ST)**(16-19)****11D.4.4 Side Yard:**

- (a) Principal Building:
 - (i) street side of corner site: 3m except for a wall with a vehicle entrance which shall have a 5m setback from the property line **(36-00)**
 - (ii) laneless sites with attached garages: 1.5m
 - (iii) laneless sites without attached garages: one (1) unobstructed side yard 3m the other 1.5m
 - (iv) all other: 1.2m
- (b) Dwelling - Accessory: **(16-19)**
 - (i) street side of corner site: 3m except for a wall with a vehicle entrance which shall have a 5m setback from the property line **(36-00)**
 - (ii) all other: 1.5m
- (c) Accessory Buildings: **(16-17)**
 - (i) street side of a corner site: 3m except for a wall with a vehicle entrance which shall have a 5m setback from the property line **(36-00)**
 - (ii) all other: 610mm

11D.4.5 Rear Yard:

- (a) Principal Buildings 7.5m
- (b) Accessory Buildings: 1m **(16-17)**
- (c) Dwelling - Accessory: 1.5m **(16-19)**

11D.4.6 Gross Floor Area per Dwelling Unit (Principal Dwelling): **(16-17)**

- ~~(a) Principal Dwelling Units:~~
 - (i) 93m² per unit of a single storey dwelling unit which includes a bungalow or bi-level
 - (ii) 107m² per unit being the combined area of two (2) levels of a split-level unit, or the combined area of two (2) levels of a two (2) storey unit

Commented [c48]: Format revised to align with format in other sections**11D.4.7 Landscaping: the boulevard and 30% of the site****11D.5.0 MAXIMUM LIMITS****11D.5.1 Coverage of Site: **(16-17)****

- (a) All buildings together, including all Accessory Buildings: 50% of site
- (b) All Accessory Buildings: 14% of the site

SECTION 11F RESIDENTIAL SINGLE DETACHED AIR RANCH DISTRICT (R1AR) (33-99)

- (i) street side of corner site: 3m except for a wall with a vehicle entrance which shall have a 6m setback from the property line
 - (ii) all other: 1.5m
- (c) Accessory Buildings: (16-17)
 - (i) street side of a corner site: 6m setback from the property line
 - (ii) all other: 2.4m
- 11F.4.5 Rear Yard:
 - (a) Principal Building: 12m
 - (b) Accessory Buildings: 5m (16-17)
 - (c) Dwelling - Accessory: 5-1.5m (9-00 and 16-19)
- 11F.4.6 Landscaping: the boulevard and 40% of the site
- 11F.5.0 MAXIMUM LIMITS**
- 11F.5.1 Coverage of Site: (16-17)
 - (a) All buildings together, including all Accessory Buildings: 40% of site
 - (b) All Accessory Buildings: 15% of the site
- 11F.5.2 Building Height: (16-17)
 - (a) Principal Building: 10m subject to Section 11F.7.0
 - (b) Accessory Buildings: 7m subject to Section 11F.7.0
 - (c) Dwelling - Accessory (16-19)
 - (i) above a detached garage: 9m
 - (ii) other: 5msubject to Section 11F.7.0
- 11F.5.3 Residential Dwelling Units per Lot: one (1) principal dwelling unit and one (1) dwelling - accessory or dwelling - secondary suite (9-00 and 16-19)
- 11F.6.0 HEIGHT LIMITATIONS**

No point of a development may exceed the height of any of the following surfaces:

 - (a) the take-off/approach surfaces;
 - (b) the transitional surfaces; or
 - (c) the outer surface.

Commented [c49]: Revised to align with the standard for other accessory buildings

SECTION 12A RESIDENTIAL LOW DENSITY MULTI-UNIT DISTRICT (R2)

- (b) all other sites: 5m except for a wall with a vehicle entrance which shall have a 6m setback from the property line

12A.4.4 Side Yard:

- (a) Principal Building:
 - (i) street side of corner site: 3m except for a wall with a vehicle entrance which shall have a 6m setback from the property line
 - (ii) laneless sites without attached garages: one (1) unobstructed side yard 3m
 - (iii) all other: 1.5m
- (b) Accessory Buildings: **(16-17)**
 - (i) street side of a corner site: 3m except for a wall with a vehicle entrance which shall have a 6m setback from the property line
 - (ii) all other: 610mm

12A.4.5 Rear Yard:

- (a) Principal Building: 8m
- (b) Accessory Buildings: 1m **(16-17)**

12A.4.6 Gross Floor Area per Dwelling Unit (Principal Dwelling): **(16-17)**

- (a) Duplexes: 74m²

12A.4.7 Landscaping: the boulevard and 30% of the site

12A.5.0 MAXIMUM LIMITS

12A.5.1 Coverage of Site: **(16-17)**

- (a) All buildings together, including all Accessory Buildings: 45% of site
- (b) All Accessory Buildings: 15% of the site

12A.5.2 Building Height: **(16-17)**

- (a) Principal Building: 10m
- (b) Accessory Buildings: 5m

12A.5.3 Residential Dwelling Units per Lot:

- (a) Duplexes – Side by Side occupying two (2) separate titles: one (1) principal dwelling unit **(16-17)**
- (b) All other: two (2)

SECTION 15B SOUTH BUSINESS INDUSTRIAL DISTRICT (I1S)

| | |
|---|--|
| Child Care Facilities | 1 space/employee + 1 space/10 children + 1 space/vehicle used to transport children (22-19) |
| Crematorium | discretion of Development Authority |
| Custodial Quarters | 1 space/occupant |
| Dry Cleaning and Fabric Care Plants | 1 space/37m ² |
| Funeral Homes | 1 space/5 seats (21-16) |
| Garden Centre | 1 space/37m ² (22-19) |
| Hotels | 1 space/room + 1 space/employee |
| Industrial Service Shop | 1 space/46m ² (22-19) |
| Kennels | 1 space/37m ² |
| Laboratories | discretion of Development Authority |
| Manufacturing Plant | 1 space/56m ² (22-19) |
| Motion Picture Production Facilities | discretion of Development Authority |
| Private Parking Lots | none (16-17) |
| Public and Quasi-Public Buildings, Facilities and Installations | 1 space/37m ² (21-16) |
| Radio and Television Studios | discretion of Development Authority |
| Recycling Depots | 1 space/46m ² |
| Religious Institutions | 1 space/5 seats (12-10) |
| Retail Store – Warehouse | 1 space/25m ² (22-19) |
| Shipping Containers | none (16-13) |
| Storage Yard – Mini Storage | discretion of Development Authority (29-07) |
| Theaters | 1 space/5 seats |
| Vehicle Rental Facilities | 1 space/rental vehicle + 1 space/46m ² |
| Veterinarian Clinics – Large Animal | 1 space/46m ² |
| Warehousing | 1 space/56m ² for the first 2000m ² of floor space + 1 spaces/500m ² for all additional floor space |

Commented [c50]: Align with definition

15B.3.0 GENERAL REQUIREMENTS

15B.3.1 In addition to the general land use provisions contained in Section 9, the following provisions as contained within this Section shall apply to every development in this district.

15B.4.0 MINIMUM REQUIREMENTS

15B.4.1 Front Yard: 6m

15B.4.2 Side Yard:

- (a) street side of corner site: 6m
- (b) where a parcel shares a side property line with a parcel designated commercial, public service or environmental protection district: 6m
- (c) all other: 1.2m

15B.4.3 Rear Yard:

- (a) where a parcel shares a rear property line with a road right-of-way or a parcel designated commercial, public service or environmental protection district: 6m

SECTION 15D INDUSTRIAL DISTRICT (I3)

15D.1.0 PURPOSE AND INTENT

- 15D.1.1 The purpose and intent of this district is to provide for a wide range of light to medium industrial uses of a manufacturing, processing, assembling or distributing nature. Outside storage may be required in association with the industrial use, and location of uses should have regard for the compatibility of adjacent uses.

15D.2.0 LIST OF PERMITTED AND DISCRETIONARY USES

| | | |
|---------|--|---|
| 15D.2.1 | Permitted Uses | Minimum Parking Required |
| | Automotive Repair & Service Shops | 1 space/46m ² + 3 spaces/service bay (32-19) |
| | Business Support Services | 1 space/37m ² (16-17) |
| | Industrial Service Shop | 1 space/46m ² (16-17) |
| | Laboratories | discretion of Development Authority (32-19) |
| | Manufacturing Plant | 1 space/56m ² (16-17) |
| | Offices | 1 space/37m ² (32-19) |
| | Public Open Spaces | none (16-17) |
| | Public Parking Lots | None (32-19) |
| | Utility Buildings | discretion of Development Authority (32-19) |
| | Warehousing | 1 space/56m ² (32-19) |
| 15D.2.2 | Discretionary Uses | |
| | Accessory Uses | discretion of Development Authority (32-19) |
| | Agricultural Related Businesses | 1 space/46m ² + 3 spaces/service bay + 1 space/2000m ² of display area |
| | Auction Rooms | 1 space/46m ² |
| | Auto Body and Paint Shops | 1 space/46m ² + 3 spaces/service bay |
| | Automobile Dealerships | 1 space/46m ² + 3 spaces/service bay + 1 space/2000m ² of display area |
| | Brewery, Winery, and Distillery | 1 space/56m ² manufacturing, packaging and shipping 1 space/37m ² all other related uses (32-19) |
| | Building Supply Centers | 1 space/37m ² + 1 space/2000m ² of storage area |
| | Bulk Fuel Storage and Distribution Facilities | 1 space/46m ² + 3 stacking spaces/pump |
| | Cannabis Production and Distribution Facility | 1 space/46m ² (32-19) |
| | Car Washing Establishments | 1 space/46m ² + 3 spaces/entrance |
| | Commercial Schools | 1 space/37m ² (32-19) |
| | Community Baseball Diamond | discretion of Development Authority |
| | Convenience Store | 1 space/17m ² (32-19) |
| | Crematorium | discretion of Development Authority |
| | Drinking Establishment | 1 space/37m ² (32-19) |
| | Dry Cleaning and Fabric Care Plants | 1 space/37m ² (32-19) |
| | Eating Establishment | 1 space/37m ² (32-19) |
| | Entertainment Establishment | 1 space/37m ² (32-19) |

SECTION 16E DIRECT CONTROL DISTRICT (DC)

16E.1.0 PURPOSE AND INTENT

- 16E.1.1 The purpose and intent of this district is to allow direct control by Council over development, due to its special nature or circumstance.

16E.2.0 USES AND REQUIREMENTS (10-03)

- 16E.2.1 Uses allowed in this district and standards of development shall be at the discretion of Council, or at the discretion of the Development Authority pursuant to Section 16E.4.0.
- 16E.2.2 Designation of a site as Direct Control does not constitute approval of the development permit. Comprehensive plans including building design, site layout, exterior finishes and color, landscaping, buffering, fencing, garbage facilities, parking and access shall be submitted in the same manner as with any development permit application.
- 16E.2.3 The General Land Use Regulations and Provisions and any previous development approval on the site shall be used as a guideline when considering any development permit.
- 16E.2.4 Wherever this Bylaw states with respect to a particular Direct Control District that the listed uses and development and parking regulations of a particular district shall be used as a guide when considering a development permit on this site, all such listed uses shall be considered as discretionary uses within that particular Direct Control District, regardless of whether they are listed as permitted or discretionary uses in that other district.

16E.3.0 PROCEDURE

- 16E.3.1 Notwithstanding the procedure established for development permit applications in Section 3, applications for development on land in Direct Control Districts shall be referred to Council for its approval, with or without conditions or refusal, unless it falls within the exceptions provided in Section 16E.4.0. (10-03)
- 16E.3.2 ~~At the discretion of Administration or at the request of Council, a Public Hearing may be held prior to a decision on an application. When an application for a development permit is received, Council may, at its discretion, hold a Public Hearing.~~
- 16E.3.3 Notice of a Public Hearing shall be published in a newspaper circulating in the Municipality stating the location of the property for which the application has been made and use proposed.
- 16E.3.4 Notwithstanding the procedure established for the issuance of development permits in Section 4, Council shall decide on all applications for development permits within a Direct Control District, unless the application falls within the exceptions provided in Section 16E.4.0. Council may approve an application, with or without conditions, or may refuse an application for a development permit. (10-03)
- 16E.3.5 Despite Section 5.2.1 of this Bylaw, there is no appeal to the Subdivision and Development Appeal Board provided for a decision made by Council on an application for a development permit in a Direct Control District. (43-17)

Commented [c51]: Council discretion implies seeking formal Council direction prior to scheduling a public hearing, which can delay processing of an application by 6 weeks or more.

SECTION 16E DIRECT CONTROL DISTRICT (DC)

- (g) the development and parking guidelines of the Business Industrial (I1) District shall be used as a guideline when considering a development permit for Area A;
- (h) the development and parking guidelines of the General Industrial (I2) District shall be used as a guideline when considering a development permit for Area B;
- (i) the site shall be comprehensively designed as a multi-building industrial development. As such, a conceptual site plan shall be submitted for review and approval by the Development Authority prior to individual applications for development permits being considered for the site;
- (j) an application for a development permit for new buildings or site redevelopment on this site shall be subject to approval by the Municipal Planning Commission only and no further public hearings are required prior to issuance of a development permit;
- ~~(k) in accordance with Section 16E.4.1, a development permit is not required for a change of use in the existing principal building (Area A) or any future permanent buildings in either Area A or Area B, provided:~~
 - ~~(i) the proposed use is a permitted use in the district;~~
 - ~~(ii) any additional parking requirements already have been met on the site, and~~
 - ~~(iii) there are no outstanding development requirements on the site;~~
- (+)(k) in the event that an application is made for further subdivision of Lot 1, Block 4, Plan 8010201, land use redesignation to the appropriate district(s) shall be required for the plan area prior to consideration of the tentative subdivision plan.

16E.5.23 Amending Bylaw: 4-03
Municipal Address: 192 and 196 ELMA STREET
Legal: Units 1 to 4, Plan 8010715 and Lot 1, Block 1, Plan 1143LK

- (a) The existing principal building on each site may remain and continue to be used as a four-plex building;
- (b) in the event of damage or total destruction of the existing principal building on either site, that building may be repaired or reconstructed in accordance with all provisions of the Land Use Bylaw, but it can be reconstructed to its original dimensions only, and may be used only as attached housing containing no more than four (4) dwelling units; and
- (c) if redevelopment is proposed that involves removing or demolishing the existing building on either site, that site can only be redeveloped with a single detached dwelling in accordance with the uses and requirements of the Residential Single Detached (R1) District.

16E.5.24 Amending Bylaw: 13-05
Municipal Address: 31 SOUTHRIDGE DRIVE
Legal: Portion of Lot 5, Block 3, Plan 0510984 containing ±0.33 hectare

SECTION 17 INTERPRETATION

antenna means a structure other than a satellite dish which serves to receive and/or transmit communication signals from the air.

apartment means a building comprised of three (3) or more dwelling units with shared services, facilities and outside entrances. (16-17)

aprons, runways and taxiways means surface improvements used exclusively for safe movement of aircraft on the ground. (33-99)

arbour means a small open frame trellised archway, usually over a walkway and used as a gateway feature, and often covered with climbing shrubs or vines.

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arterial means a public thoroughfare designed to serve as a major traffic route that moves large volumes of vehicles to connect with major highways and commercial areas and are designated as such in the Okotoks Transportation Study.

attached houses means a building designed and built to contain three (3) or more dwelling units separated from each other by fire separation with each unit having separate entrances from grade level. This use class includes Garden, Linked, Row, and Townhouse units. (16-18)

auction room means a development intended for the auctioning of goods and equipment, including temporary indoor storage of such goods and equipment.

auto body and paint shop means a facility where the bodies, but not other parts, of motor vehicles are repaired and where motor vehicle bodies and other metal machine components or articles may be painted.

automobile dealership means a development used for the retail sale or lease of new or used automobiles and/or recreation vehicles together with incidental repair and maintenance services and sales of parts. (29-07)

automotive repair and service shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes, among other uses, transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This use class does not include auto body and paint shops.

awning means a cloth-like or lightweight metal shelter projecting from a building and is considered part of the building to which it is attached.

balcony means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.6m in width. (16-17)

bay means a self-contained unit of part of a commercial or industrial building which can be sold, or leased for individual occupancy.

basement means that portion of a building which is wholly or partly underground and has not more than one-half of its height from finished floor to finished ceiling above finished grade.

bed and breakfast accommodation means an accessory use carried on within an owner-occupied dwelling unit where temporary accommodation is provided for remuneration. The price of one (1) meal per day is included in the stated price. Rented rooms shall not contain cooking facilities. Occupancy shall be for a period of less than seven (7) days.

bingo establishment means the use of a building or room, which has a capacity to accommodate more than 100 persons at any time or times, for the holding of bingo games.

SECTION 17 INTERPRETATION

Typical uses include printing establishments, film processing establishments, janitorial firms and business equipment repair shops. (29-07)

campground means development of land which has been planned and improved for the short term use of tents and recreation vehicles within a defined area for a period not exceeding one hundred eighty-four (184) consecutive days. This use does not include recreation vehicle storage. (21-18)

cannabis means cannabis as defined in the *Cannabis Act (Canada)* and its regulations and any amendments or substitutions thereof. (30-18)

cannabis consumption establishment means a development that is authorized by the Province of Alberta where cannabis is served for consumption on the premises. This use does not include adult entertainment uses, retail cannabis store, or cannabis production and distribution facility. (30-18)

cannabis production and distribution facility means a building where any of the following activities occur, excepting personal use exemptions as defined in the *Act to Control and Regulate Cannabis* and its regulations, and any amendments or substitutions thereof:

- (a) the processing of cannabis;
- (b) the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished goods and products related to cannabis;
- (c) the storage, warehousing, and/or transportation of cannabis; and
- (d) the distribution and wholesale of materials, goods and products to retail cannabis stores.

~~This use does not include a retail cannabis store, a cannabis consumption establishment, or the cultivation of cannabis. This use does not include a retail cannabis store or a cannabis consumption establishment.~~ (30-18)

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canopy means a non-retractable solid projection extending from the wall of the building intended to be used as protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theater marquee and is to be considered part of the principal building and is considered part of the building to which it is attached.

carport means a shelter for a vehicle with a roof and one (1) or more open sides that may be attached to principal or accessory building. (16-17)

car washing establishment means a facility for the washing, cleaning, or polishing of motor vehicles.

Certificate of Compliance means a document signed by the Development ~~Officer~~Authority, certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

change of use means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the permitted or discretionary uses as listed in each land use district.

child care facilities means those facilities used for the temporary supervision, care or instruction of seven (7) or more children by an individual other than the child's parent or guardian in accordance with the Child Care Licensing Act, SA 2007. This use includes but is not limited to day care, out of school care and pre-schools as defined in the Child Care Licensing Act and successor legislation. (16-17)

SECTION 17 INTERPRETATION

deck means an unenclosed horizontal structure with a surface height greater than 0.6m above grade at any point that is intended for use as outdoor amenity space. Any stairs, landing or ramp connected to the deck that gives access from the structure to a yard or building is considered part of the deck for the regulations of this Bylaw. (16-17)

density means the number of dwelling units on a hectare of land and includes all lands within the site.

development means: (16-17)

- (a) an excavation or stockpile of soil and the creation of either of them;
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over, or under land;
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

Development Authority means a development authority as provided for in the Act.

Development Officer means a development authority employed by the Town and responsible for the administration, monitoring, and enforcement of the Land Use Bylaw.

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development permit means a document that is issued under the Land Use Bylaw and authorizes a development. (16-17)

Development Phasing Plan means a comprehensive plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated. A Development Phasing Plan shall address building compatibilities, site layout including setbacks and possible subdivisions, landscaping, parking, access, continuity of pedestrian and vehicular circulation, signage, fencing, screening if necessary, storm drainage and suggested colors and building materials.

direct glare means intense light causing visual discomfort, annoyance, or loss of visual performance or visibility to an observer situated outside of the originating property. Direct glare is not necessarily due to seeing the effect of the light but due to seeing the light source of an unshielded fixture. (53-98)

discretionary use means a use of land or of a building which is listed as a "Discretionary Uses" in a district in the Bylaw. An application for a discretionary use may, subject to the provisions of this Bylaw, be approved with or without conditions by the development authority.

drinking establishment means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises and may include as an accessory use a teletheatre betting establishment but does not include adult entertainment uses.

drive-in food service means a development where food is prepared and served for sale to the public through a drive through window and where food is primarily intended to be consumed off-site. This use may be an accessory use to an eating establishment.

drug paraphernalia means a thing which is intended to be used to produce, process, package, store, inject, ingest, inhale, or otherwise introduce into the human body substances including but not limited to

SECTION 17 INTERPRETATION

golf course means an area of land laid out for golf with a series of holes each including tee, fairway, and putting green and may include associated natural or artificial hazards. (08-18)

grade means:

- (a) in residential districts, the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls; and
- (b) in all other districts, the elevation, established by the Town's Engineer, of the crown of the abutting street. In the event that two (2) grades are involved, the average of the two (2) shall be used as the grade for the site.

gross floor area – non-residential means the sum of the area of all floors of a building, above or below established grade, measured from the exterior of outside walls. (16-17)

gross floor area - residential means the sum of the area of all floors of a principal dwelling unit in a residential district above established grade. (16-17)

group home means a development consisting of the use of a building as a facility which is authorized by a public authority to provide room and board for three (3) residents or more, exclusive of staff or the receiving household, for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include Extended Medical Treatment Services such as drug and alcohol addiction treatment centers or Correctional Group Homes used as custodial facilities.

hard surfacing means asphalt, concrete, paving stone, or similar material that is acceptable to the Town of Okotoks. (16-17)

hangar means a structure intended for the storage or parking of small aircraft. (33-99)

historical site means a site or a building or both designated to be of historical significance by the Government of Canada, the Government of Alberta, or the Town of Okotoks.

home occupation means a commercial use within a residential building which is incidental and subordinate to the principal use of the building, operated by a resident of the home on the site where the business is conducted, and meets the special requirements of this Bylaw. Without restricting the generality of the foregoing, it does not include adult entertainment uses, automotive related uses, cannabis consumption establishments, cannabis production and distribution facilities, kennels, pet care services, or retail cannabis stores; and

(a) home occupation – minor means a zero or low impact business;

(b) home occupation – major means a moderate impact business; and

(c) home occupation – rural means a low to moderate impact business located on a parcel designated Country Residential (RC) or Agriculture (A) District.

home occupation means a commercial use within a residential building which is incidental and subordinate to the principal use of the building and meets the special requirements of this Bylaw but without restricting the generality of the foregoing does not include adult entertainment uses, automotive related uses, cannabis consumption establishments, cannabis production and distribution facilities, kennels, pet care services, or retail cannabis stores; and (30-18)

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SECTION 17 INTERPRETATION

- (a) ~~home occupation – minor means a zero or low impact business;~~
- (b) ~~home occupation – major means a moderate impact business; and~~
- (c) ~~home occupation – rural means a low to moderate impact business located on a parcel designated Country Residential (RC) or Agriculture (A) District.~~

hotel means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may or may not offer such additional services as party facilities, restaurant or dining room and lounge services, public convention facilities, and gift and smoke shops, and similar such convenience facilities. For purposes of clarification, the service of alcoholic beverages is classified under the separate use class of "drinking establishments". This use class includes motor hotels.

household means:

- (a) a person; or
- (b) two (2) or more persons related by blood, marriage, or adoption; or
- (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption; or
- (d) a combination of (b) and (c), provided that the total of the combination does not exceed five (5);

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants.

household service shop means a development used for the provision of services to a household and includes services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include information providers, catering services, barber shops, beauty parlors, tailors, dressmakers, shoe repair shops, dry cleaning establishments with 150m² of floor space or less, laundromats, photographic studios, small appliance repair and service shops, and instructional classes and may include accessory retail sales but does not include adult entertainment uses. **(29-07 and 16-17)**

impervious surface means any material that significantly reduces and prevents natural infiltration of water into the ground. Impervious surfaces include but are not limited to roofs, patios, balconies, streets, parking areas, driveways, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surfaces. **(21-18)**

industrial service shop means a development used for assembly, fabricating, rental or repairing of goods or products. Typical uses associated with these shops include electrical, heating, metal, plumbing, welding, woodworking, cabinet makers, upholstery, furniture repair, equipment repair, painting, ornamental metal and stone works, equipment rental shops (excluding motor vehicles) and similar uses. Limited product display, retail sales and offices accessory to the principal use may be permitted in this use class. **(29-07)**

intensity of use means the degree or scale of operation of the use or activity in relation to the amount of land and buildings associated with the use, the vehicular traffic generation of the use, the amount of parking facilities required for the particular land use activity and other similar factors.

intensive livestock operation means the concentrated rearing or confinement of livestock at densities greater than one (1) animal unit per 1.21 hectares. **(21-18)**

SECTION 17 INTERPRETATION

NEF 30-35 Area means the NEF area that lies between the 30 NEF contour and the 35 NEF contour. (33-99)

NEF 35-40 Area means the NEF area that lies between the 35 NEF contour and the 40 NEF contour. (33-99)

NEF 40+ Area means the NEF area enclosed by the 40 NEF contour. (33-99)

NEF contour means a number contour as shown on the NEF Map (Figure 2) (33-99)

occupancy means the utilization of a building or land for the use for which it has been approved.

office means a building or development primarily used for the provision of professional, management, administrative and consulting services. Typical uses include the offices of lawyers, accountants, engineers and architects; offices for real estate, telephone answering, catalogue, mail order or order sales offices where no stock or merchandise is retained or stored on the premises except as may be used for display or showroom purposes and similar other like uses.

outdoor lighting means any electrically powered illuminating device containing a total light source of more than 1800 initial lumens per fixture, which is installed outdoors including, but not limited to, devices used to illuminate the site, architectural structure or sign. (53-98)

outer surface means an imaginary common plane established at an elevation of 45m above the aerodrome zoning reference point elevations and extending to the boundary of the protection area (Figure 3). (33-99)

palliative care facility means a facility which provides palliative and hospice care and lodging of terminally ill patients and their families. (21-18)

parapet means a low wall or railing to protect the edge of a roof.

parcel of land means the aggregate of the one (1) 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 the land titles office. (16-17)

pergola means a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters.

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permitted use means the use of land or of a building which is listed as a "Permitted Uses" in a district of the Bylaw. An application for a permitted use shall, if the application otherwise conforms to the Bylaw, be approved with or without conditions by the development authority.

pet care service means any premises on which small animals (e.g. dogs and cats) are washed, groomed, or boarded indoors during the day and that may have retail sales and offices related to the services provided by the principle use. Animals must not be boarded overnight. An outdoor excise area may be permitted. This use class does not include kennels or veterinary clinics. (26-10)

physical barrier (as it relates to the width of parking spaces) means a fence, wall, post, column, railing or any other structure that may obstruct maneuvering or door swing. (16-17)

planter means a container that is entirely above grade, in which plants are grown. (16-17)

poultry means chickens, ducks, geese, turkeys and game birds. (21-18)

power generation facility means a power generation system designed for the purpose of generating electrical power for a total generation capacity of up to 12.5 megawatts or less. (11-06)

SECTION 17 INTERPRETATION

to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.

public parking lot means an area of land owned or operated by the municipality and used principally for the parking of vehicles. (16-17)

public utility means a system or works used to provide 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;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management;
- (j) telecommunications

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

(16-17)

qualified professional means an individual who has specialized knowledge of a particular subject area and is licensed to practice in the province of Alberta under a professional designation. For the purposes of this bylaw, the individual's qualifications must be directly related to the plans, reports or studies referenced. Examples of qualified professionals include, but are not limited to, Agrologists, Architects, Engineers, Geologists, Hydrologists, Landscape Architects and Surveyors.

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radio and television studio means a facility used for the production and broadcasting of radio and/or television programming but does not involve the presence of an audience. (11-06)

raised basement means that portion of a building which is partly underground and has more than one half of its height from finished floor to finished ceiling above finished grade. (16-17)

rear yard means the yard which extends in width between the side boundaries of a site and in depth from the rear boundary of the site to the rear yard setback as prescribed in the district. With irregularly shaped lots a mean average shall be used to establish the yard.

rearing of livestock means the raising, bringing up, breeding and fostering of livestock in conjunction with one another. (21-18)

recreation facilities - private means any development providing amusement and enjoyment. Associated administrative offices, instructional classes, household and personal services and retail sales may be included as accessory uses in this use category. Typical developments would include, but not be limited

Commented [c54]: Align definition with listed uses

SECTION 17 INTERPRETATION

teletheatre betting establishment means a premises where gaming terminals are provided as gaming terminal is defined in the Gaming and Liquor Act, R.S.A. 2000, c. G-1 as amended and any parallel or successor legislation.

temporary means a period of time up to one (1) year.

temporary building means a building, other than a manufactured home, constructed without any foundation below grade; or any other building approved by the Development Authority for a temporary period.

temporary dwelling means a manufactured home, modular dwelling or single detached dwelling which has not been situated on a permanent foundation and is permitted. This use may be continued for a period longer than one (1) year where permitted. (21-18)

theater means a facility with fixed seating designed to show movies, plays, musicals or other similar entertainment activities but does not include adult entertainment uses.

Town means the Town of Okotoks, a municipal corporation in the province of Alberta, or the area within the corporate limits of the Town of Okotoks, as the context requires. (43-17)

Traffic Impact Report means a document authored by a qualified Traffic Engineer in support of a development permit application addressing as a minimum, the following:

- (a) existing and projected traffic volumes on abutting streets;
- (b) the traffic characteristics of the proposed development;
- (c) internal circulation and parking plan; and
- (d) the impact of the development and the access system on traffic operations on abutting street.

transitional surface means an imaginary surface consisting of an inclined plane associated with each side of the basic strip of runway 16-34 (Figure 3): (33-99)

- (a) that commences at and abuts the sides of the basic strip;
- (b) that rises at a slope ratio of 1:5 from an elevation at the center point of the runway opposite the proposed development, and measured from the sides of the basic strip; and
- (c) that ends at its intersection with the outer surface and take-off/approach surfaces.

trellis means a framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.

truck terminal means a use where vehicles are stored and dispatched, and may include trucks and tractor trailers, taxis or couriers. (16-17)

utility building means an above-ground, enclosed building or structure that is intended to contain a system or works used to provide a public utility. (16-17)

vehicle rental facilities means a development used for rental of passenger vehicles, light trucks, and vehicles used for household moving to the public. (29-07)

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