

BYLAW 14-22
A BYLAW IN THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO AMEND LAND USE BYLAW 17-21

WHEREAS pursuant to the provisions of Part 17, Division 5 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, and amendments thereto (hereinafter called the *Act*) the Council of the Town of Okotoks (hereinafter called Council) has adopted the Land Use Bylaw 17-21 (hereinafter called the Land Use Bylaw);

AND WHEREAS Council deems it necessary to amend the Land Use Bylaw;

AND WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Act*,

AND WHEREAS Council has held a public hearing as required by Section 692 of the *Act*,

NOW THEREFORE Council enacts that the Land Use Bylaw is amended as follows:

1. **Section 3.2 PERMITTED AND DISCRETIONARY USES** is amended by

- a. adding the use 'Pop-Up' with the COMMERCIAL uses in alphabetical order in Table 3.1 as follows:

	NA	ALH	RO	TN	NC	D	GC	IBP	A
Pop-Up	D	D	P	D	D	P	P	P	D

- b. adding 'Recreation – Active' as a DISCRETIONARY USE to the NA District in Table 3.1;

2. **Section 3.3 NATURAL AREAS DISTRICT (NA)** is amended by

- a. revising subsection **A. Overview** by adding the words “and active” immediately following the word *passive* within **Mix of Uses**, and the words “or in the cases where active recreation does not detract from the area” immediately following the word *considered* within **Site and Building Form**;
- b. revising subsection **C. Uses** by adding “Pop-Up” as a Discretionary Use to the COMMERCIAL uses:

Pop-Up	D
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- c. revising subsection **E. Building and Placement Standards** by deleting subsection **e. Building Design** in its entirety and replacing it with the following:

e. Building Design	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.
Private Utilities & Mechanical Equipment	Private Utilities and Mechanical Equipment shall be Buffered or incorporated into the Building design, where appropriate

- d. deleting subsection **G. Servicing Standards** and replacing it with the following new subsection:

G. Outdoor Lighting Standards

a. General	
All permanently installed lighting shall be Dark Sky Compliant	
b. Lighting	
Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site.
Site Illumination	Maximum of 13.5 lux at any location within the Site, except for within covered areas of a Building or Structure, within 5.0 metres of a Building entrance or exit, or temporary seasonal lighting.
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- e. revising subsection **H. Additional Standards** by deleting provision **3. Outdoor Lighting** in its entirety and renumbering the provisions that follow.

3. **Section 3.4 AGRICULTURAL & LAND HOLDINGS DISTRICT (ALH)** is amended by

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Discretionary Use to the COMMERCIAL uses:

Pop-Up	D
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

12. Pop-Ups must:

- A. Be limited to 4 per Site; and
- B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by adding subsection **e. Building Design** as follows:

e. Building Design	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.

- d. deleting subsection **H. Servicing Standards** and replacing it with the following new subsection:

H. Outdoor Lighting Standards

a. General	
All permanently installed lighting shall be Dark Sky Compliant	
b. Lighting	

Light Fixtures	Must be fully shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
Site Illumination	Maximum of 13.5 lux at any location within the Site, except for within covered areas of a Building or Structure, within 5.0 metres of a Building entrance or exit, or temporary seasonal lighting.
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- e. revising subsection **I. Additional Standards** by deleting provision **3. Outdoor Lighting** in its entirety and renumbering the provisions that follow.
4. **Section 3.5 RECREATION & OPEN SPACE DISTRICT (ROS)** is amended by
- a. revising subsection **C. Uses** by adding “Pop-Up” as a Permitted Use to the COMMERCIAL uses:
- | | |
|--------|---|
| Pop-Up | P |
|--------|---|
- b. revising subsection **D. Use Standards** by adding the following new provisions:
- 9. Pop-Ups** must:
- A. Be limited to 2 per Site; and
- B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.
- c. revising subsection **E. Building and Placement Standards** by deleting subsection **d. Building Design** in its entirety and replacing it with the following:

d. Building Design

Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Buildings shall have consistent architectural features and Building materials on all sides. Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.
Private Utilities & Mechanical Equipment	Private Utilities and Mechanical Equipment shall be Buffered or incorporated into the Building design, where appropriate

- d. deleting subsection **J. Servicing Standards** and replacing it with the following new subsection:

J. Outdoor Lighting Standards

a. General	
All permanently installed lighting shall be Dark Sky Compliant	
b. Lighting	
Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
Site Illumination	Maximum of 26.9 lux at any location within the Site, except for the extent of an illuminated playfield, within covered areas of a Building or Structure, within 5.0 metres of a Building entrance or exit, or temporary seasonal lighting
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- e. revising subsection **K. Additional Standards** by deleting provisions **2. Outdoor Lighting** and **6. Pop-Ups** in their entirety and renumbering the provisions that follow.

5. **Section 3.6 TRADITIONAL NEIGHBOURHOOD DISTRICT (TN)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Discretionary Use to the COMMERCIAL uses:

Pop-Up	D
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

9. Pop-Ups must:

- A. Be limited to 1 per Site; and
B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by deleting Interior Side Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Rear Lane Access</i>		<i>No Lane Access</i>	
	<i>Detached Buildings</i>	<i>Attached Buildings</i>	<i>Detached Buildings</i>	<i>Attached Buildings</i>
Interior Side Yard – Primary Building	Minimum 1.2 metres	Minimum 0.0 metres	Minimum 1.2 metres	Minimum 0.0 metres
Interior Side Yard – Accessory Buildings	Minimum 0.6 metres	Minimum 0.0 metres	Minimum 0.6 metres	Minimum 0.0 metres

- d. revising subsection **E. Building and Placement Standards** by deleting Rear Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Rear Lane Access</i>		<i>No Lane Access</i>	
	<i>Detached Buildings</i>	<i>Attached Buildings</i>	<i>Detached Buildings</i>	<i>Attached Buildings</i>
Rear Yard	Primary Buildings: Minimum 1.2 metres Accessory Buildings: Minimum 1.0 metres			

- e. revising subsection **E. Building and Placement Standards** by deleting subsection **f. Design Standards** in its entirety and replacing it with the following:

f. Design Standards	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.
Private Utilities & Mechanical Equipment	Private Utilities and Mechanical Equipment shall be Buffered or incorporated into the Building design, where appropriate

- f. revising subsection **H. Active Transportation & Vehicular Circulation Standards** by deleting provision 3.6.H(2)(c) Private Roads & Driveways and replacing it with the following:

c. Private Roads & Driveways	
Onsite carriageway width	7.0 - 9.0 metres
Driveway within Frontage width	Maximum 70% of the lot width or 9.0 metres, whichever is less
Design Standards	Surfaces must be paved and constructed to acceptable engineering standards and designed to accommodate emergency vehicles with adequate signage or design features to ensure roads are not blocked or impeded

- g. deleting subsection **K. Servicing Standards** and replacing it with the following new subsection

K. Outdoor Lighting Standards

a. General

All permanently installed lighting shall be Dark Sky Compliant

b. Lighting

Light Fixtures	Must be Fully Shielded
	Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;

Site Illumination	Maximum of 13.5 lux at any location within the Site, except for within covered areas of a Building or Structure, within 5.0 metres of a Building entrance or exit, or temporary seasonal lighting
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Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.
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- h. revising subsection **L. Additional Standards** by deleting provision **2. Outdoor Lighting** and **7. Pop-Ups** in their entirety and renumbering the provisions that follow.

6. **Section 3.7 NEIGHBOURHOOD CORE DISTRICT (NC)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Discretionary Use to the COMMERCIAL uses:

Pop-Up	D
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

9. Pop-Ups must:

- A. Be limited to 2 per Site; and

B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by deleting Detached Interior Side Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Residential Only</i>		<i>With Non-Residential Uses</i>	
	<i>Row Units</i>	<i>Stacked Units</i>	<i>Row Units</i>	<i>Stacked Units</i>
Detached Interior Side Yard	Primary Buildings: Minimum 1.2 metres Accessory Buildings: Minimum 0.6 metres			

- d. revising subsection **E. Building and Placement Standards** by deleting Rear Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Residential Only</i>		<i>With Non-Residential Uses</i>	
	<i>Row Units</i>	<i>Stacked Units</i>	<i>Row Units</i>	<i>Stacked Units</i>
Rear Yard	Primary Buildings: Minimum 1.2 metres Accessory Buildings: Minimum 1.0 metres			

- e. revising subsection **E. Building and Placement Standards** by deleting subsection **f. Design Standards** in its entirety and replacing it with the following:

f. Design Standards	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.
Private Utilities & Mechanical Equipment	Private Utilities and Mechanical Equipment shall be Buffered or incorporated into the Building design, where appropriate

- f. deleting subsection **K. Servicing Standards** and replacing it with the following new subsection:

K. Outdoor Lighting Standards

a. General	
All permanently installed lighting shall be Dark Sky Compliant	
b. Lighting	
Light Fixtures	Must be fully shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
Site Illumination	Maximum of 26.9 lux at any location within the Site, except for within covered areas of a Building or Structure, with 5.0 metres of a Building entrance or exit, or temporary seasonal lighting
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- g. revising subsection **L. Additional Standards** by deleting provisions **2. Outdoor Lighting** and **7. Pop-Ups** in their entirety and renumbering the provisions that follow.

7. **Section 3.8 DOWNTOWN DISTRICT (D)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Permitted Use to the COMMERCIAL uses:

Pop-Up	P
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- b. revising subsection **D. Use Standards** by deleting the words “and must include a Restaurant / Café” from **7. Industrial – Light**;
- c. revising subsection **D. Use Standards** by adding the following new provisions:

11. Pop-Ups must:

- A. Be limited to 2 per Site; and

B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- d. revising subsection **E. Building and Placement Standards** by deleting Interior Side Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Main Street</i>	<i>Elma Street East</i>	<i>Elma Street West</i>	<i>Riverfront</i>
Detached Interior Side Yard	Minimum 2.0 metres	Primary Buildings: Minimum 1.2 metres Accessory Buildings: Minimum 0.6 metres		

- e. revising subsection **E. Building and Placement Standards** by deleting the Site Coverage for *Elma Street East* under **c. Miscellaneous** and replacing it with “Maximum 70 percent”.
- f. revising subsection **E. Building and Placement Standards** by deleting the height for Primary Buildings in *Elma Street West* under **e. Height** and replacing it with “1 – 4 Storeys”.
- g. revising subsection **E. Building and Placement Standards** by deleting subsection **f. Design Standards** in its entirety and replacing it with the following:

	<i>Main Street</i>	<i>Elma Street East</i>	<i>Elma Street West</i>	<i>Riverfront</i>
f. Design Standards				
Allowable Projections into Setbacks	As specified under Section 5.20			
Building Form	Minimum 2.5 metre Stepback at 3 rd Storey	Residential form and character with peaked roofs		No requirement
Architecture	Buildings shall have consistent architectural features and Building materials on all sides.			

Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.

For Elma Street West: Respect historical character in form and materials when integrating new additions or changes

Private Utilities & Mechanical Equipment	Private Utilities and Mechanical Equipment shall be Buffered or incorporated into the Building design, where appropriate
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- h. revising subsection **G. Landscaping & Buffering Standards** by deleting “Fencing & Buffering” within subsection **4. Miscellaneous** in its entirety and replacing it with the following:

Fencing & Buffering	Maximum 1.0 metres high in a Primary Frontage Maximum 2.0 metres high in any other portion of a Site Additional Buffering may be required for non-residential Sites adjacent to residential Sites
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- i. deleting subsection **K. Servicing Standards** and replacing it with the following new subsection:

K. Outdoor Lighting Standards

a. General

All permanently installed lighting shall be Dark Sky Compliant

b. Lighting

Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
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Site Illumination	Maximum of 53.8 lux at any location within the Site
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- j. revising subsection **L. Additional Standards** by deleting provisions **2. Outdoor Lighting** and **7. Pop-Ups** in their entirety and renumbering the provisions that follow.
8. **Section 3.9 GENERAL COMMERCIAL DISTRICT (GC)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Permitted Use to the COMMERCIAL uses:

Pop-Up	P
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

13. Pop-Ups must:

- A. Be limited to 2 per Site; and
- B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by deleting subsection **e. Building Design** in its entirety and replacing it with the following:

e. Building Design	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Buildings shall have consistent architectural features and Building materials on all sides. Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.

Utilities & Mechanical Equipment	Must be Buffered or incorporated into the Building design, where appropriate
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- d. deleting subsection **K. Servicing Standards** and replacing it with the following new subsection:

K. Outdoor Lighting Standards

a. General	
All permanently installed lighting shall be Dark Sky Compliant	
b. Lighting	
Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
Site Illumination	Maximum of 53.8 lux at any location within the Site
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- e. revising subsection **L. Additional Standards** by deleting provisions **2. Outdoor Lighting** and **7. Pop-Ups** in their entirety and renumbering the provisions that follow.

9. **Section 3.10 INDUSTRIAL BUSINESS PARK DISTRICT (IBP)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Permitted Use to the COMMERCIAL uses:

Pop-Up	P
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

13. Pop-Ups must:

- A. Be limited to 2 per Site; and

B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by deleting subsection **e. Building Design** in its entirety and replacing it with the following:

e. Building Design	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	<p>Buildings shall have consistent architectural features and Building materials on all sides.</p> <p>Exterior building finish materials must be permanent and of a durable material. The materials and design must be compatible with other buildings on the site and in the vicinity.</p> <p>Alternative building standards may be considered by the Development Authority if they have a high degree of architectural interest along exteriors that front onto roadways or open spaces or provide a significantly more advanced sustainable design features than mandated by Alberta Building Code</p>
Utilities & Mechanical Equipment	Must be Buffered or incorporated into the Building design, where appropriate

- d. deleting subsection **L. Servicing Standards** and replacing it with the following new subsection:

L. Outdoor Lighting Standards

a. General
All permanently installed lighting shall be Dark Sky Compliant
b. Lighting

Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
Site Illumination	Maximum of 53.8 lux at any location within the Site
Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.

- e. revising subsection **M. Additional Standards** by deleting provisions **2. Outdoor Lighting** and **7. Pop-Ups** in their entirety and renumbering the provisions that follow.

10. **Section 3.11 AERODROME DISTRICT (A)** is amended by:

- a. revising subsection **C. Uses** by adding “Pop-Up” as a Discretionary Use to the COMMERCIAL uses:

Pop-Up	D
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- b. revising subsection **D. Use Standards** by adding the following new provisions:

5. Pop-Ups must:

- A. Be limited to 2 per Site; and
- B. Have no more than 1 non-illuminated Sign per Pop-Up up to 0.2 square metres.

- c. revising subsection **E. Building and Placement Standards** by deleting subsection **e. Building Design** in its entirety and replacing it with the following:

e. Building Design	
Allowable Projections into Setbacks	As specified under Section 5.20
Architecture	Exterior building finish materials must be permanent and of a durable material. The

	materials and design must be compatible with other buildings on the site and in the vicinity. Any Building features required by any federal aviation legislation or Transport Canada authority are exempt from these Architecture requirements
Utilities & Mechanical Equipment	Must be Buffered or incorporated into the Building design, where appropriate

- d. deleting subsection **I. Servicing Standards** and replacing it with the following new subsection:

I. Outdoor Lighting Standards

a. General

All permanently installed lighting shall be Dark Sky Compliant and consistent with this section unless otherwise required by Transport Canada

b. Lighting

Light Fixtures	Must be Fully Shielded Not produce direct glare visible to an observer at ground level at the Property Line of any property within 100 metres of the Site;
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Site Illumination	Maximum of 53.8 lux at any location within the Site
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Illumination beyond the Site	Not produce more than 5.4 lux beyond 8.0 metres of the Property Line, excluding any lighting outside of the Site.
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- e. revising subsection **J. Additional Standards** by deleting provision **3. Outdoor Lighting** in its entirety and renumbering the provisions that follow.

11. **Section 4.2 SIGN NOT REQUIRING A DEVELOPMENT PERMIT** is amended by:
- a. Adding the words “that does not exceed 30 percent of the window area” immediately following the word *Sign* within provision 4.2.E;
 - b. Adding the words “, or otherwise provide direction and wayfinding” immediately following the word *lands* within provision 4.2J;
12. **Section 4.3 SIGNS STANDARDS** is amended by:
- a. Revising subsection **1. A-Board Sign** to add the following words to **a. Use** for *Downtown*:
 - Permitted when associated with non-residential Uses
 - Discretionary when associated with residential Uses
 - b. Revising subsection **2. Fascia Sign** to add the following words to **Area** within **b. Size** for all Districts immediately following the word *metres*:
 - or 15% of bay façade, whichever is less
 - c. Revising subsection **3. Ground Sign** to:
 - i. delete **a. Use** for *Downtown* in its entirety and replace it with the word “Discretionary;
 - ii. replace the word “Minimum” with the word “Maximum” within **b. Size – Height from Grade** for *NA District*;
 - iii. replace the number “6.0” with the number “3.0” within **b. Size – Height from Grade** for *D District*;
 - iv. replace the word “Minimum” with the word “Maximum” within **b. Size – Height from Grade** for *GC and IBP Districts*; and
 - v. replace the number “5.0” with the number “3.0” within **b. Size – Area** for *D District*;
 - d. Revising subsection **4. Projecting Sign** to add the following words to the description immediately following the word *Façade*:
 - A Projecting Sign may extend into a Right-of-Way, Setback, or beyond the Property Line where permissible subject to Section 5.20.
 - e. Revising subsection **6. Temporary Sign** to delete provision *Period of Time* within **c. Miscellaneous** in its entirety.

13. **Section 5.1 INTERPRETATION** is amended by:

- a. Deleting subsection 5.1.E in its entirety and replacing it with the following new subsection:

E. For the purpose of confirming compliance with the Bylaw:

1. measurements shall be in metric and rounded off to the same number of decimal points as the provision with metric measurements take precedence over imperial measurements; and
2. an existing Primary Building on a Site that does not meet the minimum or maximum Building Setbacks for the District where it is located is compliant, if the Primary Building is within:
 - 0.2 metres of the minimum Primary Frontage or Secondary Frontage Setback,
 - 0.1 metres of the Rear Yard Setback, or
 - 0.1 metres of the Interior Side Yard where the Building is not attached, a Zero Lot Line, and wholly within the Site.

14. **Section 5.6 DEVELOPMENT OFFICER** is amended by:

- a. deleting the words “to take place within a Building” from provision 5.6.E(3) [Discretionary Uses on a Site to take place within a Building for which a Development Permit has been issued];
- b. deleting provision 5.6.E(9) [Development Permit application for Home Occupation – Minor] in its entirety and renumbering provisions following it accordingly;
- c. adding the following new subsections after formerly 5.6.E(10) [Development Permit application for Temporary Developments] [renumbered as 5.6.E(11)]:
 12. Development Permit Applications for an addition to a non-conforming building only if the addition (a) does not increase the gross floor area of the building by more than 10.0 percent; and (b) complies with the requirements of this Bylaw.

13. Development permit for structural alterations to a non-conforming building where the alterations are limited to: (a) new exterior openings to the building; (b) the replacement of up to 10.0 per cent in total of each of the structural elements of the building; or (c) any combination of new exterior openings to the building and the replacement of up to 10.0 per cent in total of each of the structural elements of the building.
14. Changes to an approved Development Permit.
15. **Section 5.7 VARIANCE POWERS** is amended by:
 - a. Adding the following new subsection after 5.7.C and renumbering the following subsections accordingly:
 - D. The above variance powers of the Development Officer and the Municipal Planning Commission apply to the consideration of a variance to a non-conforming building, in accordance with section 643(5)(c) of the *Municipal Government Act*, provided:
 - The proposed development is consistent with the purpose and intent of the applicable land use district;
 - The proposed development will not result in any additional non-compliance with the requirements of the District or other sections of this Bylaw;
 - There is no significant change to the land use or an increase in the intensity of the use, in the opinion of the Development Authority, and;
 - The proposed development meets the requirements of Section 640(6) of the *Municipal Government Act*.
16. **Section 5.15 DEVELOPMENT PERMITS NOT REQUIRED** is amended by:
 - a. Deleting subsection 5.15.A(4) in its entirety and replacing it with the following new subsections as well as renumbering the subsequent subsections:
 4. Residential Buildings containing up to 2 Dwelling Units in Land Use Districts where Dwelling Units are Listed as a Permitted Use, provided there is no existing Building on the Site that is being retained.

5. A Dwelling Unit within an existing Building provided the building contains one Dwelling Unit and no other Uses.
 - b. Deleting previous subsection 5.15.A(9) [renumbered 5.15.A(10)] in its entirety and replacing it with the following new subsection:
 10. A change in Use on a Site where:
 - a. The Building in which the Use is to be located has been approved;
 - b. The proposed Use is a Permitted Use in the Land Use District; and
 - c. The change is not from a Dwelling Unit to a Use under the Business, Commercial, or Institutional categories defined in Table 3.1.
 - c. Deleting previous subsection 5.15.A(15) [renumbered 5.15.A(16)] in its entirety and replacing it with the following new subsection:
 16. A deck, balcony or Retaining Wall, provided the Retaining Wall is not located within 30 metres of an Escarpment, not more than 1.0 metres at the highest point
 - d. Adding the following new subsections:
 25. Pop-Ups, where they are a Permitted Use and comply with Use Standards of the District where they are located.
 26. Agriculture – Urban where it is a permitted use
17. **Section 5.20 ADDITIONAL SETBACK & ENCROACHMENT CONSIDERATIONS** is amended by:
- a. Deleting subsection 5.20.A in its entirety and replacing it with the following new subsection:
 - A. In addition to the Setback Standards in Part 3: Land Use Districts, the following apply in all Districts:
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| 1. A Building or Structure, or portion thereof, may Project into a Setback as follows: | |
| Eaves | Maximum of 0.61 metres into any Setback, except where prohibited by provincial regulations or codes. |

cantilevers, chimney / fireplace	Maximum of 0.61 metres into any Setback provided they are located wholly within the Site .
Window Wells	Maximum of 0.8 metres into the Primary Frontage or Secondary Frontage Setbacks
Unenclosed Patios, Decks, sidewalks	No limit provided their floor surface does not rise more than 0.61 metres above Grade and is located wholly within the Site
Stairs and landings, Accessibility Features	Maximum of 3.0 metres into any Setback provided they are located wholly within the Site.
Accessory Buildings or Structures 10 metres squared or less in area	No limit provided they are a maximum height of 3.0 metres above Grade, located wholly within the Site, and not located within a utility Right-Of-Way or other easement.
Retaining Walls	No limit if the maximum height of the wall does not exceed 1.0 metres and does not conflict with any overland drainage easement, utility Right-of-Way, or Escarpment.
Construction wholly beneath the surface of the ground	No limits, except for private septic tanks or sewage holding tanks subject to provincial regulations
Decorative features such as light pillars, address displays, and statues	No limits provided they are wholly within the Site and not located within a utility Right-Of-Way or other easement

2. Additional Setbacks for all new Development

Escarpment	Minimum 30.0 metres from the top and toe of any Escarpment. The Development Authority
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	may relax this requirement where the appropriate engineering reports demonstrate that a reduced Setback will not adversely impact the Escarpment.
Sheep River	Minimum 60.0 metres from the high water level of the Sheep River as defined by provincial regulation. The Development Authority may relax this requirement where the appropriate engineering reports demonstrate that a reduced Setback will not adversely impact the Sheep River.
Arterial Roads	Minimum 27.0 metres from the boundary of the Southridge / Northridge Drive (Highway 2A), Highway 7, or 32 Street Right-Of-Way to a Building containing a Dwelling Unit. The Development Authority may relax this requirement where the appropriate reports demonstrate the Development is in line with best practices for sound attenuation or mitigation.
Railway	Minimum 27.0 metres from the boundary of the Canadian Pacific Railway Right-Of-Way to a Building containing a Dwelling Unit. The Development Authority may relax this requirement where the appropriate reports demonstrate the Development is in line with best practices for sound attenuation or mitigation.
Narrow lanes	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.

- b. Deleting subsection 5.20.B in its entirety and replacing it with the following new subsection:

- B. No Development shall project or encroach onto Municipal property, a Right-Of-Way, or a public road unless:
 - the Municipality and the landowner have entered into an encroachment agreement authorizing such encroachment; or
 - the encroachment is permitted without an encroachment agreement by the Town of Okotoks Encroachment Policy.

18. Insert the following new section after **Section 5.20 [ADDITIONAL SETBACK & ENCROACHMENT CONSIDERATIONS]** and renumber subsequent sections accordingly: **6.1 GLOSSARY OF TERMS** is amended by:

5.21 SERVICING STANDARDS

- A. All new Development and Subdivision must demonstrate adequate sewage collection, treatment and disposal, water supply, treatment and distribution, storm water collection and storage and road infrastructure capacity necessary to serve the Development.
- B. Where existing Parcels are not connected to the Municipality's piped wastewater system:
 - 1. Septic, biological or other sewage treatment and disposal tanks may be permitted where no public sewerage system is available within 50.0 metres of the Parcel; and
 - 2. Septic tanks or sewage holding tanks must be located within a Site in conformance with relevant provincial legislation.

19. **Section 6.1 GLOSSARY OF TERMS** is amended by:

- a. Deleting definition of the term "Agriculture - Urban" and replacing it with the following new definition:

Agriculture - Urban means community oriented, small-scale agriculture including, (but not limited to), community gardens, edible landscaping, rooftop gardens. It excludes Cannabis production. It may only include keeping of animal(s) if expressly permitted by other relevant municipal and / or provincial regulations.

- b. Deleting definition of the term "Commercial Vehicle" and replacing it with the following new definition:

Commercial Vehicle means:

- A. A vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation , in respect of a person's business, work or employment, the carriage of passengers or of goods, but does not include a private passenger vehicle and weighs in excess of 5,450kg;
 - B A vehicle registered as a commercial vehicle and has a registered weight in excess of 5,450kg; or
 - C. A tractor, grader, road building or road maintenance equipment, or construction equipment, other than truck-type vehicles, regardless of weight.
- c. Deleting definition of the term "Pop-up" and replacing it with the following new definition:

Pop-up means a Commercial Use that is temporarily located within an existing Building, temporary structure, or outdoors without significant or any modification to the Site. A pop-up use can include retail sales and service, food or beverage sales, artisan manufacturing by hand or with a limited level of automation, fitness instruction, outdoor theatre, or a combination of these uses provided all provincial health and safety regulations are adhered to and there is no impact beyond the Site. A pop-up use does not include Cannabis Retail, Livestock, or any service that is not same-day.

- d. Deleting definition of the term "Setback" and replacing it with the following new definition:

Setback means the minimum distance between the foundation of a Building or Structure and a Property Line. In the case of an irregular shaped Property Line, an average of three points is used to determine the distance between the Building or Structure and a Property Line.

- e. Adding a definition of the term "Encroachment Policy":

Encroachment Policy means a policy adopted by the Town of Okotoks Council, from time to time, that governs the manner in which encroachments onto Municipal property, rights-of-way, and roads are considered.

- f. Adding a definition of the term “Fully Shielded”:

Fully Shielded means the light fixture is constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.

- g. Adding a definition of the term “Site Depth”:

Site Depth means the perpendicular horizontal distance between the front and rear boundaries of the Site. In the case of an irregular shaped Lot, an average of three points is used to determine the depth.

20. This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 17-21 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

READ A THIRD TIME AND PASSED this day of , 2022.

Mayor

Chief Administrative Officer