

TOWN of INNISFAIL

LAND USE BYLAW NO. 1138/94

Office Consolidation

(to February 4, 2004)

BYLAW NO. 1138/94

A Bylaw to enact the Town of Innisfail Land Use Bylaw

WHEREAS Section 68 of the Planning Act, Revised Statutes of Alberta 1980 and amendments thereto, requires the council of a municipality with a population of 1000 or more to prepare and adopt a Land Use Bylaw; and

WHEREAS the Council of the Town of Innisfail has duly undertaken a review of the previous Land Use Bylaw.

NOW THEREFORE THE COUNCIL OF THE TOWN OF INNISFAIL IN THE PROVINCE OF ALBERTA ENACTS AS FOLLOWS

1. That this Bylaw may be cited as "The Town of Innisfail Land Use Bylaw".
2. That the Land Use Bylaw is designed for the orderly and economic development of the Town of Innisfail.
3. That Bylaw No. 1138, the former Land Use Bylaw and all amendments thereto, is rescinded in total upon the date on which this Bylaw is passed.
4. This Bylaw shall take effect on the date of its final passing.

READ A FIRST TIME the 11th day of April, 1994.

READ A SECOND TIME the 9th day of May, 1994.

READ A THIRD TIME AND FINALLY PASSED the 9th day of May, 1994.

Pat Newman,
Mayor

Barb Scott,
Secretary-Treasurer

**TOWN OF INNISFAIL
LAND USE BYLAW NO. 1138/94**

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1.0 DEFINITIONS and OPERATIVE CLAUSES

1.1 DEFINITIONS

For the purposes of this Land Use Bylaw, all words shall carry their customary meaning or as defined in the *Municipal Government Act* as amended from time to time except that

accessory building or accessory use means a building or use which, in the opinion of the Development Officer or the Municipal Planning Commission, is subordinate or incidental to the main building or use located on the same parcel of land;

accessory residential building means an accessory building to a residence, and includes such things as a garage, garden shed (or storage), greenhouse and satellite dish;

adjacent land means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream;

[Bylaw 1138/94-A16]

apartment means a residential building comprised of three or more dwelling units each with shared entrance facilities;

basement means a habitable portion of a building which is partly underground, but which has more than 50 percent of the distance between the floor level and the underside of the ceiling joists above the adjacent ground elevation;

basement suite means a basement developed as a dwelling unit or as a premise in which boarders or roomers may reside;

bed and breakfast establishment means an owner-occupied single-family detached dwelling where temporary accommodation is provided in two or fewer guest rooms, and one meal is supplied on a daily basis to registered guests;

buffer means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and Districts;

building means anything constructed or placed on, in, over or under land but does not include a highway or road, or a bridge forming part of a highway or public road;

[Bylaw 1138/94-A16]

building height means the vertical distance between the average of the highest and lowest finished grade levels immediately adjacent to a building and the highest point of the building that is not a roof stairway entrance, ventilating fan, skylight, steeple, chimney, firewall, parapet wall, flagpole or similar feature not structurally essential to the building;

cellar means a portion of a structure which is mainly underground, and which has less than 50 percent of the distance between the floor level and the underside of the ceiling joists above adjacent ground elevation;

convenience store means a retail store which serves the day-to-day needs of neighbourhood residents and employees;

corner site means a site at the intersection of and abutting two or more streets;

Council means the Council of the Town of Innisfail;

detached dwelling means a residential building containing only one dwelling unit, which is not attached to any other residential building but shall not include a mobile home;

development means development as defined by the *Municipal Government Act* and includes the following

- (a) the carrying out of any construction or excavation, or other operations on a site, or the making of any change in the use or intensity of use of any land, buildings or premises and, without restricting the generality of the foregoing, includes the removal of topsoil. For the purpose of this Land Use Bylaw, development also means the demolition of a building,
- (b) in a building or on a site used for residential purposes, any increase in the number of families living in the building or on the site, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the site,
- (c) the placing of refuse or waste material on any land,
- (d) the use of land for the storage or repair of motor vehicles or other machinery or equipment,
- (e) the use land for the parking of trailers, portable dwellings, skid shacks or any other type of portable building, and
- (f) includes the erection of signs;

Development Authority means the person or persons appointed pursuant to Development Authority Bylaw 1326; [Bylaw 1138/94-A16]

Development Officer means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

development permit means a document authorizing a development issued pursuant to this Land Use Bylaw. A development permit is separate and distinct from a building permit;

discretionary use means a use of land or a building referred to as a discretionary use in the Land Use Districts of this Land Use Bylaw and for which, subject to the provisions of this Land Use Bylaw, a development permit may be issued, with or without conditions;

District means a Land Use District;

duplex means a residential building consisting of only two dwelling units, located side by side or one above the other, each having a separate entrance and not attached to any other residential building;

dwelling unit means a self-contained room(s) designed or used exclusively as living quarters and with an independent entrance either directly from the outside of the building or through a common hallway inside the building;

dwelling unit for the occupancy of the owner, operator or caretaker means a dwelling unit which is accessory to other development on the site;

floor area means

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings, or
- (b) for commercial buildings, the total area of all floors in a building measured from the outside of exterior walls including basements and cellars;

fourplex means a residential building containing four dwelling units;

front parcel boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street;

front yard means that portion of the site extending across the full width of the site from the front property boundary of the site to the nearest part of the main building;

garden suite means a manufactured dwelling placed on a developed residential parcel as a physically separate, temporary additional dwelling for the sole occupancy by dependent or partly dependent parents, grandparents or adult children of the occupants of the primary dwelling on the parcel;

General Municipal Plan means the plan adopted by Council as the Town of Innisfail General Municipal Plan pursuant to the *Municipal Government Act*;

group home means a building or portion of a building used for the care or rehabilitation of no more than six children, adolescents or adults;

home based business means an occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building;

industrial service shop means a building used for assembly, fabricating, or repairing of goods or products. Typical uses associated with these shops include electrical, heating, metal, plumbing, welding, woodworking, cabinet makers, upholstering, furniture repair, painting and other similar uses;

intermunicipal development plan means a plan adopted by the Council and the Council of the County of Red Deer as an intermunicipal development plan pursuant to the *Municipal Government Act*,
[Bylaw 1138/94-A16]

landscaping means the modification and enhancement of a lot or site through the use of the following elements:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- (b) hard landscaping consisting of materials such as brick, stone, concrete, tile, wood or other similar materials, or
- (c) a combination of natural landscaping and hard landscaping, but does not include walkways or sidewalks deemed integral to building access;

Land Use Bylaw means Bylaw No. 1138/94 and amendments thereto;

Land Use District means an area of land designated on the Land Use District Maps for which a specific set of land uses and regulations have been set forth in this Land Use Bylaw or in the case of a Direct Control District are determined by Council;

land use policies means policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*, [Bylaw 1138/94-A16]

lane means a public thoroughfare which provides a secondary means of access to a parcel(s) and which is registered in the Land Titles Office;

local plan means a plan (other than the General Municipal Plan) which has been adopted by Council;

lot means a part of a parcel of land the boundaries of which are separately described in a certificate of title which may or may not be shown on a registered plan of subdivision;

main building means a building which, in the opinion of the Development Officer or the Municipal Planning Commission

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

There shall be no more than one main building on each site unless specifically permitted otherwise in this Land Use Bylaw;

main use means the primary purpose in the opinion of the Development Officer or the Municipal Planning Commission for which a building or site is used. There shall be no more than one main use on each site unless specifically permitted otherwise in this Land Use Bylaw;

manufactured home means a residential building containing one dwelling unit built in a factory in one or more sections, suitable for long term occupancy designed to be transported either on its own wheels and chassis or other means to a suitable site. [Bylaw 1138/94-A35]

manufactured home design means the external appearance of manufactured homes must be acceptable to the Municipal Planning Commission having regard to compatibility with other buildings in the vicinity and must have:

- 1) a minimum roof pitch of 2:12
- 2) a roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes.
- 3) a minimum roof overhang or eaves of 0.45 meter (1.48 feet) from each external wall.
- 4) a maximum length to width ratio of 3:1
- 5) a minimum width of 5.5 meter (18.0 feet).
- 6) a permanent foundation.

[Bylaw 1138/94-A35]

maximum building coverage means that percentage of the parcel area permitted to be covered by buildings;

mobile commercial sales means the sale of items from a motorized vehicle;

multiple housing development means two or more buildings containing dwelling units located on a parcel of land where all the buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development;

municipal development plan means a plan adopted by the Council as a municipal development plan pursuant to the *Municipal Government Act*,

[Bylaw 1138/94-A16]

Municipal Government Act means the *Municipal Government Act*, S.A. 1994, c. M-26.1, as amended;

[Bylaw 1138/94-A16]

Municipal Planning Commission or **MPC** means the Commission established pursuant to the *Municipal Government Act*,

[Bylaw 1138/94-A16]

neighbourhood shopping centre means a shopping centre serving the needs of the immediate neighbourhood;

non-conforming building means a building

- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and

[Bylaw 1138/94-A16]

- (b) that on the date a land use bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

[Bylaw 1138/94-A16]

non-conforming use means a lawful specific use

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw affecting the land or building becomes effective, and

[Bylaw 1138/94-A16]

- (b) that on the date this land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;

office support service means a service provided to businesses such as clerical, secretarial, employment, telephone answering, photocopying, printing, reproduction processes, and similar uses;

owner means the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land; [Bylaw 1138/94-A16]

parcel means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles Office;

parcel of land means

- (a) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- (b) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- (c) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title;

[Bylaw 1138/94-A16]

parking facility means a structure or area provided for the parking of motor vehicles;

permanent foundation means:

- a) a foundation meeting CSA Z240.10.1 standard, or
- b) an engineer approved wood foundation, or
- c) a poured concrete basement, or
- d) a concrete block foundation

[Bylaw 1138/94-A35]

permitted use means a use of land or a building referred to as a permitted use in the Land Use Districts of this Land Use Bylaw and for which a development permit shall be issued, with or without conditions, where the use meets the applicable provisions of this Land Use Bylaw;

personal services means uses which provide a service to individuals on a commercial basis, and includes such things as photographers, travel agencies, beauty salons, restaurants and dry cleaners;

private club means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal

organization, without on-site residences. Private clubs may include rooms for eating, drinking and assembly;

public or quasi-public use means a use of land or a building for purposes of public administration and service and shall also include a building which is available to the public for the purpose of assembly, instruction, culture, recreation or other community activity;

public utility means a public utility as defined in Part 17 of the *Municipal Government Act*.
[Bylaw 1138/94-A16]

public utility building means a building in which the proprietor of a public utility

- (a) maintains its offices, or
- (b) maintains or houses equipment used in connection with the public utility.
[Bylaw 1138/94-A16]

railway use means a use of land or a building directly related to the operation of a railroad system;

rear yard means that portion of the site extending across the full width of the site from the rear property boundary of the site to the nearest part of the main building;

retail store means the use of a building or portion thereof for the display and retail sale of merchandise to the public, and includes storage in the building of merchandise associated with such display and sale;

road means land:

- (a) shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or
- (b) used as a public road;

and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway;
[Bylaw 1138/94-A16]

row housing means a multiple dwelling comprised of three or more dwelling units separated from each other by a common or party wall with each dwelling unit having separate front and rear access to the outside grade;

screen means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and/or the view from surrounding properties;

setback means a distance additional to minimum yard requirements which may be required on parcels adjacent to a road;

shopping centre means a group of retail and personal service uses designed, developed and managed as a single unit and characterized by the sharing of common parking areas and driveways;

side yard means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest part of the main building;

sign means any structure, device or object used to identify, advertise or attract attention to any product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business;

site means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a single development which may include one or more structures;

statutory plan means a General Municipal Plan, Municipal Development Plan, Joint General Municipal Plan, Intermunicipal Development Plan, an area structure plan or an area redevelopment plan adopted by a bylaw of the municipality, or any one or more of them;
[Bylaw 1138/94-A16]

street means any category of public road except a lane;

Subdivision and Development Appeal Board means the board established pursuant to the *Municipal Government Act*;
[Bylaw 1138/94-A16]

Subdivision and Development Regulation means the Subdivision and Development Regulation (AR 212/95), as amended;
[Bylaw 1138/94-A16]

Town means the municipal corporation of the Town of Innisfail, or where the context requires, the area of land contained within the boundaries of the Town's corporate limits, that may vary from time to time;

veterinary clinic means a facility for the medical care and treatment of animals, and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs and enclosures;

veterinary hospital means a facility for the medical care and treatment of animals, and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures;

video arcade means a facility where four or more mechanical or electrical games are kept for the purposes of furnishing entertainment or amusement to the public for a fee;

yard means an area of open space on a site which is required to be unoccupied and unobstructed by any structure or a portion of a structure above grade of the graded lot unless otherwise permitted in this Land Use Bylaw;

All other words and expressions have the meaning respectively assigned to them in Part 17 of the *Municipal Government Act* and the Subdivision and Development Regulation.

[Bylaw 1138/94-A16]

1.2 TRANSITIONAL PROVISION

Any application for a development permit or amendment to the Land Use Bylaw commenced prior to its coming into force shall be evaluated under the provisions of the previous Land Use Bylaw.

1.3 METRIC AND IMPERIAL MEASUREMENTS

Imperial equivalents are provided beside every metric value in this Land Use Bylaw for convenience. Such equivalents are rounded to the nearest whole number. The metric value is the actual standard to be used.

1.4 SECTIONS FOUND INVALID

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

2.0 DUTIES and RESPONSIBILITIES of DEVELOPMENT OFFICER, MUNICIPAL PLANNING COMMISSION and DEVELOPMENT APPEAL BOARD

2.1 DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall
 - (a) receive, ensure the completeness and process all applications for development permits; and
 - (b) decide upon applications for development permits for permitted uses; and
 - (c) keep and maintain for inspection by the public a copy of this Land Use Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge; and
 - (d) keep a register of all applications for development, including the decisions thereon and the reasons therefore; and
 - (e) refer to the Municipal Planning Commission for its consideration any development permit application with respect to a discretionary use and such other matters as the Municipal Planning Commission may direct; and
 - (f) at his discretion, refer to the Municipal Planning Commission for its consideration any development permit application with respect to a permitted use.
 - (g) at his discretion, give a compliance certification for a main building set-back if within 0.25 meters of the requirement of the Land Use Bylaw 1138/94, and for an accessory building set-back if within 0.18 metres of the requirement of the Land Use Bylaw 1138/94. [Bylaw No.1138/94-A29]

2.2 MUNICIPAL PLANNING COMMISSION

Deleted [Bylaw 1325]

2.3 DEVELOPMENT APPEAL BOARD

Deleted [Bylaw 1326]

3.0 DEVELOPMENT PERMITS and NOTICES

3.1 DEVELOPMENT PERMIT REQUIRED

- (1) Except as provided in section 3.2 of this Land Use Bylaw, no person shall commence a development or allow a development to continue within the Town without first obtaining a development permit.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) No development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Land Use Bylaw

- (a) works of maintenance, repair or alteration to a building provided that such works do not include structural alterations or change the use or intensity of the use of the building;
- (b) the completion of any development which was lawfully approved or under construction at the date this Land Use Bylaw or any amendment thereto came into effect, provided that the development is completed in accordance with the terms of any permit granted by the Town and it is completed within 12 months of this Bylaw coming into effect;
- (c) the use of any such development referred to in subsection (c) for the purpose for which development was commenced;
- (d) the erection of any fence, wall or gate that is not more than 1 m (3.28 ft.) in height in front yards or 2 m (6.56 ft.) in height in other yards;
- (e) a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw. Such building is to be removed within 30 days of substantial completion of the development or as otherwise determined by the Development Officer;
- (f) the stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area when a development agreement has been duly executed;
- (g) the installation, maintenance and repair of utilities;
- (h) the construction or placement of an accessory building having an area of less than 10 square meters (108 square feet) and not exceeding 2.5 metres (8 feet) in height on a site in a residential district; [Bylaw 1138/94-A-31]

NOTE: Only one accessory building on a site may be exempt from the requirement of a development permit. A permit shall be required for all other accessory buildings.

- (i) a temporary use of a parcel not exceeding 7 days for the sole purpose of mobile commercial sales (eg. fish or fruit trucks, etc.), provided a business license is obtained from the Town and the location of the business is to the satisfaction of the Development Officer;

NOTE: All operators of licensed mobile trades and occupations shall provide to the Town written proof of permission to carry on said mobile trade or occupation

on private property. No trade or occupation will be permitted to operate on a public reserve, thoroughfare or right-of-way.

- (j) the use of a building or part thereof as a temporary polling station, candidate's campaign offices or any other temporary official use in connection with a federal, provincial or municipal election, referendum or census;
- (k) statutory and official notices of government authorities;
- (l) traffic and directional signs authorized by Council;
- (m) temporary signs promoting the sale or lease of real estate, providing that
 - (i) there shall not be more than one sign on any lot in a residential area. Such signs shall not exceed 1.5 m² (16 ft²).
 - (ii) in commercial and industrial areas, there shall not be more than one sign for each frontage and the area of such sign shall not exceed 11.5 m² (123 ft²).
- (n) temporary signs advertising garage sales, special events and charitable fund raising campaigns unless such signs will encroach on public property. It shall be the responsibility of the registered owner of the land to remove the signs 2 days subsequent to the event advertised;
- (o) temporary signs of building contractors relating to construction work in progress on the land on which the sign is erected, provided that
 - (i) the sign is wholly situated upon the site of the structure or land use to which it refers,
 - (ii) the sign shall not project over public property,
 - (iii) only one sign shall be permitted upon each site and limited in size to a maximum of 3 m² (32 ft²), and
 - (iv) the sign shall be removed prior to occupancy of the building;
- (p) notices of identification in respect of the land or building on which they are displayed, or professional, business and tradename plates relating to the occupants of the land or buildings on which they are displayed, providing that
 - (i) each name plate shall not exceed 0.2 m² (2 ft.²), and
 - (ii) such sign may be illuminated to Electrical Certification Standards but not flashing;
- (q) posters relating specifically to a pending election. Such posters must be removed within 2 days after the date of the election;
- (r) the construction, maintenance and repair of private walkways, paths, driveways and patios;
- (s) the placement of mobile homes in an approved mobile home park provided a development permit for the mobile home park has been issued and/or a development agreement duly executed; and
- (t) awnings and canopies which do not project over a property line.

- (u) satellite dishes equal or less than 1 meter in width [Bylaw 1138/94-A34]

3.3 CONTENTS of a DEVELOPMENT PERMIT APPLICATION

- (1) An application for a development permit shall be made on the prescribed form, signed by the owner or authorized agent, and submitted to the Development Officer. The following information, where applicable, shall accompany the application
 - (a) one site plan showing
 - (i) north arrow,
 - (ii) scale of plan,
 - (iii) legal description of property,
 - (iv) municipal address,
 - (v) lot lines shown with dimensions,
 - (vi) location of all existing and proposed buildings dimensioned to property lines,
 - (vii) utilities, site drainage and existing and proposed site grades,
 - (viii) location and size of existing trees, and
 - (ix) for multi-family, commercial, industrial, recreational, public and other similar uses
 - loading and parking provisions
 - access locations to and from the site
 - garbage and storage areas and the fencing or screening proposed for same
 - location and approximate dimensions of all existing and proposed parks, playgrounds and other amenity areas
 - treatment of landscaped areas, and
 - information describing any noxious, toxic, radioactive, flammable or explosive materials proposed for use or storage on site.
 - (b) plans showing elevations, floor plan and the perspective of the proposed development including a description of the exterior finishing materials and colours;
 - (c) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application; [Bylaw 1138/94-A16]
 - (d) a development permit fee as prescribed by resolution of Council; and
 - (e) such other plans and information as the Development Officer or the MPC may consider necessary to properly evaluate the proposed development.

For applications for signs, refer to section 8.27 of this Land Use Bylaw

3.4 WAIVER of INFORMATION REQUIREMENTS

The Development Officer may deal with an application for a permitted use and make a decision thereon without all the information required under section 3.3 if, in his opinion, a decision can be properly made without such information. Complete information shall be provided for all applications to be reviewed by the MPC.

3.5 INCOMPLETE APPLICATIONS

The Development Officer may return an application for a development permit to an applicant where sufficient details of the proposed development have not been included with the application. The application so returned shall be deemed not to be in its complete and final form until all required details have been submitted to the Development Officer.

3.6 DEVELOPMENT REFERRALS

- (1) The Development Officer or the MPC may refer to the County of Red Deer No. 23 for consideration any matter or any application for a development permit that may have an effect upon the County.
- (2) The Development Officer or the MPC may refer any application to any other agency or department for comment.
- (3) The Development Officer or the MPC shall refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy and Utilities Board, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility and the proposed development is not, in the opinion of the Development Officer, an infill development.

[Bylaw 1138/94-A16]

3.7 DEVELOPMENT PERMIT DECISIONS AND CONDITIONS

Permitted Uses

- (1) The Development Officer or the MPC shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, and may attach conditions to the permit necessary to ensure any of the following:
 - (a) Arrangements satisfactory to the Development Officer or the MPC for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (b) Arrangements satisfactory to the Development Officer or the MPC for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
 - (c) That the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the development;
 - (ii) to construct, or pay for the construction of:

- (a) a pedestrian walkway system to serve the development, or
 - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - (iv) to construct or pay for the construction of:
 - (a) off-street or other parking facilities; and
 - (b) loading and unloading facilities;
 - (v) to pay to the Town the costs paid by the Town to its Engineers, Planners, or any other person for the preparation or review of site development plans, review of construction drawings, materials testing, inspections, monitoring of construction, and any other engineering, planning and legal costs and expenses which the Town incurs in connection with the preparation, administration and enforcement of the development agreement.
- (d) That the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act, 1994;
- (e) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;
- (f) That the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (g) That the applicant submits a Real Property Report to the satisfaction of the Development Officer.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, the Development Officer or MPC:
- (a) may refuse the application giving reasons for the refusal; or
 - (b) may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans; or
 - (c) may approve the application pursuant to subsection (5) and subject to conditions listed in subsection (1).

Discretionary Uses

- (3) The MPC, in its discretion, may approve an application for a development permit for a discretionary use subject to:

- (a) Conditions listed in subsection (1); and
 - (b) Any conditions that the MPC may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
 - (i) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - (ii) Limiting the number of patrons;
 - (iii) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
 - (iv) Regarding the location, character and appearance of buildings;
 - (v) Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site;
 - (vi) Establishing the period of time during which a development may continue.
- (4) The MPC, in its discretion, may refuse an application for a development permit for a discretionary use giving reasons for its refusal.

Permitted and Discretionary Uses

- 5.1 The Development Officer or MPC, as the case may be, may approve, with or without conditions, an application for development that does not comply with this bylaw if, in the opinion of the development officer or the MPC,
- (a) The proposed development would not
 - (i) Unduly interfere with the amenities of the neighbourhood, or
 - (ii) Materially interfere with or affect the use, enjoyment or value or neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this bylaw.
- 5.2 The Development Officer or MPC, as the case may be, may advise that a real property report appears to conform with the land use bylaw if, in the opinion of the Development Officer or the MPC,
- (a) The existing development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) the existing development conforms with the use prescribed for that land or building in this bylaw or is considered a non-conforming use.
- 5.3 In approving an application for development pursuant to subsection (5.1) the Development Officer or MPC, as the case may be, shall adhere to the following:
- (a) a variance shall be considered only where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual bylaw requirements;

- (b) except as otherwise provided in this bylaw, there shall be no variance from maximum height and density regulations;
- (c) where the issuance of a development permit involves the exercise of any specified discretion of the Development Officer or MPC to relax a regulation of a district or any other regulation of this bylaw, the Development Officer or MPC shall not permit any additional variance from that regulation;
- (d) except as otherwise provided in this bylaw, where the decision on an application is being made by the development officer, a variance shall not be granted for less than ninety percent (90%) of any minimum regulation of more than one hundred and then percent (110%) of any maximum regulation; and

5.4 In the event that a variance is granted, the Development Officer or MPC shall specify the nature of the approved variance in the development permit approval.

[Bylaw 1138/94-A57]

3.8 CONDITIONS ATTACHED to DEVELOPMENT PERMIT

Deleted

[Bylaw 1138/94-A37]

3.9 PUBLIC NOTIFICATION

- (1) A decision of the Development Officer or the MPC on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant.
- (2) When an application for a development permit is approved, with or without conditions, the Development Officer shall
 - (a) send a notice of the decision by ordinary mail to all persons that the Development Officer considers may be affected; and/or
 - (b) arrange for a notice of the decision to be published in a newspaper circulating in the Town stating the legal description and the civic address of the site of the development and identifying the use which has been approved.

For discretionary uses, a notice of the decision shall also be immediately posted with the information prescribed in subsection (b) conspicuously on the property for which the application has been made.

- (3) When the Development Officer or the MPC refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

3.10 TIME LIMITS

- (1) The Development Officer or the MPC shall consider and decide on any application for a development permit within 40 days of the receipt of the application in its complete and final form, or within such longer period as the applicant may have agreed to in writing.
- (2) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Officer or the MPC within 40 days after receipt of the application in its complete and final form by the Development Officer, or within such longer period as the applicant may have agreed to in

writing. The applicant may appeal the lack of a decision as provided in section 4.0 of this Land Use Bylaw.

3.11 EFFECTIVE DATE of PERMIT

- (1) A development permit shall not be issued until 14 days after the notice of decision has been published in a newspaper or posted on the property, or 21 days if such notice is given by ordinary mail, whichever occurs last. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of applicant.
- (2) Should an appeal be made against a development approval pursuant to Section 4.0 of this Land Use Bylaw, a development permit shall not be issued unless and until the decision of the Development Officer or the MPC has been sustained by the DAB.

3.12 VALIDITY OF PERMIT

- (1) If the development authorized by a development permit is not commenced within 12 months from the date of its issue or the date of decision of the Subdivision and Development Appeal Board upon appeal, and completed within 24 months of the issue, the permit shall be deemed to be void, unless an extension to the commencement or completion date has first been granted by the Development Officer. [Bylaw 1138/94-A16]
- (2) A development permit issued according to this Land Use Bylaw is not a building permit and notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a building permit has been issued pursuant to applicable Bylaws and regulations.

3.13 COMPLIANCE with OTHER LEGISLATION

- (1) Compliance with this Land Use Bylaw does not exempt a person from the requirements of any other federal, provincial or municipal legislation, or complying with an easement, covenant, agreement or contract affecting the development.

3.14 RE-APPLICATION for a DEVELOPMENT PERMIT

- (1) Where an application for a development permit has been refused, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

3.15 FORMS and NOTICES

- (1) For the purpose of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary. [Bylaw 1138/94-A16]

3.16 APPEALS

Appeal from an order, a decision, or the failure to make a decision of the Development Officer or the Municipal Planning Commission, as the case may be, may be made in writing to the Town of Innisfail Subdivision and Development Appeal Board, in accordance with the appeal provisions of the *Municipal Government Act*. [Bylaw 1138/94-A16]

4.0 APPEALS

Deleted

[Bylaw 1138/94-A16]

5.0 ENFORCEMENT

5.1 CONTRAVENTION

(1) The Development Officer/Municipal Planning Commission is authorized to issue orders, by written notice, under Section 645 of the *Municipal Government Act* and in such order establish a time for compliance with such order, acting reasonably. [Bylaw 1138/94-A16]

(2) The provisions and regulations of the Provincial Offences Procedure Act, as amended, shall apply to the provisions and enforcement of this Land Use Bylaw. The Development Officer, Municipal Planning Commission, Bylaw Enforcement Officer, Peace Officer, Chief Administrative Officer, or whomever the Chief Administrative Officer shall designate is hereby authorized to enforce this Land Use Bylaw. [Bylaw 1138/94-A40]

5.2 OFFENCES and PENALTIES

(1) (a) A person who contravenes or does not comply with a provision of Division 5 of Part 13, or Part 17 of the *Municipal Government Act*, or this land use bylaw, or who obstructs or hinders any person in the exercise or performance of their powers under Part 17 or regulations under Part 17 of the *Municipal Government Act*, is guilty of an offence. [Bylaw 1138/94-A16]

(b) A person who is guilty of an offence referred to in 5.2.(1)(a) is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or both fine and imprisonment. [Bylaw 1138/94-A16]

(2) Where a person is found guilty of an offence under this Land Use Bylaw, the court may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw, or a development permit or condition attached thereto.

6.0 AMENDMENT of the LAND USE BYLAW

6.1 AMENDMENT

- (1) The Council may, on its initiative, give first reading to a Bylaw to amend this Land Use Bylaw.
- (2) A person may request to have this Land Use Bylaw amended by applying in writing to the Development Officer. The application shall:
 - (a) specify the nature of the amendment requested,
 - (b) outline the reasons for making the application,
 - (c) if the application is for a change of Land Use District, include the legal description or a drawing showing the location and dimensions of the property to be changed, and the applicant's interest in the land, and
 - (d) be accompanied by an application fee, as determined by Council from time to time. If first reading is not given to a Bylaw to amend this Land Use Bylaw, the fee, except for an administrative charge prescribed by Council, shall be refunded to the applicant.
- (2.1) If the amendment is for a redesignation of land, the Development Officer may require:
 - (a) an outline plan for the area to be redesignated to the level of detail specified by the Development Officer; and
 - (b) payment of a fee equal to the costs incurred by the Town to review the proposed redesignation and related outline plan, or if necessary to prepare an outline plan.
[Bylaw 1138/94-A16]
- (3) Upon receipt of an application for an amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than 10 days' notice to the applicant advising that he may appear before the Council and speak to the application. An application for an amendment must be placed before the Council within 60 days of its receipt by the Development Officer.
- (4) The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion
 - (a) refuse the application; or
 - (b) refer the application for further information; or
 - (c) pass first reading to a Bylaw to amend this Land Use Bylaw, with or without conditions; or
 - (d) defeat first reading of a Bylaw to amend this Land Use Bylaw; or

- (e) pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.
- (5) Following first reading of an amending bylaw, the Council shall
- (a) establish the date, time and place for a public hearing on the proposed Bylaw;
 - (b) if a Bylaw to establish procedures for public hearings has not been passed
 - (i) outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
 - (ii) outline the procedure by which the public hearing will be conducted.
[Bylaw 1138/94-A16]
- (6) Following first reading of an amending Bylaw, the Development Officer must give notice of the public hearing by
- (a) publishing notice at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or
 - (b) mailing or delivering notice to every residence in the area to which the proposed bylaw relates.
[Bylaw 1138/94-A16]
- (7) A notice of a public hearing must be advertised at least 5 days before the public hearing occurs.
[Bylaw 1138/94-A16]
- (8) A notice must contain
- (a) a statement of the general purpose of the proposed Bylaw and public hearing,
 - (b) the address where a copy of the proposed Bylaw and any document relating to it or the public hearing may be inspected,
 - (c) the date, place and time where the public hearing will be held.
[Bylaw 1138/94-A16]
- (9) In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection (6),
- (a) include in the notice
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land,

- (b) give written notice containing the information described in clause (a) and subsection (6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
 - (c) give written notice containing the information described in clause (a) and subsection (6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality. [Bylaw 1138/94-A16]
- (10) If the land referred to in subsection (9)(c) is in the County of Red Deer, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of the County of Red Deer. [Bylaw 1138/94-A16]
- (11) Notwithstanding subsection (5), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principle or substance. [Bylaw 1138/94-A16]
- (12) In the public hearing, the Council
 - (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and
 - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear. [Bylaw 1138/94-A16]
- (13) After considering the representations made to it about the proposed Bylaw, at the public hearing and after considering any other matter it considers appropriate, the Council may
 - (a) pass the Bylaw, or
 - (b) make any amendment to the Bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (c) defeat the Bylaw, or
 - (d) refer it for further information or comment. [Bylaw 1138/94-A16]
- (14) Prior to third reading, the Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the amending Bylaw. [Bylaw 1138/94-A16]
- (15) After third reading of the amending Bylaw, the Development Officer shall send a copy of it to
 - (a) the applicant,
 - (b) the registered owner of the land, if not the applicant,

- (c) the Director of Parkland Community Planning Services, and
 - (d) the County of Red Deer No. 23 if it received a copy of the proposed Bylaw pursuant to subsection (10) above. [Bylaw 1138/94-A16]
- (16) In this section,
- (a) “adjacent land” means land that is contiguous to the parcel of land that is being redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any additional land identified by the Development Officer. [Bylaw 1138/94-A16]
 - (b) “owner” means the person shown as the owner of land on the assessment roll prepared pursuant to the *Municipal Government Act*. [Bylaw 1138/94-A16]
- (17) The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of 3 months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly. [Bylaw 1138/94-A16]

7.0 ESTABLISHMENT of DISTRICTS

7.1 LAND USE DISTRICTS

- (1) For the purposes of this Land Use Bylaw, the Town of Innisfail is divided into the following Districts

Residential Single Family District	R-1A R-1B R-1C
Residential Medium Density District	R-2
Residential Multi-Family District	R-3
Residential Mobile Home Lot District	R-MHL
Residential Mobile Home Park District	R-MHP
Low Density Residential District	LDR
Central Business District	CB
Highway Commercial District	HWY-C
Industrial District	I
Public Use District	P
Reserved For Future Development	RD
Direct Control District	DCD

- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Maps in section 7.2. All roads, water courses, lakes and railway right-of-ways excluding the station grounds are excepted from the Land Use Districts.

7.2 LAND USE DISTRICT MAPS

- (1) In the event that a dispute should arise over the precise location of a boundary of any District as shown on the Land Use District Map, the Council shall decide thereon.

8.0 GENERAL LAND USE REGULATIONS

8.1 SPECIAL SETBACK REGULATIONS and REQUIREMENTS

(1) General

- (a) Notwithstanding any specific provisions in this Land Use Bylaw, yards in excess of the minimum requirements may be required when deemed necessary by the Development Officer or the MPC.

(2) Projections into Yards

Building projections constructed on foundation walls and footings shall be deemed to be part of the building and shall not be considered a projection over a yard.

- (a) Subject to the requirements of the Alberta Building Code and section 8.8 of this Land Use Bylaw respecting laneless subdivisions, the following features may project into any yard required by the Land Use Bylaw

Feature	Yard in Which Projection is Permitted	Maximum Permitted Projection into the Minimum Yard Setback
Eaves, chimneys	Any yard	610 mm (2 ft.)
Steps and exterior staircases	Front and rear yards only	1.5 m (5 ft.)
	Side yards	610 mm (2 ft.)
Window bays	Front and rear yards only	1 m (3 ft.)
	Side yards	610 mm (2 ft.)
Verandas, porches, balconies, terraces, patios or decks	Front yards	1.8 m (6 ft.) including eaves and cornices
	Rear yards	3.5 m (11 ft.)
	Side yards	610 mm (2 ft.)

- (b) The yard and setback provisions of this Land Use Bylaw do not apply to
 - (i) utilities;
 - (ii) surface parking;
 - (iii) fences;
 - (iv) awnings and canopies;
 - (v) wheelchair ramps; and
 - (vi) unenclosed patios, decks, sidewalks and steps when any portion does not rise more than 305 mm (1 ft.) above the finished ground level and lie wholly within the site.

(3) Sites Adjacent to Pipeline Right-of-Ways

- (a) Notwithstanding any other provision of this Land Use Bylaw, where a development is proposed on a site adjacent to a pipeline as defined in the Pipeline Act, no part of any building to be occupied by persons on a regular basis shall be constructed closer than 15 m (49 ft.) from the edge of the pipeline right-of-way. In certain instances, a greater distance may be required by the Development Officer or the MPC after consultation with the pipeline operator.

(4) Sites Adjacent to a Highway or Railway

- (a) Notwithstanding any other provision in this Land Use Bylaw, all buildings and structures adjacent to Highways 2, 2A and 54 shall be sited a distance from the highway right-of-way as determined by the Development Officer or the MPC after consultation with Alberta Transportation and Utilities.

It shall be the responsibility of the developer to provide a written copy of the Department's comments to the Town before a decision is made by the Development Officer or the MPC.

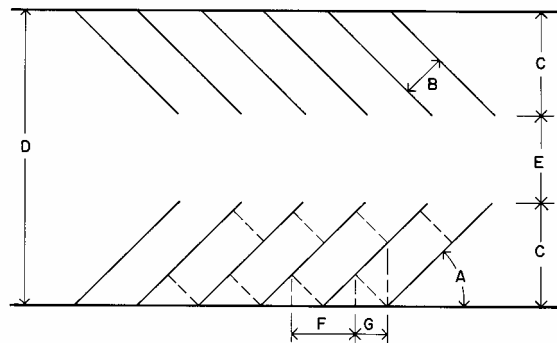
- (b) Notwithstanding any other provision in this Land Use Bylaw, all new residential development adjacent to Highways 2, 2A and 54 and the CP Railway shall be sited to provide for a noise barrier to be constructed to reduce the effects of traffic noise. The developer shall be responsible at the time of development for constructing a noise barrier to Town standards, or paying to the Town a sum of money equal to the cost of building the barrier.

8.2 PARKING

- (1) In all Districts excepting the Central Business District, parking spaces shall be provided on site in accordance with the following table, and unless otherwise stated, shall be calculated on the basis of gross floor area and where a fractional figure occurs shall be rounded to the next higher figure.
- (2) The parking requirement for any use not specified in subsection (1) shall be as determined by the Development Officer or the MPC having regard to the traffic expected to be generated by the proposed development.
- (3) When a building is enlarged, altered, or a change in the use occurs as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Land Use Bylaw. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, alteration, or change in the use of the building, in addition to any parking spaces that may have been removed due to the enlargement or alteration.
- (4) The parking space requirement on a parcel of land which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses, unless the applicant can otherwise demonstrate to the Development Officer or the MPC that there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements.
- (5) Parking spaces shall be located on the same parcel as the building or use for which they are being provided; however, at the discretion of the MPC, parking may be located on another property within 50 m (164 ft.) walking distance the owner of such property enters into an agreement with the Town ensuring the use of the site for the required number of parking spaces. The Town shall cause a caveat respecting the agreement to be registered against the land on which the parking spaces are located.
- (6) With the exception of residential parking requirements, the applicant of a development in the Central Business District may in lieu of providing parking spaces and subject to the approval of Council pay a sum of money equal to the number of parking spaces not provided. The rate per space shall be determined by Council by resolution.

Use of Building or Site	Minimum Number of Parking Spaces
Residential Detached dwelling Mobile home Duplex Fourplex Rowhouse Garden suite Apartment Multiple housing development Senior citizen's housing	2 per dwelling unit 1 per suite 2 per dwelling unit plus 1 space for every 5 units to be set aside for visitor parking 1 per 2 dwelling units
Commercial Business, administrative and professional offices Home improvement centre, lumber yard Hotel, motel Repair shops Restaurant, other food and/or drinking establishment Retail store, personal services Shopping centres	2.5 per 100 m ² (1076 ft. ²) 1 per employee plus 2.5 per 100 m ² (1076 ft. ²) of retail store area 1 per guest room plus 1 per employee on a maximum working shift 2.5 per 100 m ² (1076 ft. ²) 1 per 4 seats for patrons 3.0 per 100 m ² (1076 ft. ²) 4.5 per 100 m ² (1076 ft. ²)
Industrial Manufacturing, warehousing, wholesale and storage buildings and yards	1 per employee on a maximum working shift (minimum 5)
Public Hospital Medical and dental office or clinic Place of public assembly Place of worship School* Kindergarten, nursery school Elementary and junior high Senior high	1 per 4 beds plus 1 for every employee on a maximum working shift plus 1 per staff doctor and regular attending doctor 2 per full or part time professional plus 1 per other employee 1 per 4 seats 1 per 4 seats 1 per employee 1 per employee 4 per classroom plus 1 per employee <i>*Sufficient space must be provided for the safe transport and dropping off of students by bus and private vehicle</i>

- (7) Parking shall be designed in accordance with the following standards



A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Maneuvering Space	F Curb Length	G Row End
0	2.75 m (9.0 ft.)	2.75 m (9.0 ft.)	9.00 m (29.5 ft.)	3.5 m (11.5 ft.)	6.7 m (22.0 ft.)	0.00 m
30	2.75 m (9.0 ft.)	5.0 m (16.4 ft.)	13.50 m (44.3 ft.)	3.50 m (11.5 ft.)	5.45 m (17.9 ft.)	0.85 m (2.8 ft.)
45	2.75 m (9.0 ft.)	5.70 m (18.7 ft.)	15.40 m (50.5 ft.)	4.00 m (13.1 ft.)	3.85 m (12.6 ft.)	2.05 m (6.7 ft.)
60	2.75 m (9.0 ft.)	6.00 m (19.7 ft.)	17.5 m (57.4 ft.)	5.50 m (18.0 ft.)	3.20 m (10.5 ft.)	2.00 m (6.7 ft.)
90	2.75 m (9.0 ft.)	5.50 m (18.0 ft.)	18.00 m (59.1 ft.)	7.00 m (23.0 ft.)	2.75 m (9.0 ft.)	0.00 m

- (8) A minimum standard of 25 m² (270 ft.²) per parking space shall be used as a general calculation of parking area.
- (9) Parking areas shall be paved with a hard, durable, weather resistant surface where the parking area is directly accessed from a road which is paved or is intended to be paved or where, in the opinion of the Development Officer or the MPC, it would be in the interests of the amenities of the area.
- (10) All surfaces are to be graded so as to ensure that drainage is disposed of in a manner satisfactory to the Development Officer or the MPC.

8.3 LOADING SPACES

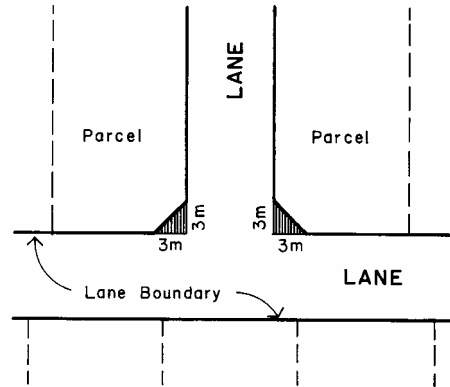
- (1) Loading spaces shall be required for all non-residential development and apartments. Such spaces shall be reserved for loading and unloading and shall not be used for the parking of other vehicles.
- (2) Loading spaces shall be designed and located so that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parcel before moving onto a road.
- (3) Loading spaces shall be located in rear and side yards only.
- (4) Each loading space shall be at least 235 m (11 ft.) wide, 9 m (30 ft.) long and have 4.6 m (15 ft.) of overhead clearance.
- (5) Loading areas shall be paved with a hard, durable, weather resistant surface where the loading area is directly accessible from a road which is paved or is intended to be paved or where, in the opinion of the Development Officer or the MPC, it would be in the interests of the area.

8.4 VEHICLE ACCESS to BUILDINGS

- (1) At street intersections, a driveway shall be set back from the intersection a distance which the Development Officer or the MPC considers necessary to ensure the safe and efficient movement of both existing and projected traffic volumes.
- (2) Driveways shall be separated by a distance which the Development Officer or the MPC considers necessary to ensure the safe and efficient movement of both existing and project traffic volumes.
- (3) In the interests of protecting road safety and traffic flow conditions, driveways will be restricted on the streets identified in the Land Use District Maps in section 7.2 of this Land Use Bylaw.
- (4) In residential districts, any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft.) in length, except where the driveway enters a lane where it shall be either 2 m (6.5 ft.) or at least 6 m (20 ft.) [Bylaw 1138/94-A5]

8.5 SIGHT LINES at INTERSECTIONS of ROADWAYS

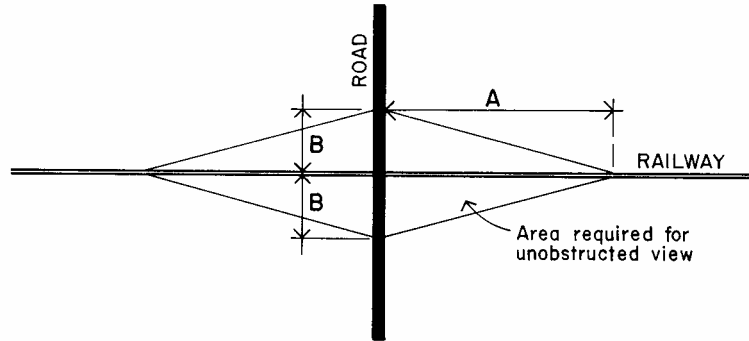
- (1) At the intersection of lanes, a 3 m (10 ft.) sight triangle shall be provided as follows



- (2) At the intersection of other roadways, the Development Officer or the MPC may require the calculation of sight triangles where
- (a) one or more rights-of-way is less than 15 m (49 ft.), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) one of the carriageways is not centred in its right-of-ways, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways.

8.6 SIGHT LINES at ROAD and RAIL INTERSECTIONS

- (1) At the intersections of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined as follows



Maximum Train Speed		Sight Distance A From Crossing		Maximum Vehicle Speed		Sight Distance B From Crossing			
km/h	(mph)	m	(ft.)	km/h	(mph)	m	(ft.)*	m	(ft.)**
32.19	(20)	91.44	(300)	32.19	(20)	32.00	(105)	18.29	(60)
48.28	(30)	137.16	(450)	48.28	(30)	53.34	(175)	28.96	(95)
64.37	(40)	182.88	(600)	64.37	(40)	79.25	(260)	44.20	(145)
80.47	(50)	228.60	(750)	80.47	(50)	112.78	(370)	64.01	(210)
96.56	(60)	274.32	(900)	96.56	(60)	150.88	(495)	85.34	(280)
112.65	(70)	320.04	(1,050)	112.65	(70)	192.02	(630)	111.25	(365)
128.74	(80)	365.76	(1,200)						
144.84	(90)	411.48	(1,350)						
160.93	(100)	457.20	(1,500)						

* distance based on level approach grade and good traction

** panic stop distances

- (2) At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Officer or the MPC may require the calculation of sight triangles where
- (a) one or more of the rights-of-ways is less than 15 m (49 ft.), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) either the carriage way or the railway is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.

- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopping motor vehicle be between 5 m (16 ft.) and 15 m (49 ft.) as required by the *Highway Traffic Act*.

8.7 SETBACKS on FUTURE MAJOR STREETS

Where a parcel abuts a street for which a setback is established, the minimum requirement for the yard abutting the street shall be increased by the amount of the applicable setback shown below

On	From	To	Existing Right-of-Way	Required Setback
50 Street	54 Street	60 Avenue		3 m (10 ft.) on south side

8.8 LANELESS SUBDIVISIONS

- (1) In a laneless subdivision in a residential district, one unobstructed side yard shall not be less than 3 m (10 ft.) unless alternate vehicle access is available to the rear yard.

NOTE: The only part of a dwelling which may project into this yard are the eaves.

- (2) In a laneless subdivision in a commercial or industrial district, one side yard shall be not less than 6 m (20 ft.). This does not apply to an accessory building where such building is located to the rear of the main building and separated therefrom by a minimum distance of 12 m (39 ft.).

8.9 ACCESSORY BUILDINGS

Residential Districts

- (1) No accessory building or any portion thereof shall be erected or placed in the front yard of a parcel.
- (2) Subject to Section 8.4 (4) an accessory building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3 ft.) from the side and rear boundaries of the parcel. [Bylaw 1138/95-A5].
- (3) Subject to Section 8.4 (4) an accessory building on a corner parcel shall not be situated closer to the street than the main building. It shall not be closer than 1 m (3 ft.) to the other side parcel boundary or the rear parcel boundary. [Bylaw 1138/95-A5]

- (4) Notwithstanding subsections (2) and (3), an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two parcels.
- (5) When a parcel abuts a lane less than 6 m (20 ft.) in width, the Development Officer or the MPC may require a rear yard setback for accessory buildings greater than the prescribed minimum.
- (6) An accessory building shall not be more than 4.5 m (15 ft.) in height.
- (7) An accessory building shall not exceed 68 square metres (728 square feet).
[Bylaw 1138/94-A30]
- (8) An accessory building shall be located a minimum of 2.5 m (8 ft.) from the main building unless a 1.5 m (5 ft.) side yard is provided.
- (9) An accessory building erected or placed on a parcel shall not be used as a dwelling.
- (10) No roof deck shall be constructed on an accessory building unless otherwise approved by the MPC as a discretionary use.

Other Districts

- (11) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Officer or the MPC.

For the purpose of calculating yard setbacks as provided in this Land Use Bylaw, an accessory building, if connected to the main building by a structural element including for purposes of example but not limited to a common foundation, roof or wall, shall be deemed to be part of the main building.

8.10 ONE MAIN BUILDING on a PARCEL

- (1) No person shall place more than one main building on a parcel except as follows
 - (a) in industrial and commercial districts more than one main building may be constructed on a parcel provided this is done in such a manner that, if there is future subdivision of the land, each building would be situated on a separate lot having its own access and yards, all in compliance with this Land Use Bylaw. Separate services are to be provided to each building.
 - (b) in residential districts where grouped dwelling units may be allowed.
- (2) The number of dwelling units permitted on a parcel shall be limited to one, except where
 - (a) in the opinion of the Development Officer/Municipal Planning Commission, either
 - (i) the building is clearly designed to be divided into more than one dwelling, or

- (ii) the development of the parcel is clearly designed to include more than one dwelling, and
- (b) the use conforms to the uses prescribed in Schedule “C” for the District in which the parcel is located, and
- (c) subject to Section 3.7(8), the development complies with the provisions of this Land Use Bylaw, and
- (d) a development permit is issued for the use.

[Bylaw 1138/94-A16]

8.11 RELOCATION of BUILDINGS

- (1) No moved-in building shall be permitted on a site in the Central Business District.
- (2) In all other districts, no person shall locate on a parcel a building which has previously been erected or placed on a different parcel, or alter the location on a parcel of a building which has already been constructed on that parcel, unless a development permit has been issued by the MPC.
- (3) In addition to the requirements of section 3.3(1), the MPC may require an application for a development permit to be accompanied by
 - (a) recent colour photographs showing all sides of the building;
 - (b) a statement of the age, size and structural condition of the building; and
 - (c) an indication of the improvements proposed to the building.
- (4) An application for a development permit may be approved by the MPC if the proposal conforms with all the pertinent regulations specified under the Land Use District in which it is proposed to be located.
- (5) Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the MPC may require the applicant to provide a letter of credit or other security of such amount to ensure completion of any renovations set out as a condition of development approval.
- (6) All structural and exterior renovations to a relocated building are to be completed within one year of the issuance of a development permit.

8.12 DEMOLITION of BUILDINGS

- (1) Whenever a development permit is issued for the demolition of a building, it shall be a condition of the permit that the site be properly cleaned, with all debris removed, and left in a graded condition acceptable to the Development Officer or the MPC.
- (2) Where a permit is approved, the Development Officer or the MPC may require the applicant to provide a letter of credit or other security of such amount to cover the costs of reclamation and any damage to utilities.

8.13 TEMPORARY BUILDINGS

- (1) The MPC may conditionally approve a temporary building to be placed on a site subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed by the MPC.
- (2) Soft sided shelters shall not be permitted on a site in a Residential District. A soft sided shelter may be allowed as a discretionary use in Industrial and Commercial Districts upon the approval of the MPC where a development permit is issued as a temporary structure. The structure must meet Alberta Building Code requirements and the property owner must renew its permit annually.

[Bylaw 1138/94-A32]

8.14 MULTIPLE USES

- (1) When any land or building is used for more than one purpose, all provisions of this Land Use Bylaw relating to each use shall be satisfied. Where there are conflicts such as in the case of lot size, the more stringent standards shall prevail.

8.15 NON-CONFORMING USES and BUILDINGS

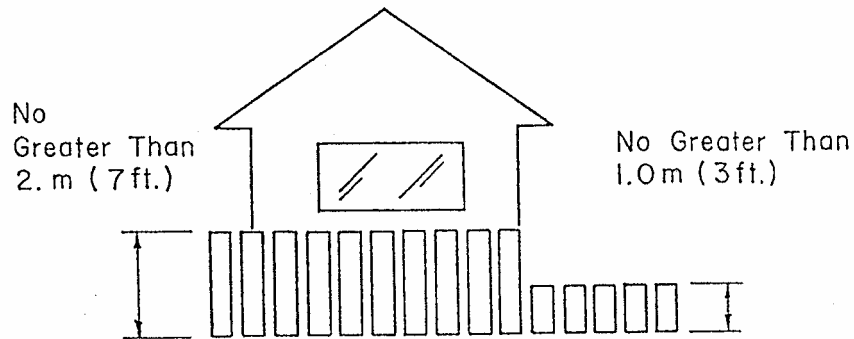
- (1) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
[Bylaw 1138/94-A16]
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
[Bylaw 1138/94-A16]
- (3) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
[Bylaw 1138/94-A16]
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) to make it a conforming building,
 - (b) for routine maintenance of the building, if the Development Officer/Municipal Planning Commission considers it necessary, or
 - (c) in accordance with the provisions of Section 3.7(8).
[Bylaw 1138/94-A16]
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Land Use Bylaw.
[Bylaw 1138/94-A16]
- (6) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.
[Bylaw 1138/94-A16]

8.16 LANDSCAPING

- (1) Except in the case of single-family detached housing and the CB District or as otherwise specified in the Land Use Bylaw, landscaping shall be provided in accordance with the following schedule
 - (a) A minimum of 10 percent of the site area shall be landscaped. In addition, all areas not covered by buildings and parking shall be landscaped.
 - (b) All boulevards adjacent to the development site shall be seeded or sodded, excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall received prior approval. All boulevard landscaping shall be in accordance with the standards of the Town.
 - (c) Trees shall be provided at the rate of one tree for every 50 m² (538 ft.²) of the required landscaped area. A minimum of one coniferous tree shall be planted for every two deciduous trees. Minimum tree size specifications shall be
 - (i) Coniferous - 1 m (3 ft.) high
 - (ii) Deciduous - 1.5 m (5 ft.) high
 - (d) All landscaping shall be protected by concrete curbs or other approved barriers having a minimum height of 140 mm (6 in.) or separated from the street or parking area by a paved, curbed sidewalk.
 - (e) Landscaping is to be completed to the satisfaction of the Development Officer or the MPC by the end of the first full growing season following completion of construction of the use.
 - (f) Financial security in the form of an irrevocable letter of credit for 100% of estimated landscaping costs shall be provided. The letter of credit will be released upon satisfactory completion of the landscaping in accordance with the approved plan.
- (2) In the case of single-family Detached Dwelling, landscaping shall be completed to the satisfaction of the Development Officer or Municipal Planning Commission by the end of the first full growing season following completion of construction or the commencement of the use, whichever occurs first. All landscaping shall be of a type and quality that is satisfactory to the Development Officer or Municipal Planning Commission.[Bylaw 1138/94-A19]

8.17 FENCES

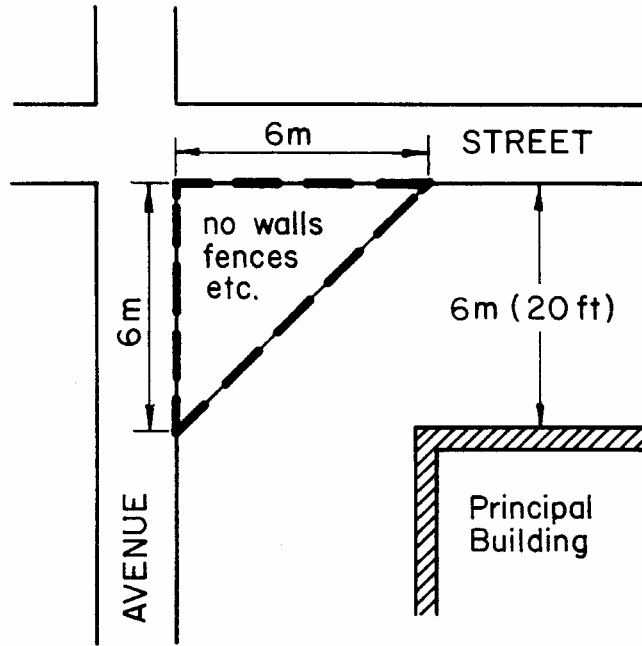
- (1) No person shall construct a fence on a site in a residential district that is higher than
 - (a) 2 m (6.56 ft.) measured from the general ground level on the property line on whichever side of the fence is the lower, for the part of the fence that does not extend beyond the foremost portion of the main building on the site or the adjacent site, whichever is further from the front property line; and
 - (b) 1 m (3.28 ft.) measured from the general ground level on the property line on whichever side of the fence is the lower, for the part of the fence that does extend beyond the foremost portion of the main building on the site or the adjacent site, whichever is further from the front property line except that on a corner site, the restrictions set out in section 8.18 shall apply.



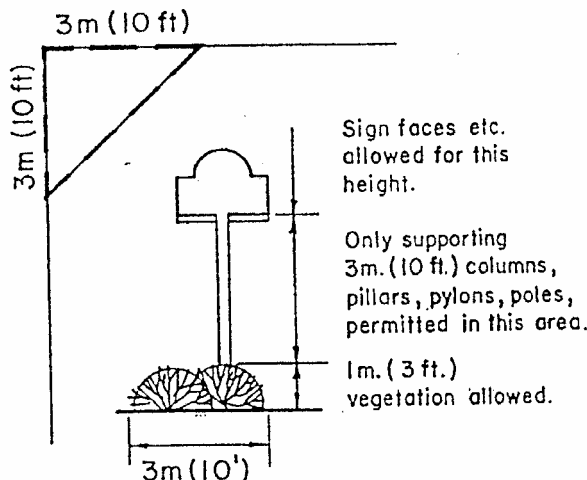
- (2) The height of any fence in any district other than a residential district shall be determined by the Development Officer or the MPC.
- (3) Except where approved by the MPC, barbed wire fences shall not be permitted. No electrification of fences shall be allowed.

8.18 RESTRICTIONS on CORNER SITES

- (1) Notwithstanding any other provisions of this Land Use Bylaw, except as permitted in subsection (2), no person shall place or maintain in or upon that portion of a lot or site within a sight triangle, a wall, fence, shrub, hedge, tree or other object or structure if such object or structure interferes with or obstructs the view of the driver of any vehicle using the streets abutting such lot or site.



- (2) In the Central Business District, no structure or vegetation except a supporting column or pillar or a sign, or pylon/pole shall be erected or permitted to grow between the heights of 1 m (3 ft.) and 3 m (10 ft.) above the street grade that abuts the lot line adjacent to the street line for a distance of 3 m (10 ft.) from their point of intersection.



8.19 LIGHTING of SITES

- (1) Any outdoor lighting for a development shall be located and arranged so that no direct rays of light are directed at an adjoining lot or site or interfere with the effectiveness of any traffic control device.

8.20 HOME BASED BUSINESSES

(1) Application for Development Permit

- (a) An application for a development permit for a home based business shall be made by submitting to the Development Officer the prescribed form which shall, among other things, include a detailed description to the amount of materials and equipment proposed to be stored on site, the number of vehicles related to the business, the amount of client contact proposed at the site and hours of operation.
- (b) If the applicant is not the registered owner of the property, a letter from the owner is required granting the applicant permission to use the property for the proposed business.

(2) General Requirements

- (a) Home based businesses shall be limited to those uses which do not change the residential character of the dwelling site or interfere with the use and enjoyment of the neighbourhood as a residential area, and as such shall not
 - (i) have any form of advertising related to the business discernible from the outside of the building;
 - (ii) create any nuisance by way of dust, noise, smell or smoke, or anything of a dangerous or objectionable nature;
 - (iii) generate pedestrian or vehicular traffic, or on-street or off-street parking in excess of that which is characteristic of the residential district in which it is located;

Home based business operators shall not advertise the address of their business to the general public.

There shall be not more than one customer at any time on site.

- (iv) have outdoor business activity, including storage of material or equipment associated with the business on site and/or adjacent sites;
- (v) require alteration to any building unless such alteration is approved by the MPC;
- (vi) employ any person other than one who permanently resides in the residential dwelling on the site in which the business takes place. Notwithstanding this, persons other than residents of the dwelling unit may be employed by the business at some other location; and
- (vii) have more than one commercial vehicle related to the business parked on the site or adjacent street and such vehicle shall be limited to a size not more than 1 tonne, unless otherwise approved by the MPC.

- (b) All approvals for home based businesses shall expire on December 31st of that calendar year, at which time a request must be made by the applicant for renewal to continue operation of the business.

No new development permit application will be necessary for a home based business renewal.

In consideration of such renewals, the Development Officer will do an annual inspection and report to the MPC, which will include a list of any complaints in regards to individual home based businesses.

- (c) If, at any time, any of the requirements for home based businesses in residential districts are not complied with, the MPC may suspend or cancel a development permit
- (d) A home based business permit does not exempt compliance with health regulations or any other permit regulations.

8.21 BED and BREAKFAST ESTABLISHMENTS

- (1) Bed and breakfast establishments are allowed in the Town provided that they are secondary to the residential use of the dwelling. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a residential area. In this regard, bed and breakfast establishments shall comply with the following standards.
 - (a) alterations to the residence shall be limited so that a home can be easily re-converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the MPC;
 - (b) one sign only shall be permitted to identify, rather than advertise the establishment. Such sign must not exceed 0.6 m² (2 ft.²); and
 - (c) off-street parking shall be provided as follows: two parking spaces for the dwelling unit plus one space per guest room.
- (2) A development permit issued for a bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.

8.22 OBJECTS PROHIBITED or RESTRICTED in RESIDENTIAL DISTRICTS

- (1) No person shall be allowed to keep or maintain on a site in a residential district
 - (a) deleted [Bylaw 1138/94-A39]
 - (b) building materials or supplies other than what the Development Officer or the MPC consider necessary for the completion of construction work on the site; or

- (c) any other object or chattel which, in the opinion of the Development Officer or the MPC, is unsightly or tends to adversely affect the amenities of the surrounding area.

8.23 SATELLITE DISHES in RESIDENTIAL DISTRICTS

A satellite dish to be installed in a residential district is considered an accessory building which requires a development permit.

- (1) No person shall erect or permit to be erected a satellite dish
 - (a) that is located in a front or side yard abutting a street;
 - (b) that is less than 1 m (3 ft.) from side and rear property lines except that on a corner site, no part of the dish shall be closer to the street than the main building;
 - (c) that is used for commercial (advertising) purposes; and
 - (d) that is illuminated.
- (2) A satellite dish shall be sited in such a way that minimizes its impact on neighbours.
- (3) Not more than one satellite dish shall be permitted on a site, unless otherwise approved by the Development Officer or the MPC.

Considerations for Selection, Siting and Appearance

- *Select a dish no larger than the minimum required for good reception*
- *Select a dish that blends in with its background*
 - a white dish may blend against a white background but may be conspicuous against darker backgrounds; a mesh or transparent dish may be less obtrusive than a solid one*
- *Site the dish in an inconspicuous place, preferably where the neighbours cannot see it.*
- *Dishes are available in a range of makes and appearances; the choice is therefore important.*

8.24 GARDEN SUITES

- (1) A garden suite shall only be placed in the rear yard of a parcel.
- (2) A garden suite shall be situated so that it is at least
 - (a) 1.5 m (5 ft.) from the side property boundary except that on a corner parcel, the garden suite shall be no closer to the street or avenue than the primary dwelling;

- (b) 1.5 m (5 ft.) from the rear property boundary when the garden suite has a blank wall facing that boundary;
 - (c) 3.0 m (10 ft.) from the rear property boundary when the garden suite has a window opening in the wall facing that boundary;
 - (d) 2.5 m (8 ft.) from the primary dwelling and all other buildings on the parcel.
- (3) A garden suite shall not be more than 4.5 m (15 ft.) in height and shall not exceed the height of the primary dwelling.
 - (4) A garden suite shall not have a floor area of more than 55 m² (592 ft.²) or that which exceeds the floor area of the primary dwelling.
 - (5) A garden suite shall be placed on prepared cribbings or piers and shall be skirted within 30 days of its placement on the parcel.
 - (6) A garden suite shall be connected to the utilities servicing the primary dwelling.
 - (7) There shall not be more than one garden suite on any parcel nor shall a garden suite be placed on any parcel which contains two or more permanent dwellings units.
 - (8) The design and appearance of the garden suite shall be acceptable to the MPC.
 - (9) Prior to deciding upon an application for a development permit for a garden suite, the MPC shall notify, in writing, all adjacent landowners and such other people it considers may be affected by the development, of the receipt of the application and provide them with an opportunity to comment on the proposal.
 - (10) A garden suite shall be removed from a parcel within 30 days of the death or permanent departure of the occupants, or the sale or rental of the primary dwelling.

8.25 NEIGHBOURHOOD SHOPPING CENTRES

- (1) Where a neighbourhood shopping centre is proposed in a residential district, the following special provisions shall apply
 - (a) site requirements for building coverage, height and yards shall be as set out in the District in which it is located;
 - (b) the site shall be kept in a clean condition free from waste and debris;
 - (c) a minimum of 10 percent of the site area shall be landscaped to the satisfaction of the MPC;
 - (d) garbage storage areas shall be screened from public thoroughfares and adjacent properties, and be in a location easily accessible for pickup to the satisfaction of the MPC; and
 - (e) the size of any centre shall be determined by the MPC having regard to demand and location of such centre and the proximity of other centres.

8.26 VIDEO ARCADES

- (1) Video arcades will not be allowed in neighbourhood shopping centres or other sites that are adjacent to areas which are primarily used for residential purposes.
- (2) The use or operation of a video arcade shall not cause or create any condition such as noise or lighting which may, in the opinion of the Development Officer, be objectionable beyond the arcade.

8.27 SIGNS and OUTDOOR ADVERTISEMENTS

(1) Applications

- (a) Unless specifically exempted under section 3.2 of this Land Use Bylaw, all signs shall be subject to approval by the MPC
- (b) A development permit application for sign shall include the following information
 - (i) location of the sign by elevation drawing or site plan of the property showing distance to front and side property lines, approaches or driveway locations and distances from existing building;
 - (ii) overall dimensions of the sign;
 - (iii) amount of projection from the face of the building or above the building roof or parapet wall;
 - (iv) height of a freestanding sign;
 - (v) amount of projection over public property;
 - (vi) height of sign above ground level; and
 - (vii) manner of illuminating the sign in any form of animated or intermittent lights.

(2) General Provisions

- (a) A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings.
- (b) No approval shall be granted for a sign which will overhang a street, sidewalk or other Town property until
 - (i) the applicant enters into an encroachment agreement with the Town; and
 - (ii) the applicant files with the Town in a form satisfactory to the Town's solicitors a public liability and property damage policy in favour of the Town in the principal amount of \$500,000.00 inclusive limits in respect of loss sustained by one or more persons or damaged property, executed under seal by an insurance company registered to do business within the province of Alberta, indemnifying against liabilities, claims, actions, loss, damages, judgements, costs and expenses which may accrue or be suffered by installation, suspension or alteration, and the maintenance and use of the sign in respect of which the application for a development permit has been made, and shall maintain such insurance in force until a sign has been taken down and removed.(c) Where a sign projects over

public property, a minimum clearance of 2.5 m (8 ft.) above ground level shall be maintained.

- (d) A larger clearance of 4.6 m (15 ft.) shall be maintained where a sign is located or projects into or over a driveway or other area of vehicle movement.
- (e) A sign shall not obstruct the view of or be liable to be confused with any authorized traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- (f) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
- (g) The owner of a sign shall be responsible for maintaining this sign in a proper state of repair and shall
 - (i) keep it properly painted at all times;
 - (ii) insure that all structural members and guy wires are properly attached to the sign and building and meet proper safety standards; and
 - (iii) clean all sign surfaces as it becomes necessary.

(3) Fascia Signs

A fascia sign is a sign placed flat and parallel to the face of the building to that no part projects more than 0.3 m (1 ft.) from the building. It does not include a billboard.

- (a) No fascia sign shall be lower than 2.5 m (8 ft.) above grade, except in the case of a sign intended solely for the information of pedestrians in which case the height shall be determined by the MPC having regard, amongst other things to public safety.
- (b) No fascia sign on a single storey building shall be higher than the eaveline of the building.
- (c) No fascia sign on a building of two or more storeys shall be higher than the sill level of the second floor windows or the equivalent height in the case of a sign attached to a blank wall, unless otherwise approved by the MPC.

(4) Projecting Signs

A projecting sign is a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building or structure.

- (a) No projecting sign shall be permitted in the CB District on Main Street between 49 Avenue and 53 Street.
- (b) No part of a projecting sign shall be less than 2.5 m (8 ft.) above finished grade.
- (c) No projecting sign on a single storey building shall be higher than the eaveline of the building.

- (d) No projecting sign on a building or two or more storeys shall be higher than the sill level of the second floor windows or the equivalent height in the case of the sign attached to a blank wall, unless otherwise approved by the MPC.
- (e) The maximum size for projecting signs shall be 0.9 m² (10 ft.²).
- (f) Only one projecting sign may be erected on each street frontage of a building, unless otherwise approved by the MPC.

(5) Freestanding Signs

A freestanding sign is a sign that is supported independently of a building, wall or structure. It does not include a portable sign.

- (a) With the exception of signs used solely by community organizations, a freestanding sign shall be situated wholly upon the site of the building or land use to which the sign refers.
- (b) A sign shall not project over the property line.
- (c) No freestanding sign is to exceed 9 m (30 ft.) in height or 9 m² (97 ft.²) in area, except that a sign identifying a neighbourhood commercial site in or adjacent to a residential area shall have a maximum permitted height of 7.5 m (25 ft.) and a maximum permitted area of 4.6 m² (50 ft.²).
- (d) Only one freestanding sign shall be allowed on each site.

(6) Billboards

A billboard is a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

- (a) No billboard or any portion thereof shall be erected or placed in the HWY-C, Industrial, or RD Districts.
- (b) Subject to Section 8.15 Non-conforming Uses and Buildings of this Land Use Bylaw, all existing billboards are to be considered as non-conforming structures.

[Bylaw 1138/94-A38]

(7) Portable Signs

A portable sign is a sign which is not in a permanently installed or affixed position.

- (a) Only one portable sign shall be permitted on a parcel at any one time.
- (b) No portable sign shall be higher than 2 m (7 ft.) above grade or larger than 3 m² (32 ft.²).

- (c) Portable signs shall be situated wholly upon the site of the business or land use to which the advertising of the sign refers, with the exception that the portable sign may be used for advertising community/non-profit organizations events.
- (d) No portable sign shall be placed on any Town owned property, except with the consent or agreement of Town Council.

(8) Awnings

An awning is a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather.

- (a) Awnings shall be constructed of durable, colour-fast material.
- (b) Awnings shall be tightly stretched over a ridged metal frame in order to minimize the accumulation of dirt through sagging, and also to improve their neat appearance.
- (c) Minimum clearance shall be 2.5 m (8 ft.).

(9) Canopy Signs

A canopy is any permanently fixed structure other than an awning, which is roofed solid and projects from the face of the building for the purpose of affording protection or shelter from the weather and which is supported solely from the building.

A canopy sign is any sign attached to and forming part of the face of a canopy or sign suspended and supported under a canopy.

- (a) Canopy signs shall be attached to the structure to which they refer.
- (b) Canopy signs may be attached to any or all faces of the canopy.
- (c) Under canopy signs shall not exceed a depth of 0.3 m (1 ft.) and shall not project beyond the outer edge of the canopy.
- (d) Canopy signs attached to the face of the canopy or under the canopy shall have a minimum clearance to the finished grade of 2.5 m (8 ft.).

(10) Roof Signs

A roof sign is any sign placed on or over a roof or a parapet of a building.

- (a) The Town shall be satisfied that the purpose of the sign cannot be achieved by another type of sign.
- (b) The sign shall refer to the business conducted in the building on which it is erected.
- (c) No part of the sign shall overhang the roof.

(11) Wall Signs

A wall sign is any panel, lettering or display painted directly on the exterior wall of the building.

- (a) A wall sign shall conform to the provisions regulating fascia signs under subsection (3).

(12) Other Signs

- (a) The MPC may approve other signs subject to the general provisions of subsection (1).

(13) Sign Removal

- (a) Where a sign no longer fulfills its function under the terms of this Land Use Bylaw, the MPC may recommend that the Council resolve to order the removal of the sign and the lawful owner of the sign or where applicable, the registered property owner shall upon resolution
 - (i) remove the sign and all related structural components within 30 days from the date of receipt of such notice,
 - (ii) restore the immediate area around the sign to the satisfaction of the Town, and
 - (iii) bear all the costs related to such removal and restoration.

8.28 DANGEROUS GOODS

- (1) Prior to making any decision on a development permit application for a use involving dangerous goods or a site adjacent to or in close proximity where dangerous goods are kept, the Development Officer or the MPC shall refer the application to the appropriate regulatory authority for comment.

8.29 MECHANIZED EXCAVATION, STRIPPING and GRADING of LAND

- (1) A person wishing to excavate, strip or grade land for which a development permit has not been issued for an associated development shall apply to the Development Officer on the prescribed form and shall set out the following details in his application

- (a) the legal description of the site on which the excavation, stripping or grading is to take place;
 - (b) the specific area on the site to be affected by the operation;
 - (c) the present height of the land relative to any adjoining public thoroughfare and adjacent sites;
 - (d) the proposed depth to which the site is to be excavated or topsoil removed and the level to which it is proposed to restore surface of the land in relation to lands adjacent to the subject property;
 - (e) an outline of the methods for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation; and
 - (f) the length of time that the applicant estimates will be required to complete the excavation or work.
- (2) Wherever a permit is required for the excavation of land or the removal of topsoil pursuant to this Land Use Bylaw, the operation shall be deemed to be a discretionary use in the applicable District.
- (3) It shall be the responsibility of the applicant to restore the worked area to a level and condition as required by the Town.
- (4) The applicant is responsible for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation.
- (5) A temporary fence shall be erected around all excavations which in the opinion of the Development Officer or the MPC may be dangerous to public safety.

8.30 DRAINAGE

- (1) Any area requiring landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on an adjoining land unless otherwise approved by the MPC.
- (2) The Town may require that a retaining wall be provided if the elevation difference between properties is more than 0.3 m (1 ft.)

8.31 CONTROLLED APPEARANCE

- (1) The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any District must be acceptable to the Development Officer or the MPC having due regard to the amenities and privacy and the character of existing development in the area, as well as to its effect on adjacent properties.

8.32 DECKS

A development permit is required for the construction of a deck which will be constructed so that the decking is situated more than 0.61 meters (2.0 ft.) above grade.

[Bylaw #1138/94-A11]

8.33 LAND USE POLICIES

- (1) Every action undertaken by the municipality and the Development Officer/Municipal Planning Commission must be consistent with any land use policies established pursuant to the *Municipal Government Act*. [Bylaw 1138/94-A16]

9.0 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1A, R-1B, and R-1C)

The purpose of this District is to provide areas for the development of single family housing.

PERMITTED USES

Detached dwellings
Accessory residential buildings

DISCRETIONARY USES

Basement suites in detached dwellings (R-1C only)
Bed and breakfast accommodation (R-1B and R-1C only)
Day care centres (R-1B and R-1C only)
Duplexes existing at the date of passage of this Land Use Bylaw (R-1A and R-1B only)
Duplexes (R-1C only)
Garden suites
Group homes (R-1C only)
Home based businesses (office-in the-home only in R-1A and R-1B)
Manufactured Homes (R-1B and R-1C only) [Bylaw 1138/94-A35]
Other accessory buildings and uses
Parks
Playgrounds
Public or quasi-public uses serving this District
Public utility buildings
Senior citizens housing
Signs
Any use that is similar, in the opinion of the MPC, to the permitted or discretionary uses listed in this District

The R-1A District is generally intended to accommodate single family detached dwellings in areas where lots larger than those normally provided in the R-1B and R-1C Districts are proposed. The rationale of the District is to require a minimum size of dwelling to ensure that sufficient value of improvements on the land will compensate for the lower density of development in the area. The minimum size of dwelling unit will also protect home owners in the District from the intrusion of smaller dwellings.

R-1A DISTRICT REQUIREMENTS

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area	Detached dwellings 720 m ² (7,750 ft. ²) on interior site 740 m ² (7,966 ft. ²) on corner site All other uses At the discretion of the MPC
Minimum Front Yard	8 m (26 ft.)
Minimum Side Yard	(a) except as otherwise provided, a minimum of 2 m (7 ft.) (b) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (c) street side of a corner site, a minimum of 4.5 m (15 ft.) or as required by the Alberta Building Code, whichever is greater
Minimum Rear Yard	10 m (33 ft.) except where lot backs directly onto another lot in which case a minimum of 12 m (39 ft.) will be required
Minimum Habitable Floor Area of Dwelling (Above Ground Level)	130 m ² (1400 ft. ²)
Maximum Building Height	10 m (33 ft.)
Maximum Parcel Coverage	40% including all accessory buildings

[Bylaw 1138/94-A33]

SPECIAL REQUIREMENTS

- (1) The Development Officer or the MPC has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.

R-1A DISTRICT REQUIREMENTS (Continued)

- (2) All houses are required to contribute to a variety of design. The Development Officer or the MPC reserves the right to require alternatives should it be deemed necessary in the interest of the subdivision at large. The transition between different house styles must be made in as smooth a fashion as possible (e.g. from two-storey to a bungalow transition can be made with a bi-level or split level).
- (3) Exposed foundations should be kept to a minimum and must be fully parged.
- (4) Generally there will be no restrictions to the type of siding material used. Extensive use of brick will be encouraged. Every front elevation must include some brick or stone.
- (5) More emphasis on the architectural design of roof lines and exterior detailing will be required. The use of cedar shakes or high grade interlocking shingles or tiles will be recommended. Siding and trim colours must complement those of adjacent lots.
- (6) Front yard sodding and landscaping must be completed within 30 days of occupancy or as soon as seasonal work allows.

R-1B DISTRICT REQUIREMENTS

The R-1B District is generally intended to accommodate single family dwellings in areas where lots larger than those normally provided in the R-1C District are proposed.

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area	Detached dwellings 560 m ² (6,030 ft. ²) on interior site 600 m ² (6,500 ft. ²) on corner site All other uses At the discretion of the MPC
Minimum Front Yard	6 m (20 ft.) except where site fronts onto collector street, a minimum of 8 m (26 ft.) will be required
Minimum Side Yard	(a) except as otherwise provided, a minimum of 1.5 m (5 ft.) (b) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (c) street side of a corner site, a minimum of 3.5 m (11 ft.) or as required by the Alberta Building Code, whichever is greater
Minimum Rear Yard	9 m (29.53 ft.) except where lot backs directly onto another lot in which case a minimum of 11 m (36.09 ft.) will be required
Minimum Habitable Floor Area of Dwelling (Above Ground Level)	110 m ² (1184 ft ²)
Maximum Building Height	8.5 m (27 ft.)
Maximum Parcel Coverage	40% including all accessory buildings

[Bylaw 1138/94-A33]

R-1B DISTRICT REQUIREMENTS (Continued)

SPECIAL REQUIREMENTS

- (1) The Development Officer or the MPC has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (2) Houses with similar floor plans and exterior elevations shall be separate from each other by three houses, unless the house style, roof pitch, and exterior materials and treatment are substantially different.
- (3) Exposed foundations should be kept to a minimum and must be fully parged.
- (4) It is encouraged that a variety of materials be used on any one street. Generally there will be no restrictions to the type of siding material used; however, the Development Officer or the MPC reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.

R-1C DISTRICT REQUIREMENTS

The R-1C District is generally intended to accommodate single family dwellings.

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area	Detached dwellings 460 m ² (4,950 ft. ²) on interior site 510 m ² (5,490 ft. ²) on corner site Duplexes 230 m ² (2,475 ft. ²) for each dwelling unit on an interior site 280 m ² (3,015 ft. ²) for each dwelling unit on a corner site All other uses At the discretion of the MPC
Minimum Front Yard	6 m (20 ft.) except where site fronts onto collector street, a minimum of 8 m (26 ft.) will be required
Minimum Side Yard	(a) except as otherwise provided, a minimum of 1.5 m (5 ft.) (b) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (c) street side of a corner site, a minimum of 3.5 m (11 ft.) or as required by the Alberta Building Code, whichever is greater
Minimum Rear Yard	8 m (26 ft.) except where lot backs directly onto another lot in which case a minimum of 9 m (30 ft.) will be required
Minimum Habitable Floor Area of Dwelling (Above Ground Level)	80 m ² (860 ft ²)
Maximum Building Height	8.5 m (27 ft.)
Maximum Parcel Coverage	40% including all accessory buildings

[Bylaw 1138/94-A33]

SPECIAL REQUIREMENTS

- (1) The Development Officer or the MPC has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.

10.0 RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2)

The purpose of this district is to provide areas for the development of single detached dwelling units and two dwelling unit housing.

PERMITTED USES

- Detached dwellings
- Duplexes
- Accessory residential buildings

DISCRETIONARY USES

- Basement suites in detached dwelling only
- Bed and breakfast accommodation
- Day care centres
- Funeral homes
- Group homes
- Home based businesses
- Manufactured Homes [Bylaw 1138/94-A35]
- Neighbourhood shopping centres
- Other accessory buildings and uses
- Parks
- Playgrounds
- Public or quasi-public uses
- Public utility buildings
- Row housing
- Signs
- Any use that is similar, in the opinion of the MPC, to the permitted and discretionary uses listed in this District

R-2 DISTRICT REQUIREMENTS

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area

- Detached dwellings
 - 460 m² (4,950 ft.²) on interior site
 - 510 m² (5,490 ft.²) on corner site
- Duplexes
 - (Laned site)*
 - 230 m² (2,475 ft.²) for each dwelling unit on interior site
 - 280 m² (3,015 ft.²) for each dwelling unit on corner site
 - (Laneless site)*
 - 280 m² (3,015 ft.²) for each dwelling unit on interior site
 - 320 m² (3,445 ft.²) for each dwelling unit on corner site

10.0 RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2) (Continued)

	Row housing 190 m ² (2045 ft. ²) for each dwelling unit on interior site 275 m ² (2960 ft. ²) for each dwelling unit on corner site All other uses As determined by the MPC
Minimum Front Yard	Detached dwellings, duplex and row housing 6 m (20 ft.) except where site fronts onto a collector street in which case 7.5 m (25 ft.) will be required All other uses As determined by the MPC
Minimum Side Yard	Detached dwellings, duplexes and row housing (a) except as otherwise provided, a minimum of 1.5 m (5 ft.) (b) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (c) street side of a corner site, a minimum of 3 m (10 ft.) or as required by the Alberta Building Code, whichever is greater All other uses As determined by the MPC
Minimum Rear Yard	Detached dwelling, duplexes and row housing 7.5 m (25 ft.) except where site backs directly onto another lot in which case 9 m (30 ft.) will be required All other uses As determined by the MPC
Maximum Building Height	Principal building 8.5 m (27 ft.)

10.0 RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2) (Continued)

Maximum Parcel Coverage 55% including all accessory buildings [Bylaw 1138/94-A33]

All other uses
As determined by the MPC

SPECIAL REQUIREMENTS

- (1) No part of a front yard of a site developed for row housing shall be used for motor vehicle parking.

11.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3)

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply.

PERMITTED USES

- Apartments
- Fourplexes
- Row housing
- Accessory residential buildings

DISCRETIONARY USES

- Accessory uses
- Basement suites in detached dwellings only
- Day care centres
- Detached dwellings
- Duplexes
- Funeral homes
- Home based businesses
- Multiple housing developments
- Neighbourhood shopping centres
- Other accessory buildings and uses
- Public or quasi-public uses
- Public utility buildings
- Senior citizens housing
- Signs
- Any use that is similar, in the opinion of the MPC, to the permitted or discretionary uses listed in this District

The purpose of this District is to provide for the development of a variety of multi-family housing types.

R-3 DISTRICT REQUIREMENTS

Minimum Parcel Area	Apartment
	1.3 times the building's total floor area
	Fourplexes
	90 m ² (968.78 ft. ²) for each dwelling unit

11.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3) (Continued)

Multi-housing developments

1.3 times the building's total floor area for apartments and fourplexes

275 m² (2,960 ft.²) for each dwelling unit in a row housing development

320 m² (3,445 ft.²) for each dwelling unit in a duplex development

Row housing

190 m² (2,045 ft.²) for each internal dwelling unit

230 m² (2,475 ft.²) for each end dwelling unit

275 m² (2,960 ft.²) for each dwelling unit with a side yard abutting a street

Detached dwellings

460 m² (4,950 ft.²) on interior site

510 m² (5,490 ft.²) on corner site

Duplexes

(Laned site)

230 m² (2,475 ft.²) for each dwelling unit on interior site

280 m² (3,015 ft.²) for each dwelling unit on corner site

(Laneless site)

280 m² (3,015 ft.²) for each dwelling unit on interior site

320 m² (3,445 ft.²) for each dwelling unit on corner site

All other uses

As determined by the MPC

Minimum Front Yard

Apartments and fourplexes

8 m (26 ft.)

For all other residential developments

6 m (20 ft.) except where the site fronts onto a collector street in which case 8 m (26 ft.) will be required

Other uses

As determined by the MPC

Minimum Side Yard

Apartments - 3 m (10 ft.) except that street side of a corner site - 6 m (20 ft.), or as required by the Alberta Building Code, whichever is greater

11.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3) (Continued)

Fourplexes

3 m (10 ft.) except that street side of a corner site - 4.5 m (15 ft.), or as required by the Alberta Building Code, whichever is greater

Row housing (end units)

1.5 m (5 ft.) except that street side of a corner site - 3 m (10 ft.), or as required by the Alberta Building Code, whichever is greater

All other uses

Unless specified in another District, as determined by the MPC

Minimum Rear Yard

Apartment

12 m (39 ft.)

Fourplex

10 m (33 ft.)

Row housing

8 m (26 ft.) except that site backing onto another lot - 9 m (30 ft.)

All other uses

As determined by the MPC

Maximum Building Height

Apartments

13.5 m (43 ft.)

Fourplexes, row houses

10.5 m (34 ft.)

For all other uses

As determined by the MPC

Maximum Parcel Coverage

For residential developments, excluding apartments
35%

For all other uses

As determined by the MPC

SPECIAL REQUIREMENTS

- (1) In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed development with existing uses on or adjacent to the site.

11.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3) (Continued)

- (2) For all multiple housing developments and other developments incorporating row housing, fourplexes or duplexes, each dwelling unit shall have a minimum outdoor living space, the length of which is a distance of 7.5 m (25 ft.) measured from the exterior wall of the dwelling unit. The outdoor living space of adjacent dwelling units shall not overlap.
- (3) On sites developed for apartments and other multiple housing developments, the facade of the buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the MPC. A minimum of 30% of the parcel area shall be landscaped.
- (4) No part of a front yard of a site developed for an apartment or fourplex shall be used for vehicle parking.

12.0 RESIDENTIAL MOBILE HOME LOT DISTRICT (R-MHL)

The purpose of this District is to provide areas for the development of mobile homes on permanent foundations on separately registered lots.

PERMITTED USES

Mobile homes
Accessory residential buildings

DISCRETIONARY USES

Day care centres
Home based businesses
Other accessory buildings and uses
Park, playgrounds
Public and quasi-public uses
Public utility buildings
Signs
Any use that is similar, in the opinion of the MPC, to a permitted or discretionary use listed in this District

R-MHL DISTRICT REQUIREMENTS

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area

Mobile homes
Single wide 370 m² (3,990 ft²) on interior site
 420 m² (4,520 ft²) on corner site
Double wide 470 m² (5,060 ft²) on interior site
 510 m² (5,490 ft²) on corner site
All other uses
At the discretion of the Development Officer or MPC

Minimum Front Yard

On sites fronting on collector streets: 8 m (26 ft.)
All other sites: 6 m (20 ft.)

A front drive garage shall be set back a minimum of 8 m (26 ft.) from the front property line.

12.0 RESIDENTIAL MOBILE HOME LOT DISTRICT (R-MHL) (Continued)

- Minimum Side Yard**
- (a) except as otherwise provided, a minimum of 1.5 m (5 ft.)
 - (b) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access
 - (c) street side of a corner site, a minimum of 3 m (10 ft.)

or as required by the Alberta Building Code, whichever is greater

All other (non-residential) uses
3 m (10 ft.)

Minimum Rear Yard 6 m (19.69 ft.)

Minimum Floor Area 80 m² (860 ft².) for mobile homes

Maximum Building Height 7.5 m (25 ft.)

No accessory or attached structure shall exceed the height of an adjoining mobile home

Maximum Parcel Coverage 35% including all accessory buildings

SPECIAL REQUIREMENTS

- (1) All mobile homes shall have CSA (Canadian Standards Association) certification. If a particular mobile home has been damaged or structurally altered, the mobile home must be certified as safe by a Provincial or Town Building Inspector. The Development Officer or the MPC reserves the right to refuse a development permit for a mobile home that is of poor appearance or condition.
- (2) It shall be the responsibility of the owner to place the mobile homes on a secure foundation or base in accordance with the requirements of the Alberta Building Code.
- (3) The base of the mobile home must be completely enclosed with fire proof material that matches the exterior of the mobile home. Skirting is to be completed within 30 days of the mobile home being placed on the lot.
- (4) All accessory structures, such as patios, porches, additions and storage facilities shall be designed and constructed so as to match the mobile home.

13.0 RESIDENTIAL MOBILE HOME PARK DISTRICT (R-MHP)

The purpose of this District is to provide an area for the development of a comprehensively designed park that allows mobile home sites to be leased or owned as part of a condominium.

PERMITTED USES

Mobile home park
Accessory residential buildings

DISCRETIONARY USES

Home based businesses
Day care centres
Other buildings or uses accessory to a mobile home park
Parks
Playgrounds
Public and quasi-public uses
Retail stores which are convenience in nature and specifically service the mobile home park development only
Signs
Utilities
Other uses which the MPC considers appropriate for this District

R-MHP DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0 of this Land Use Bylaw, the following requirements shall apply

For the purpose of this District, it is recognized that lots in mobile home parks are not legal lots in terms of subdivision or the transfer of title. Rather, lots are intended to indicate the location, front yards, etc. of mobile homes, and are as set out in the mobile home park plan approved by the Town.

Minimum Lot Area	For single-wide mobile home 400 m ² (4306 ft ²)
	For double-wide mobile home 440 m ² (4736 ft ²)

**The lot standards do not apply to mobile home parks existing prior to the adoption of this Land Use Bylaw, provided the minimum yard requirements are complied with.*

13.0 RESIDENTIAL MOBILE HOME PARK DISTRICT (R-MHP) (Continued)

Minimum Yard Requirements	Mobile homes shall be at least (a) 4.5 m (15 ft.) from one another (b) 7.5 m (25 ft.) from any park boundary (c) 3 m (10 ft.) from any internal access road or common parking area (d) 1.5 m (5 ft.) from any side lot line (e) 4.5 m (15 ft.) from any rear lot line or as required by the Alberta Building Code, whichever is greater
Minimum Mobile Home Width	3.66 m (12 ft.)
Minimum Mobile Home Floor Area	65 m ² (700 ft. ²)
Maximum Lot Coverage	40%
Maximum Density	17 mobile homes per hectare (7 mobile homes per acre)
Minimum Park Area	2.02 ha (5 acres)

SPECIAL REQUIREMENTS: MOBILE HOME PARKS

- (1) Mobile home parks shall be used for residential purposes including those uses and their associated facilities which, in the opinion of the Development Officer or the MPC, are clearly provided to serve the needs of the park residents.
- (2) A plan for the mobile home park must be approved by the Development Officer or the MPC. This plan shall include the following
 - (a) park access, road system, walkway system and lot pattern showing dimensions,
 - (b) proposed location of mobile home for every lot,
 - (c) guidelines governing the design and materials to be used in the construction of carports, patios, porches, storage buildings, skirting, fences, fuel storage and supply facilities, and other attached or detached structures,
 - (d) location of parking spaces for every proposed lot, as well as visitor parking areas,

13.0 RESIDENTIAL MOBILE HOME PARK DISTRICT (R-MHP) (Continued)

- (e) provisions for on-site containerized garbage collection facilities,
 - (f) area designated for recreational and/or playground use,
 - (g) proposed landscaping in the park,
 - (h) provisions for outdoor lighting,
 - (i) identification and directional signs, and
 - (j) storage compound for trucks, trailers, campers, snowmobiles, boats, etc.
- (3) The development of the park must be completed in conformance with the approved plan and related conditions.
 - (4) The park owner shall ensure that each mobile home is levelled, blocked and skirted within 30 days of being placed on a lot.
 - (5) A mobile home lot may be used only for the siting of one mobile home.
 - (6) All lot lines shall be clearly defined on the ground by permanent flush stakes or markers with a lot number or other address system.
 - (7) Residents shall be informed of their responsibilities with respect to the Land Use Bylaw by the park owner who shall be responsible for developing and operating the park in compliance with this Bylaw.

Recreation Area

- (8) A minimum of 10 percent of the total area of a mobile home park shall be set aside for recreational and/or playground use.
- (9) Playground apparatus or other recreation facilities shall be provided to the satisfaction of the Development Officer or the MPC.

Landscaping

- (10) Each park shall provide on its perimeter a landscaped area of not less than 3 m (10 ft.) in width or other edge treatment satisfactory to the Development Officer or the MPC.
- (11) All areas of a park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities including playgrounds, shall be landscaped by the developer.

13.0 RESIDENTIAL MOBILE HOME PARK DISTRICT (R-MHP) (Continued)

Vehicular-Pedestrian Areas

- (12) All park roads shall have at least a 12 m (39 ft.) right-of-way and must be constructed to Town specifications with a carriageway of not less than 8 m (26 ft.) in width.
- (13) Internal pedestrian walkways, where provided, shall have a hard surfaced width of 1.5 m (5 ft.) and shall be constructed to the satisfaction of the Town.
- (14) Two off-street parking spaces shall be provided on, or adjacent to, each mobile home lot and shall be built to Town's specifications.
- (15) The owner of the park shall provide parking spaces for visitors at locations approved by the MPC. One parking space shall be provided for every two mobile homes, and shall be constructed to Town specifications.
- (16) The park owner shall be responsible for the removal of snow from all internal pedestrian walkways and park vehicular areas and park streets, excluding individual parking spaces.

Storage Areas

- (17) A screened storage compound equivalent to 20 m² (215 ft.²) for every mobile home lot in the park shall be provided for trucks, trailers, campers, snowmobiles, boats, etc.

Utilities

- (18) Each mobile home lot is required to have Town water and sanitary sewer service. The park must be adequately drained and connected to the Town's storm sewers, should the Development Officer or the MPC determine the need.
- (19) All utility services, including all wires and conduits, shall be installed underground.
- (20) All service buildings must be accessible by a park street.

14.0 LOW DENSITY RESIDENTIAL DISTRICT (LDR)

[Amending Bylaw 1138/94-A8; November 27, 1995]

The purpose of this District is to provide for low density, large lot residential development which is designed to accommodate possible further subdivision and development to typical urban densities.

PERMITTED USES:

Detached dwellings
Accessory residential buildings

DISCRETIONARY USES:

Home based businesses
Parks
Public utility buildings
Signs

LDR DISTRICT REQUIREMENTS

In addition to the general provisions contained in section 8.0 of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	2024 m ² (0.5 acres)
Maximum Parcel Area	4047 m ² (1.0 acres)
Minimum Front Yard	8 m (26 ft.)
Maximum Front Yard	To the satisfaction of the Development Officer bearing in mind possible further subdivision to an urban density
Minimum Side Yard	3 m (10 ft.)
Maximum Side Yard	To the satisfaction of the Development Officer bearing in mind possible further subdivision to an urban density
Minimum Rear Yard	10 m (33 ft.)
Minimum Habitable Floor Area of Dwelling (Above Ground Level)	130 m ² (1400 ft ²)
Maximum Building Height	10 m (33 ft.)

14.0 LOW DENSITY RESIDENTIAL DISTRICT (LDR) (Continued)

Maximum Parcel Coverage	20% including all accessory buildings
Maximum Accessory Building	Notwithstanding section 8.9(7), 100 m ² (1076 ft ²)
Floor Area	

SPECIAL REQUIREMENTS

- 1) All buildings shall be sited so as to facilitate future subdivision to urban density.
- 2) All dwellings shall be tied into the municipal sewer system where available. Until municipal sewer system is made available only closed holding tank sewer systems will be permitted.
- 3) All dwellings shall be tied into the municipal water system where available. Until municipal water system is made available, water wells will be permitted.
- 4) All power supplies are to be underground.
- 5) All bylaws pertaining to domestic livestock shall apply. No livestock or poultry, with the exception of dogs, cats, and such other domestic pets as are kept indoors, shall be permitted in this district.
- 6) All uses and standards shall have regard to the Town of Innisfail Policy 91 - 01 (Adopted by Council on February 25, 1991) and any subsequent amendments thereto. Where the uses and standards of this district conflict with those of the Town of Innisfail Policy 91 - 01, the uses and standards of this district shall have precedents.
- 7) All uses and standards are subject to Provincial standards and regulations.

15.0 CENTRAL BUSINESS DISTRICT (CB)

The purpose of this District is to provide an area where a variety of retail commercial and office uses can be encouraged and developed to serve the Town and surrounding rural area.

PERMITTED USES

Offices: administrative, business and professional
Personal and business service establishments
Restaurants
Retail stores

DISCRETIONARY USES

Accessory buildings and uses
Apartments
Arts or crafts studios
Automobile dealerships
Billiard halls and pool rooms
Bowling alleys
Bus depots
Car and truck rental shops
Commercial schools
Day care centres
Dwelling accommodation above the ground floor
Entertainment and amusement facilities
Existing dwellings (no alterations or additions allowed)
Hotels
Liquor or cold beer stores
Medical and dental laboratories
Mobile commercial sales
Parks
Parking facilities
Printing, lithographing and publishing establishments
Private clubs and lodges
Public and quasi-public uses
Public utility buildings
Radio transmitting stations, towers and equipment (fire, police and taxis)
Service stations
Signs
Television/radio/appliance sales and repair shops
Theatres
Video arcades
Other similar uses

15.0 CENTRAL BUSINESS DISTRICT (CB) (Continued)

CB DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0, of this Land Use Bylaw the following requirements shall apply

Minimum Front Yard	Nil unless otherwise specified by the MPC.
Minimum Side Yard	Nil except that <ul style="list-style-type: none"> (a) a site adjacent to a residential district: 3 m (10 ft.) (b) in a laneless site, one obstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access, or as required by the Alberta Building Code, whichever is greater
Minimum Rear Yard	Nil except where <ul style="list-style-type: none"> (a) a rear yard abuts a residential district in which case the rear yard shall be a minimum of 6 m (20 ft.) (b) loading, parking and/or garbage storage areas are required in the rear yard
Maximum Building Height	10 m (33 ft.) adjacent to a residential district

SPECIAL REQUIREMENTS

Yards Abutting a Residential District

- (1) Where the CB District abuts a residential district
 - (a) no open storage or outdoor display shall be permitted in the abutting yard(s);
 - (b) no parking space shall be allowed in such yard(s) within 6 m (20 ft.) of a lot line.
- (2) Adequate screening or buffering shall be provided to the satisfaction of the Development Officer or the MPC.

Restrictions of Open Storage or Outdoor Display

- (3) No open space or outdoor display shall be permitted except for special occasions or temporary uses.

Garbage Storage

- (4) Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage Bylaw.

16.0 HIGHWAY COMMERCIAL DISTRICT (HWY-C)

The purpose of this District is to provide areas for highway and service commercial uses located on high visibility major roadways and having high standards of appearance and design.

PERMITTED USES

Car and truck rental shops
Drive-in businesses
Sale and service outlets for automobiles, trucks, or recreation vehicles and mobile homes
Services for the travelling public
On those sites or portions thereof, herein after listed, "trailer, truck deck and agricultural transport manufacturing and a storage compound":

(A) Lots 2 and 3, Block 9, Plan 7327 K.S. [Amending Bylaw 1138/94-A2]

DISCRETIONARY USES

Accessory buildings and uses
Auction marts
Building supply centres
Car wash establishments
Commercial recreation and entertainment facilities
Dwelling units for the occupancy of the owner, operator or caretaker
Existing dwellings (no alterations or additions allowed)
Farm equipment dealerships
Light equipment rental shops
Liquor or cold beer stores
Mobile commercial sales
Parking facilities
Public and quasi-public uses
Public utility buildings
Retail stores
Shopping centres
Signs
Storage facilities
Veterinary clinics
Wholesale establishments
Warehouses
Other similar uses

16.0 HIGHWAY COMMERCIAL DISTRICT (HWY-C) (Continued)

HWY-C DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Front Yard	9 m (30 ft.) adjacent to a service or local road
Minimum Side Yard	3 m (10 ft.) except that (a) a site adjacent to a residential district: 6 m (20 ft.) (b) in a laneless site, one unobstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access or as required by the Alberta Building Code, whichever is greater
Minimum Rear Yard	6 m (20 ft.)
Minimum Parcel Frontage	15.24 m (50 ft.) adjacent to a service road 45.72 m (150 ft.) without a service road
Minimum Parcel Area	0.3 ha (0.75 acre)
Maximum Building Height	10 m (33 ft.) adjacent to a residential district

SPECIAL REQUIREMENTS

Landscaping

- (1) The minimum amount of site area to be landscaped for any development in the HWY-C District shall be
 - (a) the minimum front yard, excluding driveways; and
 - (b) the minimum side yard abutting a street or a residential district; and
 - (c) the minimum rear yard adjacent to a residential district.

Open Storage and Screening

- (2) Where a lot is to be used primarily for open storage or outdoor display within this District, the following restrictions shall apply
 - (a) no open storage or outdoor storage display shall be permitted within any required minimum front yard or other yard of the site abutting a residential district; and
 - (b) the area devoted to open storage or outdoor display shall not exceed 50% of the total site area unless otherwise approved by the Development Officer or the MPC.

17.0 INDUSTRIAL DISTRICT

(I)

The purpose of this District is to provide areas for industrial businesses, some of which may carry out a portion of their operation outdoors or require outdoor storage areas.

PERMITTED USES

- Arts and craft studios
- Building supply centres
- Business support services
- Farm equipment dealerships
- Food caterers
- Lumber yards
- Mobile home and recreational vehicles sales and services
- Professional, financial and office support services
- Radio transmitting stations, towers and equipment (fire, police and taxis)
- Small equipment rentals
- Storage facilities
- Tire sales and service shops
- Warehouses

DISCRETIONARY USES

- Accessory uses
- Agricultural processing
- Auto wreckers
- Autobody and paint shops
- Car wash establishments
- Commercial schools
- Concrete or cement products manufacture
- Contracting services
- Day care centres
- Dwelling units for the occupancy of the owner, operator or caretaker
- Flour and feed mills
- Fertilizer storage and distribution (excluding anhydrous ammonia)
- Gasoline and bulk oil stations
- Grain elevators
- Heavy equipment assembly, sales and service
- Indoor recreation facilities
- Manufacturing plants
- Open storage yards
- Parking facilities for use in this District
- Private clubs and organizations
- Railway uses
- Recycling depots

17.0 INDUSTRIAL DISTRICT (I) (Continued)

Repair shops
Seed cleaning plants
Service stations
Sewage treatment facilities
Slaughter of animals
Solid waste transfer stations
Signs
Trucking terminals
Veterinary clinics
Veterinary hospitals
Other similar uses

I - DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Front Yard 9 m (30 ft.), except where abutting a highway without a service road in which case it shall be determined by the Development Officer or the MPC.

Minimum Side Yard 3 m (10 ft.) except
(a) where a fire resistant wall is provided, no side yard is required
(b) in a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access, or as required by the Alberta Building Code, whichever is greater

Minimum Rear Yard 6 m (20 ft.)

Minimum Parcel Frontage 15.2 (50 ft.) except where abutting a highway without a service road in which case 45.72 m (150 ft.) shall be required.

SPECIAL REQUIREMENTS

Appearance

- (1) Extensions to existing buildings, where these abut a street, shall be constructed with compatible materials to the existing buildings and be satisfactory to the Development Officer of the MPC.

17.0 INDUSTRIAL DISTRICT (I) (Continued)

Fire Safety

- (2) Where more than one use is to be carried out in a particular site, separation between buildings and construction of separating walls shall be in accordance with the Alberta Building Code.

Landscaping

- (3) The minimum amount of site area to be landscaped for any development in the I District shall be
 - (a) the minimum front yard, excluding driveways; and
 - (b) the minimum side yard abutting a street or a residential district; and
 - (c) the minimum rear yard adjacent to a residential district.

Outdoor Storage and Display

- (4) No outdoor storage or display shall be permitted in any front yard, the minimum side yard abutting a street or the minimum side or rear yard abutting a residential district.
- (5) All storage of materials, products or equipment shall be screened from residential districts to the satisfaction of the Development Officer or the MPC.
- (6) The Development Officer or the MPC may require special screening and/or berming of any open storage area.
- (7) Wrecked or damaged vehicles which might be located on a property shall be stored in an enclosure satisfactory to the Development Officer or the MPC.

Retailing and Wholesaling

- (8) The Development Officer or the MPC may allow the retailing and wholesaling of goods or products directly related to the principal industrial use of the site or manufactured on the site.

18.0 PUBLIC USE DISTRICT (P)

The purpose of this District is to provide an area for the development of publicly and privately owned cultural, educational, institutional and recreational uses.

PERMITTED USES

- Cultural and recreation facilities
- Hospitals
- Parks
- Playgrounds, playing fields
- Religious institutions
- Schools (Public or Private)

DISCRETIONARY USES

- Accessory uses
- Cemeteries
- Exhibition grounds
- Fire halls
- Other public and quasi-public uses
- Parking facilities (public)
- Senior citizens housing
- Signs
- Utilities
- Other similar uses

P DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Requirements

As determined by the Development Officer or the MPC.

19.0 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (RD)

The purpose of this District is to protect the land from premature subdivision and development until such time as Council determines the specific land use(s) that may occur within the area taking into account such matters as growth, serviceability and the future development land requirements of the Town.

PERMITTED USES

Uses lawfully existing at the time this Land Use Bylaw came into effect.

DISCRETIONARY USES

Uses and/or buildings which will not, in the opinion of the MPC, materially alter the use of the land lawfully existing at the time this Land Use Bylaw came into effect, and would not conflict with future expansion of urban development Utility installations and facilities

RD DISTRICT REQUIREMENTS

In addition to the general provisions of section 8.0 of this Land Use Bylaw, the following requirements shall apply

Minimum Parcel Area

All of the land contained in the existing certificate of title, unless otherwise approved by the MPC having regard to the intended use of the smaller parcel of land and the form of subsequent subdivision and development planned for the area.

All Other Requirements

As determined by the MPC.

20.0 DIRECT CONTROL DISTRICT (DCD)

The purpose of this District is to provide areas for individually unique developments, or transitional zones for areas under an approved area structure plan or area redevelopment plan or for special cases as approved by Council from time to time.

PERMITTED USES

Nil

DISCRETIONARY USES

Uses on sites specifically approved by Town Council by resolution to be permitted on that site

Uses in areas covered by approved area structure plans or area redevelopment plans provided such uses are in conformity with the area structure plan or area redevelopment plan

DCD DISTRICT REQUIREMENTS

As per the area structure plan or area redevelopment plan as amended from time to time, or as otherwise specified by Town Council.

DEVELOPMENT PERMIT FEES

\$2.00 per \$1,000.00 of construction value
 ** increase by 50% for discretionary use
 Minimum charge - \$20.00 Maximum charge - \$100.00
 Fee for single family detached dwelling or duplex not to exceed \$40.00

- Town of Innisfail dollar rates of construction to be used for calculation of fees
 (refer to rates under *Building Permit Fees*)

Effective January 1, 1993

BUILDING PERMIT FEES

\$5.50 per \$1,000.00 of construction value
 Minimum charge: For additions or alterations that require inspection(s) by the Building Inspector the minimum fee is \$150.00

- Use following dollar rates of construction for calculation of building permit fees:

	Square Metre	Square Foot
RESIDENTIAL		
Single family detached dwelling, duplex, 3-plex, 4-plex		
Main floor		
First floor		
Mobile homes (additions only)	\$700.00	\$65.00
Townhouse/row housing	484.00	45.00
Apartment		contract/estimate cost
Attached garage		contract/estimate cost
Detached garage		contract/estimate cost
Carport	210.00	
Basement Development	161.00	20.00
Structural renovations within existing building	107.00	15.00
Fireplace	210.00	10.00
Freestanding		20.00
Double		contract/estimate cost
Built-in single hearth		\$1500.00 per unit
Built-in double hearth		\$2000.00 per unit
Masonry single hearth		\$2000.00 per unit
Masonry double hearth		\$2500.00 per unit
Swimming Pool		\$3000.00 per unit
		\$3500.00 per unit
		contract/estimate cost
COMMERCIAL		contract/estimate cost
INDUSTRIAL		contract/estimate cost
INSTITUTIONAL		contract/estimate cost