

Current Land Use Bylaw	Draft Land Use Bylaw
Use Definitions	Use Definitions
<p><i>Abut or abutting</i> means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.</p> <p><i>Accessory building</i> means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A garage attached to a main building it is deemed to be part of the main building.</p> <p><i>Accessory use</i> means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.</p>	<p><i>Abut or abutting</i> means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line;</p> <p><i>Accessory building – non-residential</i> means a building separate and subordinate to the principal building, the use of which is incidental to that main building and is located on the same lot;</p> <p><i>Accessory building – residential</i> means a building separate and subordinate to the principal building on a residential parcel, the use of which is incidental to that principal building and is located on the same lot. A garage attached to a principal building is deemed to be part of the principal building;</p> <p><i>Accessory dwelling unit</i> means in a commercial district, a separate and subordinate dwelling unit(s) occupying the same structure as a commercial use, or in the industrial district, a separate and subordinate dwelling unit occupying the same or a separate structure for occupancy of an operator or caretaker;</p> <p><i>Accessory use</i> means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building;</p> <p><i>Adult entertainment establishment</i> means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or the buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, exotic dancing, topless or bottomless waiters or waitresses and nude mud wrestling but does not include an adult mini-theatre.</p> <p><i>Amenity area</i> means indoor or outdoor space on a parcel designed for shared or private recreation or</p>

enjoyment;

Bachelor unit means a dwelling unit intended for the use of a single person household, comprising a combined living and sleeping room with cooking and separate toilet facilities;

Basement means a habitable portion of a building which is partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent finished grade elevation;

Bed and breakfast establishment means a business operated in a private detached dwelling permanently occupied by the provider of the service, in which up to three rooms are made available for rent to short-term paying guests;

Billboard means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

Building demolition means the pulling down, tearing down or razing of a building;

Building footprint means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns;

ALL CANNABIS DEFINITIONS WILL BE REMAINING

Bed and breakfast establishment
means a business operated in a private house in which up to three rooms are made available for rent to short-term paying guests.

Billboard
means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

Cannabis
means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.

Cannabis Accessory

means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.

Cannabis Retail Sales

means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

Corner parcel means a parcel abutting two or more streets, other than a lane, at their intersection or abutting two parts of the same street forming an interior angle of less than 135 degrees;

Crime Prevention Through Environmental Design (CPTED) means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioural effects that will reduce the incidences and fear of crime;

Dangerous Goods Occupancy means any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded stored, processed or otherwise handled on a permanent or ongoing basis;

Deck means an uncovered horizontal structure that may adjoin a principal building for the purpose of private amenity area;

Density means a calculation of the number of dwelling units on a hectare (acre) of land and includes all lands within the lot;

Driveway means a vehicle access route between the carriageway of a road and a use on a parcel;

Dwelling unit

means a self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

Front

means, in the case of a corner lot, the shorter side.

Front yard

means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may designate one or more streets as the front of the lot.

Grade

means the average elevation of lot corners.

Height (of a building)

means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

Dwelling unit means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities and controllable heat/thermostat intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building;

Floor area means

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

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 lot lines which abut a street;

Front yard means that portion of the site extending across the full width of the parcel from the front parcel boundary of the lot to the nearest portion of the foundation of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may determine areas to be treated as front yards;

Grade means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building;

Height means the vertical distance from grade at the elevation of the principal building facing the front parcel boundary to the highest point on the roof of the building, but excluding chimneys and aerials;

Home office

means an office in a dwelling which

- is not visited by a significant number of clients,
- does not change the external appearance or residential character of the dwelling, and
- is carried on only by the residents of that dwelling,

and includes child care for up to three children who do not live at that place, but does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling.

Home business

means a business, trade, craft occupation, storage activity, or other commercial operation on a residential lot on a scale greater than a home office. This does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling.

Lot

means an individual lot or parcel (including a condominium lot) for which a title has been issued under the Land Titles Act, or, where two or more lots are “tied” for assessment purposes, or are included in a single title, the area encompassed by the two or more lots.

Highway means a primary highway and a secondary road numbered between 900 and 999, as defined in the *Public Highways Development Act*;

Home occupation – Class 1 means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence and undetectable from outside the dwelling unit and does not generate any non-residential traffic, but does not include cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Home occupation – Class 2 means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. The use may generate up to ten (10) associated visits per week. In accordance with the foregoing, home occupation – class 2 uses may include such activities as professional, financial, personal, or office services, but may not include such uses as medical clinics, veterinary clinics, retail sales, cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Home occupation – Class 3 means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. The use may generate more than five (5) associated visits per week. Home occupation – class 3 uses may not include such uses as medical clinics, veterinary clinics, retail sales, cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Interior parcel means a parcel abutting only one street other than a lane;

Loading space means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials;

Main building

means a building in which is conducted the main or principal use of the lot on which it is erected.

Manufactured home, house or housing

means a single detached dwelling built offsite in one or more sections, and intended to be occupied in a place other than where it is manufactured, and which meets the Canadian Standards Association Z240 or A277 standards and conforms to the Alberta Building Code. Manufactured homes were previously called mobile homes.

Mixed use development

means a building designed for more than one land use on the same site, including such examples as residential and retail development, residential, office and retail development and office warehouse development.

Manufactured home, house or housing means a single detached dwelling built offsite in one or more sections, and intended to be occupied in a place other than where it is manufactured, and which meets the Canadian Standards Association Z240 or A277 standards and conforms to the Alberta Building Code;

Mechanized excavation, stripping and grading means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements;

Medical Cannabis means a substance used for medical purposes authorized by a license issued under the federal government's Cannabis Regulations (SOR/2018-144) or any subsequent legislation which may be enacted in substitution;

Medical Cannabis Counselling means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and may include the ancillary retail sale or rental of merchandise;

Mixed use development means a building designed for more than one land use on the same site, including such examples as residential and retail development, residential, office and retail development and office warehouse development;

Multi-attached dwellings means a residential building containing three or more dwelling units, each unit separated by a common wall and having a direct, separate entrance, whether located on a single site or adjoining individual lots. This definition applies to forms of housing that include, but is not limited to, rowhouses, stacked row houses, triplexes and fourplexes;

Multiple housing development means two or more buildings containing one or more dwellings units located on a parcel of land, where all of the buildings, recreation areas, vehicular areas, landscaping and

all other features have been planned as an integrated development;

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

Parcel coverage means the area on a parcel of land or lot covered by buildings, including covered decks and verandas and carports, but does not include cantilevers, steps or uncovered decks;

Parcel depth means the distance measured along each side parcel boundary of a parcel;

Parcel width means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary;

Parking facility means a structure or an area providing for the parking of motor vehicles;

Parking facility

Means a structure or an area providing for the parking of motor vehicles.

Parking stall

means a hard-surfaced area at least 6 metres in length and 3 metres in width, reserved for the parking of motor vehicles.

Principal use or building means the foremost, primary and most important use or building on a lot;

Projection means a portion of part of a building that extends horizontally above and beyond the foundation of the building including, but not limited to uncovered decks, unenclosed steps, cantilevered windows, fireplace chaises, eaves, or air conditioning and/or heat pump units;

Rear yard

means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

Rear yard means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line;

<p>Residence means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular homes.</p> <p>Road means the entire width of the right-of-way of a road or lane shown on a township plan, road plan, or plan of subdivision, and not only the built traveling surface.</p> <p>Granny or nanny suite means a self contained suite within a detached residence, intended for use by a dependent or servant of the owner or occupier of the detached residence, and not rented or leased.</p> <p>Setback means the distance between the closest part of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.</p> <p>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 lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property</p>	<p>Residential Infill Development means the development or re-development of vacant, under-used or deteriorating parcels within existing urban areas for residential uses. This may include the demolition of existing structures to be replaced with new development. Infill development may or may not include a change in the use or intensity of the use on a parcel;</p> <p>Road means the land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or 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;</p> <p>Secondary means any subordinate, support or accessory use of building on a lot;</p> <p>Secondary Suite means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling;</p> <p>Setback means the distance between the building foundation and the front, side or rear lot/property line of the lot, measured at right angles to that lot line;</p> <p>Shipping container means a steel storage container designed to be used for sea, rail or intermodal shipping and which is used strictly for the storage of materials associated with the principal use of the parcel;</p> <p>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 lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary;</p>
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boundary.

Sign

means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

Suite

means an area within a residence which provides a self contained living area with its own cooking and washing facilities.

Yard

means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

Sight triangle means an area at the intersection of two roads or a road and railway in which all buildings, fences, vegetation, all signs except free-standing signs, and finished ground elevations is restricted, in order that vehicle operators may see approaching vehicles in time to avoid collision.

Sign means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

Street means any category of registered street or public roadway except a lane;

Tandem parking means two parking spaces, one behind the other, with one point of access to the maneuvering aisle;

Temporary building means a building without a foundation or footing and the use or placement of which is intended to be for periods of time that are less than six months. Temporary buildings may include soft-sided or fabric covered buildings;

Yard means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

General Regulations

General Regulations

4. General Regulations

4.1. Applicability

4.1.1. These General Regulations shall apply to all development unless otherwise exempted within this section or the applicable District Regulations. Where these regulations may be in conflict with any District Regulations, the more stringent regulation shall take precedence.

4.2. Guidelines for Other Land Uses

4.2.1. All uses which are not covered by specific regulations in a Land Use District shall, in accordance with the following guidelines be:

- i. Separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses;
- ii. At a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan;
- iii. Setback from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses;
- iv. Of a height which will be consistent with that prevailing in the area;
- v. Developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads;
- vi. Developed in accordance with the provisions of Section 4.0 General Regulations; and,
- vii. developed in conformance with any applicable statutory plan policies.

4.3. Accessory Dwelling Units (with Commercial and Industrial uses)

4.3.1. Accessory dwelling units shall provide for mixed use opportunities on a site. A commercial or industrial principal use must be established on the site to support an accessory dwelling unit(s).

- 4.3.2. In industrial districts the number of accessory dwellings units on a single lot shall be limited to one (1).
- 4.3.3. No external storage or residential accessory structures (ie. sheds, play structures) related to the accessory dwelling unit (s) shall be permitted.
- 4.3.4. Parking for the accessory dwelling unit(s) shall be provided in accordance with section 4.30 in addition to parking required for the primary commercial uses on the parcel.
- 4.3.5. An accessory dwelling unit shall not be approved where, in the opinion of the Development Authority, it would interfere with the primary use of the site.
- 4.3.6. Accessory dwelling units in the Central Commercial District may be allowed on the ground floor provided the accessory dwelling unit is located in the rear of the building and a non-residential use is located in the front of the building closest to the street.

4.4. Accessory Buildings

- 4.4.1. In a Residential District:
 - i. No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
 - ii. An accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft.) from the side and rear boundaries of the parcel, except in the Residential Estate District where all accessory buildings shall be situated at least 4.5 m (14.76 ft.) from the rear parcel boundary.
 - iii. An accessory building on a corner parcel shall not be situated closer to the street than the principal building and shall maintain a side yard setback from the street consistent with the requirements of that district.
 - iv. Notwithstanding subsections (ii) and (iii), in any residential district other than the Residential Estate District, 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 abutting parcels. The Development Authority may as a condition of approval, require the owners to construct a firewall and cause to be registered a party wall agreement on both affected titles.
 - v. An accessory building shall not be more than 5.0 m (16.4 ft.) in height, and shall

not exceed the height of the principal building located on the same site.

- vi. Notwithstanding section (v), a secondary suite located in an accessory building shall not be more than 7.5m (24.6 ft.) in height and shall not exceed the height of the principal building located on the same site.
- vii. An accessory building erected or placed on a parcel shall not be used as a dwelling unless a permit has been issued for the development of a secondary suite.
- viii. Accessory buildings shall reflect the design of the principal dwelling on the parcel by incorporating similar exterior cladding colours and materials.

4.4.2. All Other Districts:

- i. No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel or any yard adjacent to a highway.
- ii. An accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft.) from the side and rear boundaries of the parcel.
- iii. An accessory building on a corner parcel shall not be situated closer to the street than the principal building and shall maintain a side yard setback from the street consistent with the requirements of that district.
- iv. Accessory buildings shall reflect the design of the principal dwelling on the parcel by incorporating similar exterior cladding colours and materials.

4.5. Alternative Energy Collecting and Storing Devices

4.5.1. Solar energy devices attached to a principal or accessory building shall:

- i. be integrated so as to mimic the roof or wall/ structure. The mounted panel shall project no more than 0.15 m (6 in) from the surface of the building;
- ii. where located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft.) above the roof line in residential districts and not more than 1.8 m (6 ft.)

above the roof line in all other districts; and

- iii. not extend beyond the outermost edge of the roof or wall to which it is mounted;

4.5.2. Solar energy devices not attached to a building shall:

- i. be located in a side or rear yard only;
- ii. not exceed 2.5 m (8.2 ft.) in height above the ground;
- iii. maintain a minimum 1.0 m setback from lot lines; and
- iv. be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority.

4.5.3. Wind Energy Devices shall:

- i. be located in a side or rear yard only;
- ii. be subject to the district requirements for height on the parcel which they are located;
- iii. be sized appropriately to the district in which they are located. Devices located on residential lots shall be designed specifically to be for such use;
- iv. not generate any noise that extends beyond the property boundary in a residential district.

4.5.4. Where a Wind Energy Device is proposed, the Development Authority may require provision of a visual and noise impact statement including steps proposed to mitigate such impacts.

4.5.5. Geothermal Energy Devices shall:

- i. be permitted provided its underground components meet the required setbacks for accessory buildings in the district;
- ii. in the case of above ground components, adhering to the following:
 - a. in a residential district, be subject to the district requirements for an accessory

building on the lot where the device is located;

- b. in all other districts, be subject to the district requirements for a principal building on the lot where the device is located; and
- c. not require a development permit, subject to meeting the requirements of the district in which they are located.

4.6. Building Demolition

4.6.1. An application to demolish a building shall not be approved without a statement or plan which indicates:

- i. how the operation will be carried out so as to create a minimum of dust or other nuisance; and
- ii. the final reclamation of the parcel;

to the satisfaction of the Development Authority.

4.7. Building Orientation and Design

4.7.1. The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to:

- i. amenities such as daylight and privacy;
- ii. compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing; and
- iii. the building's effect on adjacent parcels.

3. DESIGN, CONSTRUCTION, AND TREATMENT OF BUILDINGS

3.1. The design, construction, and treatment of buildings shall be compatible with the neighboring buildings and, in the case of buildings in the downtown area, with the Downtown Design Guidelines (see Section 11 of the bylaw).

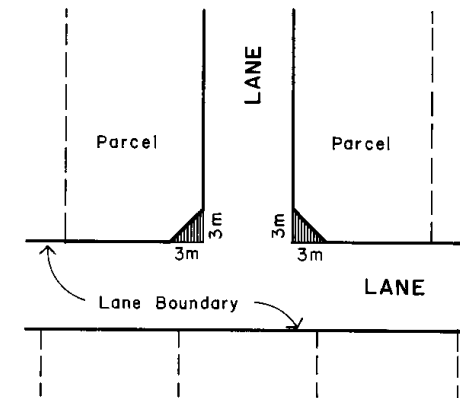
3.2. The Development Authority may refuse to issue a development permit for a building, the design, construction, or treatment of which is, in his opinion, incompatible with the neighboring buildings.

3.3. Quonsets and pole sheds are deemed to be incompatible with conventional buildings unless they are permitted as temporary buildings under Section 7.9 of the bylaw, or are listed as permitted or discretionary uses in that district in Schedule C.

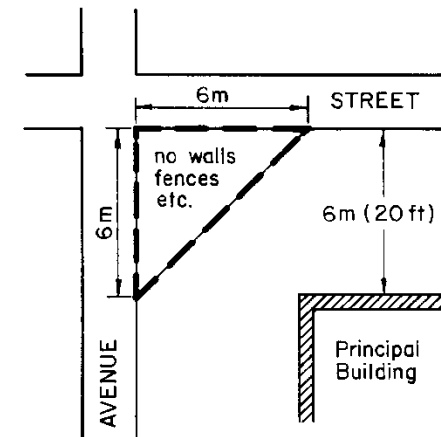
4.8. Corner Visibility

4.8.1. No person shall erect, place, allow or permit any building, fence, vehicle or trailer, screening material or object, and no person shall plant or permit to grow any hedges, trees or vegetation which exceeds 1.0 m (3.3 ft.) in height on a portion of a corner site determined as follows:

- i. Where the corner site is at the intersection of two lanes or a lane and a street, a sight triangle of 3.0 m (9.84 ft.) in length shall be provided (see figure).



- ii. Where the corner site is at the intersection of two streets, a sight triangle of 6.0 m (20 ft.) in length shall be provided (see figure).



iii. Notwithstanding any other provisions of this Land Use Bylaw, 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.

4.8.2. At the intersection of two streets, the Development Authority may require the calculation of sight triangles where:

- i. one or more rights-of-way is less than 15.0m (49.21 ft.), or
- ii. regulated vehicle speed exceeds 50 km/h, or
- iii. one of the carriageways is not centred in its right-of-way, or
- iv. an intersection leg is curved or skewed, or
- v. an intersection leg is sloped at 2% or greater.

4.9 Dangerous Goods

4.9.1 Prior to making any decision on a development application which involves dangerous goods or development on adjacent land or in close proximity to any dangerous goods the Development Authority shall refer the development proposal to the appropriate regulatory authority for comments.

4.9.2 Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table below – Small Quantity Exemptions for Dangerous Goods – is not permitted on a parcel the boundary of which is within 50 m (164 ft) of the boundary of any parcel located in a residential district.

SMALL QUANTITY EXEMPTIONS FOR DANGEROUS GOODS

The existence of the following quantities of dangerous goods on a site will not be considered to constitute “dangerous goods occupancy”. Any quantities in excess of this amount will be considered to constitute “dangerous goods occupancy” and must be

approved by the Fire Chief.

Mass Explosion Hazard ¹	Any
Severe Fragment Projection ¹	Any
Predominant Fire Hazard ¹	Any
No Significant Blast Hazard ¹	50 Kg
Insensitive Substances (Mass Hazard) ¹	250 Kg
Extremely Insensitive Substances ¹	250 Kg
Flammable Gases ²	100 L or Kg
Compressed Gases ²	1000 L
Toxic Gases	Any
Flammable Liquids	250 L
Combustible Liquids (incl. waste oil)	1000 L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25 L or Kg
Dangerous When Wet Material	25 L or Kg
Oxidizing Substances	50 L or Kg
Organic Peroxides	1 L or Kg
Toxic Materials	5 L or Kg
Infectious Substances	Any
Radioactive Materials ³	Any
Corrosives	250 L or Kg
Miscellaneous Dangerous Goods	250 L or Kg

Notes: ¹ any amount that requires license from Explosive Branch (Natural Resources Canada)

² amounts listed are the equivalent liquid measure of the container

³ any amount that requires license from Atomic Energy Regulators

4. **DECKS**
- For the purpose of establishing yards and setbacks,
- 4.1. a deck which is attached to a main building, and which has a walking surface 60 cm (2 feet) or more above ground, is deemed to be part of the main building; and
- 4.2. a deck which has a walking surface less than 60 cm (2 feet) above ground is not bound by yard and setback requirements.
12. **OVERHANGS AND ENCROACHMENTS WITHIN A LOT**
- 12.1. Balconies may encroach into yards by the following distances:
- 12.1.1. 1.5 metres (5 feet) into yards of 4 metres (13 feet) or more, and
- 12.1.2. 60 cm (2 feet) into yards of less than 4 metres (13 feet).
- 12.2. Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may encroach into the yards required by Schedule B by the following distances:
- 12.2.1. 60 cm (2 feet) into yards of 1.5 metres (5 feet) or more, and
- 12.2.2. 45 cm (18 inches) into yards of less than 1.5 metres (5 feet).
13. **OVERHANGS AND ENCROACHMENTS INTO ROADS**
- 13.1. No sign or building may encroach over or onto a road unless the person responsible for the encroaching object
- 13.1.1. has signed an encroachment agreement with the municipality, and
- 13.1.2. maintains liability insurance of at least \$1 million and naming the municipality as co-insured.
- 13.2. This section does not apply to fascia signs encroaching less than 30 cm over a

- 4.10 Decks, Projections, Overhangs and Encroachments**
- 4.10.1 A deck may project into the required yards as follows:
- i. Front yard – maximum 1.5 m;
 - ii. Side yard – maximum 0.6 m; and
 - iii. Rear yard – maximum 3.0 m.
- 4.10.2. When a deck becomes enclosed or covered, it shall be deemed part of the principal building and is required to meet all setback requirements of the district, except in the case of a covered deck on the front elevation which may project up to 2.0 m into the allowable front yard.
- 4.10.3. Balconies may encroach into yards by the following distances:
- i. 1.5 m (5 ft) into yards of 4.0 m (13 ft) or more, and
 - ii. 0.6 m (2 ft) into yards of less than 4.0 m (13 ft).
- 4.10.4. Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may encroach into the required yards by the following distances:
- i. 0.6 m (2 feet) into yards of 1.5 m (5 feet) or more, and
 - ii. 0.45 m (1.5 ft) into yards of less than 1.5 m (5 feet).
- 4.10.5. No sign or building may encroach over or onto public lands unless the person responsible for the encroaching object
- i. has signed an encroachment agreement with the municipality, and
 - ii. maintains liability insurance of at least \$1 million and naming the municipality as co-insured.
- 4.10.6. This section does not apply to fascia signs encroaching less than 30 cm over public lands.

road.

4.11. Development Setbacks

4.11.1. Notwithstanding any specific provisions in this Land Use Bylaw, setbacks in excess of the minimum yard requirements may be required when deemed necessary by the Development Authority.

4.11.2. Sites Adjacent to Pipeline Rights-of-Way

Notwithstanding any other provision of this Land Use Bylaw, where a development is proposed on a site adjacent 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 Authority after consultation with the pipeline operator.

4.11.3. Sites Adjacent to a Highway or Railway

- i. Notwithstanding any other provision in this Land Use Bylaw, all buildings and structures adjacent the Queen Elizabeth 2 Highway and Highways 2A and 53 shall be sited a distance from the highway right-of-way as determined by the Development Authority after consultation with Alberta Transportation.
- ii. Notwithstanding any other provision in this Land Use Bylaw, all new residential development adjacent the Queen Elizabeth 2 Highway and Highways 2A and 53 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.
- iii. All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

4.11.4. Development On or Near Steep Slopes or Near Bodies of Water

- i. For the purposes of this Section, “top of the bank” is as determined by the Development Authority.

- ii. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 10 m (33 ft.) of the top of the bank of any body of water.
- iii. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 20 m (66 ft.) of the top or bottom of a slope where the grade of the slope exceeds 15% (fifteen percent) and the overall height of the slope exceeds 3.24 m (10 ft).
- iv. The Development Authority may require a greater setback than is prescribed in subsections (ii) and (iii) above.
- v. Notwithstanding that a proposed development conforms in all respects with this Bylaw, including subsections (ii) and (iii) above, where the application is for development on lands that are or may be subject to subsidence, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventative engineering and construction measures can be instituted to ensure suitability of the development to the site.
- vi. Further to subsection (v), the Development Authority may require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
- vii. Subject to subsections (v) and (vi), the Development Authority may reduce the setback requirements if the applicant provides satisfactory proof of slope stability.
- viii. Development permit applications for any open, enclosed, attached or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation structure or vessel that could alter sub-soil adhesion characteristics on sites abutting or adjacent the “top of bank” shall be accompanied by a report prepared by a qualified, registered professional engineer detailing the structural components of the proposal which will mitigate risks to bank stability.

4.11.5. Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

- i. In accordance with the *Subdivision and Development Regulation*,

- a) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Alberta Energy Regulator (AER) with respect to sour gas facilities unless the AER has given written approval to a lesser setback;
- b) no building shall be constructed within 100 m (328 ft.) of the well head of a gas or oil well, unless, otherwise approved in writing by the Alberta Energy Regulator.

- ii. No building shall be constructed within 100 m (328 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

4.11.6. Development Setbacks from Wastewater Treatment Plants

In accordance with the *Subdivision and Development Regulation*,

- i. a school, hospital, food establishment or residential building must not be approved and a residential building must not be constructed within 300 m (984 ft.) of the working area of an operating wastewater treatment plant, and
- ii. a wastewater treatment plant must not be approved unless the working area of the plant is at least 300 m (984 ft.) from any existing or proposed school, hospital, food establishment or residential building

unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks (AEP).

4.11.7. Development Setbacks from Landfills and Waste Sites

In accordance with the *Subdivision and Development Regulation*,

- i. a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distance from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer stations specified in the *Subdivision and Development Regulation*, and
- ii. a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the

Subdivision and Development Regulation, unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks (AEP).

4.12. Drainage

- 4.12.1. 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 adjoining land unless otherwise approved by the Development Authority.
- 4.12.2. The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Development Authority.
- 4.12.3. The storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all development shall not directly discharge or cause any flows across a sidewalk.
- 4.12.4. All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eave troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority.
- 4.12.5. Where the final site grades have been established through a development agreement or engineered drawings, the Development Authority may require the applicant to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.

4.13. Drive Through Businesses

- 4.13.1. Drive-through businesses, including gas bars and carwashes, shall be located only where the Development Authority is satisfied that the development and resulting vehicle circulation patterns will not adversely affect the function of public roadways, internal roadways, or internal vehicle circulation routes.
- 4.13.2. Queuing space shall be provided on the same site as the development as follows:
 - i. For drive through food services and other development having a service window or automated machine, a minimum of 5 inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One outbound queuing space shall be provided on the exit side of the service window or automated machine. Additional queuing spaces may be required in order to ensure

5. DRIVE IN BUSINESSES

- 5.1. *Location:*

Despite their being listed as approved uses in a land use district, drive in businesses shall be permitted only where it can be demonstrated that passing traffic will not be impeded, and traffic entering the business will not endanger pedestrians.
- 5.2. *Curb cuts:*

Curb cuts shall be situated at a location approved by the Development Authority.
- 5.3. *Parking and stacking:*

The lot shall be large enough to accommodate all necessary parking, and provide room for vehicles awaiting service so that they do not back up into the adjacent street.

5.4. *Garbage control:*

The site shall be provided with adequate garbage receptacles, and shall be fenced to the satisfaction of the Development Authority so garbage is prevented from blowing off-site.

5.5. *Screening:*

If the site is adjacent to a residence, the Development Authority *may* require that the site be screened to his satisfaction.

the development does not impact adjacent roadways.

- ii. For drive-through vehicle services, inbound queuing spaces shall be provided at the discretion of the Development Authority based on the specific use and anticipated traffic. A minimum of one inbound queuing space per bay shall be provided.
- iii. Each queuing space shall be a minimum of 5.5 m (18 ft.) long and 3.05 m (10 ft.) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

4.14. Driveways

4.14.1. Driveways within a residential district that serve a single dwelling unit shall not exceed a width of 8.0 m (26.2 ft) at the front parcel boundary or side parcel boundary.

4.14.2. Driveways within a residential district accessing multiple dwellings units shall not exceed a width of 10.0 m (32.8 ft) at the front parcel boundary or side parcel boundary.

4.14.3. Driveways within a commercial, industrial or public use district shall not exceed a width of 12 m (39.4 ft) at the front parcel boundary or side parcel boundary.

4.14.4. Driveways that enter a property from:

- i. A paved road shall be paved;
- ii. A gravel lane may be gravel; and,
- iii. A paved lane shall be paved.

4.14.5. At street intersections, driveways shall be setback from the lot lines which form the intersection not less than:

- i. 6.0 m (19.7 ft) where the driveways serves not more than four dwelling units, or
- ii. 15.0 m (49 ft) for all other uses.

18. **YARDS**

18.1. Where a lot abuts two or more roads, the Development Authority may require that front yard setbacks be observed from more than one road.

18.2. Where land is likely to be re-subdivided in future, the Development Authority may require that any new building be located as if the subdivision was already in effect.

17. **UTILITY BUILDINGS AND EQUIPMENT**

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system.

6. **FENCES**

6.1. In residential districts, no fence shall be higher than 1.75 metres (6 feet) in side and rear yards and no higher than 1 metres (3 feet) in front yards.

6.2. The height limits for front yard apply to any side of a lot facing or flanking a street.

6.3. The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.

6.4. Barbed wire may be used only

6.4.1. for fences surrounding land on which the grazing of livestock is a

4.14.6. The minimum distance between driveways shall be:

- i. Nil, where the driveways serve single dwelling units,
- ii. 6.0 m (19.7 ft), where the driveways serve any other use.

4.15. Exceptions to Yard and Setback Requirements

4.15.1. The yard and setback provisions of this Land Use Bylaw do not apply to:

- i. Municipal and private utilities,
- ii. Surface parking,
- iii. Fences and retaining walls,
- iv. Awnings and canopies,
- v. Wheelchair ramps, and
- vi. Unenclosed sidewalks and steps contained wholly within the site.

4.16. Fences

4.16.1. In residential districts, no fence shall be higher than 1.75 m (6 ft) in side and rear yards and no higher than 1 m (3.3 ft) in front yards.

4.16.2. The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.

4.16.3. Barbed wire may be used only

- i. for fences surrounding land on which the grazing of livestock is a permitted or discretionary use, and
- ii. as the top strand of a fence in a commercial or industrial district, and provided the

permitted or discretionary use, and

6.4.2. as the top strand of a fence in a commercial or industrial district, and provided the top strand is at least 1.75 metres (6 feet) above ground level.

6.5. No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.

6.6. Subject to the foregoing, no development permit is required for fences or gates.

7. GRADING OF LOTS

7.1. No land shall be filled or raised, and no grading or drainage shall be undertaken, affecting adjacent property, unless a development permit has been issued for the work.

7.2. Despite Subsection 7.1 above, the owner of a lot may re-grade the lot without obtaining a development permit if he has the written agreement of the owners of the immediately adjacent lots.

7.3. The Development Authority *may* require that a development permit application for a new building shall include a lot grading and drainage plan.

top strand is at least 1.75 metres (6 feet) above ground level.

4.16.4 No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.

4.17. Garbage and Recycling

4.17.1 A commercial garbage bin shall be provided in accordance with the Waste Management Bylaw of the Town as part of the development of commercial and industrial uses and any residential buildings containing three or more dwellings on a parcel. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible by garbage collectors.

4.18. Grading, stripping and excavation

4.18.1. No land shall be filled or raised, and no grading or drainage shall be undertaken, affecting adjacent property, unless a development permit has been issued for the work.

4.18.2. The Development Authority may require that a development permit application for a new building shall include a lot grading and drainage plan.

4.18.3. A development permit is required to excavate, strip or grade land within the Town and shall be deemed a discretionary use within the district, unless the land is subject to an active development permit or endorsed subdivision and development agreement. No permits shall be issued under this section without full disclosure of the reason for the proposed works and change in the use of the site.

4.18.4. In addition to the requirements laid out in Section 2.7, applications for a development permit for mechanized excavation, stripping and grading shall provide the following information:

- i. The legal description of the subject site, and a site plan indicating the areas to be impacted;
- ii. The type, size and location of any vegetation on the site;
- iii. Detailed cut and fill plan;
- iv. A drainage plan indicating current and proposed elevations;
- v. An erosion and sedimentation control plan;
- vi. A timeline for the work, a schedule indicating the times of day the work will occur, and how any nuisances will be mitigated, including dust abatement;
- vii. Location of fencing to secure any open excavation, as required;
- viii. Confirmation of written notification of adjacent landowners;
- ix. Confirmation of insurance of landowner and contractors;
- x. Security as required by Development Authority.

4.18.5 All development permit applications for mechanized excavation, stripping and grading shall be circulated to the Town’s Operations department prior to approval.

4.18.6 A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be hazardous to the public.

4.18.7 All parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land, unless otherwise permitted by the Development Authority.

4.19. Infill Development in Established Residential Areas

4.19.1. The purpose of these provisions is to ensure development and redevelopment that is compatible with existing development and the long term visions of the Town. In order to achieve this aim, the Development Authority may require additional stipulations to ensure development is sensitive to the scale, form, and character of the neighbourhood, with special considerations for the transition to existing adjacent buildings.

4.19.2. General Provisions

- i. Retention of Mature Landscaping

Existing mature soft landscaping shall be retained wherever possible and planting of trees beyond the requirements of the Land Use Bylaw is encouraged in order to maintain and enhance the existing tree coverage.

ii. Removal of Mature Trees

Where mature tree(s) are removed, they shall be replaced at a 1:1 ratio with trees that are appropriate (at the development authority's discretion) for the location. Deciduous trees shall be a minimum height of 3m with a minimum caliper of 50mm above the root ball. Coniferous trees shall be a minimum height of 2m.

iii. Duplex Developments

New duplex developments or redevelopments shall be designed to resemble two separate dwellings or one large dwelling.



Example of a duplex with a recessed party wall, creating the illusion that they are two separate dwellings.



Example of a duplex resembling one large dwelling.

iv. Variation of Duplex Residential Design

Mirror image new duplex development or redevelopment is not permitted unless there is substantial façade treatment to give the illusion of a different design.

v. Duplex and Multi-attached Corner Lot Units

The exterior treatment of all sides of new duplex and multi-dwelling developments or redevelopments facing onto a highway or street shall reflect its dual frontage and incorporated elements such as window treatment, building projections, wrap around porches and decks, on both frontages.

vi. Sensitive Massing of Infill Developments

Larger developments shall resemble a series of smaller dwellings through sensitive massing and be designed with a variation of the façade, roof slopes, window treatments, unit entry, and other design elements to enhance the relationship with the street and public space. Monolithic, flat façades are not acceptable.

Examples of sensitive *building* massing:



vii. Conflicts with Other Sections of the Land Use Bylaw

Where the provisions of this Section conflict or provide differing advice from another section of the Land Use Bylaw, the more stringent conditions will apply.

8. LANDSCAPING AND SCREENING

As a condition of issuing a development permit, the Development Authority may require that a lot is landscaped within a set time.

4.20. Landscaping and Screening

4.20.1. All new development, excluding a change of use in an existing structure, or when an existing development is substantially enlarged shall be required to follow the landscaping requirements as set out in this section. Landscaped area shall be as follows:

Land Use District	Landscaped Area of Front Yard
R1, R1B, R2, R3, R4, MHS, RE	30% of front yard area
C1	Area not occupied by building or parking
C2	15%*, minimum 3.0 m landscaped strip along all lot lines adjacent a road
M1, M2	2.0 m landscape strip along all lot lines adjacent a road
*Commercial and Industrial developments may be required to provide additional landscaping if the development abuts more than one road or highway.	

4.20.2. Wherever possible existing vegetation shall be preserved and protected or replaced as specified within this bylaw. Existing trees which are removed or damaged by development shall be replaced in accordance with section 4.20.3.

4.20.3. Planting requirements shall be as follows:

- i. a minimum of one tree per 35 m² (376.75 ft².) of landscaped area;
- ii. a minimum of one shrub per 25 m² (269.11 ft²) of landscaped area;
- iii. a minimum of one third (33%) of the required trees shall be coniferous;
- iv. deciduous trees shall have a minimum calliper size of 50mm for small trees and a minimum calliper size of 75 mm for large trees at the time of planting. Ornamental trees shall be an exception and shall have a minimum calliper size of 35 mm and shall be considered small trees;

- v. Coniferous trees shall have a minimum height of 1.8 m for small trees and a minimum height of 2.5 m for large trees at the time of planting;
- vi. 50% of all trees planted shall be large trees;
- vii. shrubs shall be a minimum of #2 container pot size at the time of planting;
- viii. calliper size shall be measured 6 inches above the ground; and,
- ix. all plant material shall be of a species capable of healthy growth in the Town of Ponoka.

- 4.20.4. Where the calculation of the required number of trees and shrubs results in fractions, the values shall be rounded up to the next whole number.
- 4.20.5. Existing soft landscaping retained on site may be considered in the fulfilment of the total landscaping requirement.
- 4.20.6. The use of xeriscaping or native drought resistant plant materials shall be encouraged where possible.
- 4.20.7. For all multiple housing developments, including row housing, four-plexes, and apartments, landscaping should be designed to encourage the protection of the privacy of residences with windows on the main floor or in basements. This may include plantings around lower level windows and the design of walkways that maintain a separated distance from such windows.
- 4.20.8. A maximum of 10% of the parcel area may be hard-landscaped unless trees and shrubs are incorporated into the design to the density specified in section 4.20.3(i) and (ii).
- 4.20.9. A sufficient depth of topsoil to facilitate growth in the soft landscaped areas shall be provided, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover.
- 4.20.10. Trees shall, for the most part, be planted in groups and contain an odd number of trees as well as a complimentary grouping of shrubs to the satisfaction of the Development Authority.
- 4.20.11. Landscaping shall be provided within all required yards that are adjacent to streets, roads, or highways, with the majority to be provided in the front yard, to the satisfaction of the Development Authority.
- 4.20.12. If any side of the lot in a commercial or industrial district faces a street, road or highway

is to be fenced, the amount of landscaping that is to be provided outside of the fence shall be at the discretion of the Development Authority. Such landscaping shall be provided within the subject property, with the fence located inside the property boundary.

4.20.13. Commercial and Industrial developments which are adjacent to residential land use districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority. This includes the appropriate screening of outside storage areas, parking facilities and loading areas.

4.20.14. In commercial and industrial districts adjacent to major roads, the Development Authority may require a higher standard of landscaping.

4.20.15. Landscaping shall be completed by the end of the first full growing season following completion of construction or the commencement of the use. For phased developments, each phase of landscaping shall be completed by the end of the first full growing season following completion of the particular phase of development.

4.20.16. Development constructed in phases shall include the portion of landscaping associated with each phase at the time of development of that phase. Landscaping shall be completed for each phase as set out in section 4.20.15.

4.20.17. The landscaped areas shown on the landscape plan as approved by the Development Authority shall be maintained for the duration of the development permit.

4.20.18. In addition to the on-site landscaping requirements, the Town boulevards adjoining the site shall be landscaped and maintained by the developer and successor.

4.21. Landscaped Islands within Parking Areas

4.21.1. All at grade parking areas required by this Bylaw to accommodate 50 or more vehicles shall incorporate landscaped islands or open space and pedestrian walkways within the parking area. A minimum of 2 landscaped islands shall be required, with an additional two islands for every additional 20 stalls.

4.21.2. Landscaped islands shall be placed to:

- i. provide visual relief;

- ii. assist vehicular circulation; and
- iii. fragment large areas of parking into smaller cells.

4.21.3 Each landscaped island shall:

- i. provide 1 tree per 25 m² and 1 shrub per 10 m², with a minimum of no less than 1 tree and 2 shrubs per island; and
- ii. be designed to the satisfaction of the Development Authority.

4.21.4. Landscaped islands shall be designed to include pedestrian walkways to direct pedestrians through the park area. These walkways shall be hard surfaced.

4.22. Environmental Conservation and Protection of Natural Areas

4.22.1. On-site environmental conservation and protection of natural areas shall be encouraged wherever possible in all new and existing developments. To the satisfaction of the Development Authority the following natural elements shall be conserved to the greatest extent possible:

- i. Wetlands, swamps, gullies and natural drainage courses;
- ii. unstable land;
- iii. land subject to flooding by a 1:100 year flood;
- iv. land with a natural gradient of 15% or greater;
- v. a strip of land not less than 15.0 m (49.21 ft.) in width along any river, stream, creek or lake, such distance to be measured from the top of the bank; and
- vi. existing trees and shrubs to the maximum extent possible.

4.22.2 Any healthy, mature tree that is required to be removed to allow for a development shall be replaced at a minimum ratio of 1:1 (new tree: existing tree), in addition to the landscaping requirements as set out in Section 4.20.

4.23. Laneless Subdivisions

4.23.1. 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.).

4.24. Lighting of Sites

4.24.1. 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 or the lighting of public streets.

4.25. Moved In Buildings

4.25.1. A person wishing to move an existing building onto a lot shall make an application for a development permit in the usual way and shall also provide:

- i. photographs showing all sides of the building; and,
- ii. a statement of the type of construction, condition, and age of the building.

4.25.2. The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.

4.25.3. The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in their opinion, the building is unsuitable.

4.25.4. The Development Authority may issue a development permit subject to such conditions as they believe necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.

4.25.5. This section does not apply to new storage sheds, or to temporary buildings authorized under Section 4.4 of the bylaw, or to new manufactured homes being moved in to a district where they are a permitted or discretionary use.

11. MOVED IN BUILDINGS

11.1. A person wishing to move an existing building on to a lot shall make an application for a development permit in the usual way and shall also provide:

- 11.1.1. photographs showing all sides of the building;
- 11.1.2. a statement of the type of construction, condition, and age of the building; and
- 11.1.3. a statement of proposed improvements with an estimate of costs.

11.2. The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.

11.3. The Development Authority shall consider whether the building is compatible with the character of the neighborhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.

11.4. The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.

11.5. The Development Authority may also require a performance bond under Section 13.9 of the Bylaw.

11.6. This section does not apply to new storage sheds, or to temporary buildings authorized under Section 7.9 of the bylaw, or to new manufactured homes being moved in to a district where they are a permitted or discretionary use.

4.26. Multiple Uses

4.26.1. 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 the more stringent standards shall prevail.

4.27. Number of Principal Buildings on a Parcel

4.27.1. Not more than one (1) principal building shall be placed on a parcel, except as follows:

- i. in industrial, commercial and other non-residential districts more than one principal 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 parcel having its own access and yards, all in compliance with this Land Use Bylaw;
- ii. in industrial, commercial and other non-residential districts more than one principal building may be constructed on a parcel where the development is part of a comprehensively designed site meant to accommodate multiple buildings; or,
- iii. in residential districts where multiple housing developments may be allowed.

4.27.2. The number of dwelling units permitted on a parcel shall be limited to one, except where:

- i. In the opinion of the Development Authority, either
 - a) The building is clearly designed to be divided into more than one dwelling, or
 - b) The development of the parcel is clearly designed to include more than one dwelling, and

14. **PROHIBITED OBJECTS IN YARDS**

- 14.1. In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any object which is unsightly or offensive, in the opinion of the Development Authority.
- 14.2. Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard of a residential district.

- ii. The use conforms to the uses prescribed in the district in which the parcel is located, and
- iii. The development complies with the provisions of this Land Use Bylaw, and
- iv. A development permit is issued for the use.

4.28. Objects Prohibited

- 4.28.1. In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any object which is unsightly or offensive, in the opinion of the Development Authority.
- 4.28.2. No person shall park:
 - i. A recreational vehicle or utility trailer on a parcel in a residential district, except for:
 - a. On a hard surfaced driveway within a side yard or in front of a garage, provided that the recreational vehicle is set back as to not overhang the sidewalk or otherwise create a safety hazard;
 - b. Within a side or rear yard of a parcel, set back a minimum of 1 metre from a side property line, and set back as to not overhang the alley right of way.
 - ii. A recreational vehicle or utility trailer in any manner that reduces the number of available off-street parking stalls below that required for the uses of the parcel in section 4.30.1 and in accordance with section 4.30.12.
 - iii. A vehicle, recreational vehicle or utility trailer or any part thereof unless entirely contained within the property boundaries of the parcel, and not within 0.25 m of a sidewalk, curb, lane or roadway; or in any manner that protrudes, poses a traffic or safety hazard, or is otherwise not entirely within the property boundaries of the parcel.
 - iv. A passenger vehicle of any kind in the front or side yard of a residential district, except on a driveway or on an approved, hard surfaced parking area, as described in accordance with section 4.30.8.

10. **LOADING**

Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.

SCHEDULE D

RECOMMENDED PARKING STANDARDS

The following numbers of spaces are recommended as a minimum:

One stall for each member of staff present at the busiest shift, plus customer/client parking at the following rates:

Type of Establishment	Customer Parking Recommended
Retail stores, banks, offices, and service establishments square metres of gross leasable area	one stall per 100

4.28.3 Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard of a residential district.

4.29. Outdoor Hot Tubs and Whirl Pools

- 4.29.1. Every outdoor hot tub or whirl pool shall be secured against entry by the public other than owners, tenants or their guests.
- 4.29.2. Outdoor hot tubs and whirl pools shall not be located within any front or required side yard.

4.30. Parking and Loading

4.30.1. A person using or building in any district for the uses listed below shall provide and maintain no less than the number of parking spaces specified. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the closest integer.

RESIDENTIAL	
Dwelling Unit (Detached, semi-detached, duplex)	2.0/unit
Secondary Suite	1.0/unit
Multi Attached and apartment	
Bachelor suite	1.0/unit*
1 bedroom	1.25/unit*
2 bedroom	1.5/unit*
3 or more bedroom	2.0/unit*
	*Plus an additional 0.25/unit clearly indicated as visitor parking
Care Residence	1.0/4 beds + 1.0/2 employees at max. staff
Bed & Breakfast	1.0/guest room

Places of entertainment one stall per 5 client seats

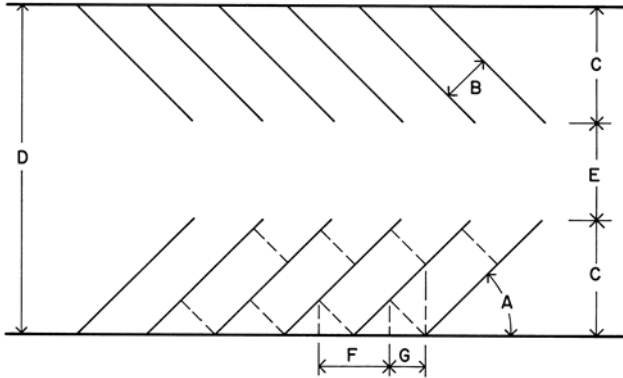
Hotels and motels one stall per room, plus those stalls required for any entertainment component of the business

Industrial plants as required for the likely number of visitors

These numbers may be reduced if an establishment has the use of suitable off-site parking such as on-street parking, municipally-owned lots, or private arrangements for the use of other businesses' parking where peak periods differ.

Boarding house	1.0/bedroom
All Other	2.0/dwelling
COMMERCIAL	
Service commercial - general	2.0/100 m ² gross floor area
Retail commercial -	2.0/100 m ² gross floor area
Home Occupation - Class 2 and Class 3	1.0 stall, plus additional stalls at the discretion of the Development Authority
All uses in the Central Commercial District	Nil
Hotel/Motel	1.0/guest room + 1 stall / staff on duty at night
Restaurant	1.0/6 seats
Campground	1.0/campsite + 1.0 visitor stalls/10 sites
INDUSTRIAL	
Manufacturing	6.0
Office area	2.0/100 m ² gross floor area
Other	1.0/100 m ² gross floor area
Warehousing & Storage	4.0/bay
Office area	2.0/100 m ² gross floor area
Other	1.0/100 m ² gross floor area
Mini-storage	1.0/25 storage units
PUBLIC	
Hospitals	1.0/100 m ² gross floor area
Nursing homes	1.0/4 beds + 1.0/2 staff at max. staffing
Places of Worship/Public Assembly	1.0/5 seats
Schools	
Elementary/Middle School	1.0/worker
High School	1.0/worker + 1.0/ 12 students

- 4.30.2. Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock or space be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.
- 4.30.3. Where a use is not listed in this section, on-site parking shall be provided as required by the Development Authority, having regard to similar uses listed and the estimated traffic generation for the proposed use.
- 4.30.4. When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the developer shall provide additional parking, calculated on the basis of the enlargement, alteration, or change in use. Any parking spaces that may have been removed due to the enlargement or alteration shall be replaced.
- 4.30.5. The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.
- 4.30.6. The minimum dimensions of parking areas shall be as set out in the following diagram and table.



A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall Depth	Overall Depth	Drive Aisle Width	Curb Length	Row End
0	2.75 m (9 ft.)	2.75 m (9.0 ft.)	9.00 m (30 ft.)	3.50 m (11 ft.)	6.7 m (22.0 ft.)	0.00 m
30	2.75 m (9 ft.)	5.0 m (16 ft.)	13.50 m (44 ft.)	3.50 m (11 ft.)	5.45 m (18 ft.)	0.85 m (3 ft.)
45	2.75 m (9 ft.)	5.70 m (19 ft.)	15.40 m (51 ft.)	4.00 m (13 ft.)	3.85 m (13 ft.)	2.05 m (7 ft.)
60	2.75 m (9 ft.)	6.00 m (20 ft.)	18.0 m (59 ft.)	6.00 m (20 ft.)	3.20 m (10 ft.)	2.00 m (7 ft.)
90	2.75 m (9 ft.)	5.50 m (18 ft.)	18.5 m (61 ft.)	7.50 m (25 ft.)	2.75 m (9 ft.)	0.00 m

4.30.7. Parking areas shall be hard surfaced where the proposed use is for commercial or residential development exceeding two (2) units per parcel.

4.30.8. Parking areas for other uses including single family, duplex and triplex housing purposes:

- i. Shall be paved where access is from a paved lane;
- ii. May be gravel, where access is taken from a gravel lane; and,

iii. Shall be paved where access is taken from a road.

4.30.9. Parking areas shall be paved if access is gained directly from or to a paved road.

4.30.10. Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent properties.

4.30.11. All required on-site parking shall be graded and paved so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority.

4.30.12. Any recreation vehicle, trailer, or watercraft parked on a residential property shall not block or restrict access to the minimum number of parking stalls required for the principal and accessory uses of the site.

4.30.13. Tandem parking may be considered to fulfil parking requirements for residential development where both stalls serve the same dwelling unit.

4.31. Communal Parking Facilities

4.31.1. Notwithstanding subsection 4.30, parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:

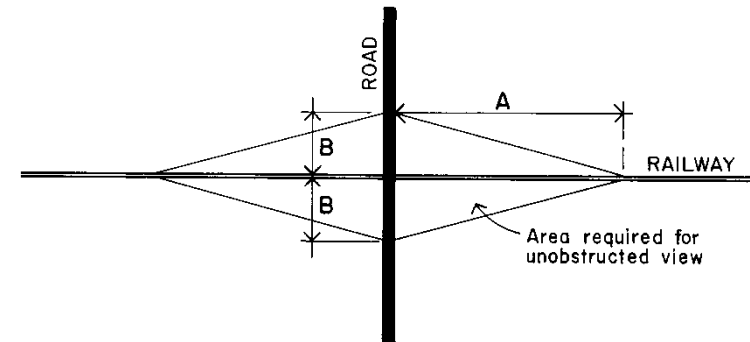
- i. For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of subsection 4.30.
- ii. Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- iii. Where two or more parties agree to combine parking as required under subsection 4.30, a joint parking agreement, to be registered against title, is required with the Town of Ponoka being a third party to the agreement.

4.32. Retaining Walls

- 4.32.1. The Development Authority may require that a retaining wall be provided if the elevation difference between properties is more than 0.3 m (1 ft.)
- 4.32.2. The Development Authority may require the construction of an engineered retaining wall where the change in grade or elevation between two sites or around a building exceeds a slope of 1:3 (vertical: horizontal) and a height of 1 m (3 ft.).
- 4.32.3. Where a retaining wall is required or proposed, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

4.33. Sight Lines at Road and Rail Intersections

- 4.33.1. 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

4.33.2. At the intersection of roadways and railways, which are unprotected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:

- i. One or more of the rights-of-way is less than 15 m (49 ft.) wide, or
- ii. Regulated vehicle speed exceeds 50 km/h, or
- iii. Either the carriageway of the railway is not centred in its right-of-way, or
- iv. An intersection leg is curved or skewed, or
- v. An intersection leg is sloped at 2% or greater.

4.33.3. 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 provisions 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*.

4.34. Site Circulation

- 4.34.1. The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads other than lanes or onto adjacent parcels when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

4.35. Temporary Buildings and Soft-Sided Buildings

- 4.35.1. The Development Authority may conditionally approve a temporary building, including a soft sided building, to be placed on a site subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.
- 4.35.2. Soft-sided or fabric covered buildings may be permitted in non-residential districts. Where a soft-sided or fabric covered building has been allowed in a non-residential district and the building is visible from a highway and/or major road, the Development Authority may add any conditions necessary to ensure such building is suitable to the character of the existing development in the district. A higher level of landscaping and buffering may be required to ensure that the building is appropriately screened to the satisfaction of the Development Authority.
- 4.35.3. Unless being used for a greenhouse, soft-sided or fabric covered buildings shall not be permitted in residential districts except on a temporary basis.

4.36. Vehicle Access to Buildings

- 4.36.1. Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft.) in length in front of the vehicle entranceway in to the building, except where the driveway enters a lane directly from a garage used as an accessory building to a dwelling unit, where it shall be either 1 m (3 ft.) or at least 6 m (20 ft.).

4.37. Zero Lot Lines

- 4.37.1. Where an approved subdivision plan or a proposed subdivision plan comprises of at least five (5) parcels the Subdivision Authority or the Development Authority may by resolution reduce the side yard to zero metres where:
 - i. The owner(s) of the adjacent parcel or parcels grant(s) a 2.4 m (8 ft.) maintenance access easement plus a 0.6 m (2 ft.) eave and footing encroachment easement on

the adjoining site in perpetuity which shall be to the satisfaction of the Subdivision Authority or the Development Authority and shall be registered against the title of the said parcels; and,

- ii. All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority; and
- iii. In a laneless subdivision, adequate provision for access to the rear of each parcel shall be provided from a street.

5. Specific Use Regulations

5.1. Adult Entertainment Establishment

5.1.1. An adult entertainment establishment shall not be located on a parcel having a minimum separation distance of less than 150 m from the boundary of a parcel which contains a residential building, and from the boundary of a parcel accommodating a school, church, public park, arena, day care facility, playground or any other adult entertainment establishment.

- i. The 150 m separation distance shall be measured from the closest point of the subject site boundary for the proposed Adult Entertainment Establishment to the closest point of another site boundary, and shall not be measured from zone boundaries or from the edge of structures.

5.1.2. The Development Authority may require Crime Prevention Through Environmental Design criteria to be applied to a site proposing an Adult Entertainment Establishment, which may require that:

- i. The exterior of all buildings have ample glazing from the street to allow natural surveillance;
- ii. Any landscaping around the building be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
- iii. No customer parking is in behind a building and that all parking areas in front of the building be well-lighted; and

- iv. Customer access to the business is limited to a store front that is visible from the street.

5.2. Bed and Breakfast

- 5.2.1. Bed and Breakfasts shall only be allowed in detached dwellings in those districts where it is listed as a use.
- 5.2.2. The operation and appearance of the bed and breakfast shall not unduly impact the amenities and character of the residential neighbourhood. This includes visual, noise, traffic, and any other impact identified by the Development Authority.
- 5.2.3. The number of guest rooms shall be limited to three (3) unless otherwise determined by the Development Authority based upon the merits of the individual proposal. The rooms shall have access from within the dwelling. The rooms shall not be dwelling units as defined in this Bylaw.
- 5.2.4. On-site parking shall be provided on a basis of one (1) parking stall per guest room. This is in addition to the parking requirement for the detached dwelling itself.
- 5.2.5. Signage shall be permitted in accordance with Section 5.11 Signs.
- 5.2.6. No business, other than one Home Occupation – Class 1 shall be permitted in a detached dwelling that contains a bed and breakfast.
- 5.2.7. Secondary suites are not permitted on a parcel that contains a bed and breakfast.
- 5.2.8. No person other than a permanent resident of the dwelling shall be employed in the bed and breakfast. The hiring of casual labour for such tasks as yard and building maintenance and housekeeping services is permissible.
- 5.2.9. Approval of a development permit does not exempt the operator of a bed and breakfast from complying with any federal, provincial or other municipal legislation.

CANNABIS RETAIL SALES

19.1. Distance from Schools

19.1. A cannabis retail sales use shall not be located within 100 m of any building or any lot being used for a private or public education or any lot designated as School Reserve or Municipal and School Reserve at the time of application for approval of the cannabis retail sales use. For the purposes of this subsection only:

- The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for private or public education use;
- The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot designated as School Reserve or Municipal and School Reserve;
- The term “public or private education” is limited to elementary through to high schools, and does not include dance schools, driving schools or other forms of commercial schools;
- The terms “school reserve” and “municipal and school reserve” means those parcels with the suffix “SR” or “MSR” in accordance with the Municipal Government Act; and
- The Development Authority shall not grant a variance to reduce the separation distance.

19.2. Distance from Provincial Health Care Facility

19.2.1. A cannabis retail sales use shall not be located within 100m of any building or any lot used for a provincial health care facility. For the purposes of this subsection only:

- The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for a provincial health care facility;
- The term “provincial health care facility” means an approved hospital as defined by the Hospitals Act; and
- The Development Authority shall not grant a variance to reduce

5.3. CANNABIS RETAIL SALES – NO PROPOSED CHANGES

the separation distance.

CANNABIS RETAIL SALES – NO PROPOSED CHANGES

19.3 Co-Location with Other Uses

19.3.1. Cannabis retail sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.

19.4 Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:

19.4.1. Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;

19.4.2. The exterior of all stores shall have a much visibility from the street as possible;

19.4.3. Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and

19.4.4. Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1m and 2.5m above grade.

19.5. No outdoor storage relating to cannabis retail sales shall be allowed.

19.6. All solid waste containers shall be fully enclosed within a building.

19.7. No nuisances, including but not limited to odour, noise, or light, shall be emitted.

19.8. Drive through facilities and windows are not permitted.

19.9. Hours of operation for cannabis retail sales shall be limited to the hours between 10:00 am to 2:00 am.

CANNABIS RETAIL SALES – NO PROPOSED CHANGES

- 19.10. The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.
- 19.11. In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:
 - 19.11.1. A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and
 - 19.11.2. Written confirmation from the Alberta Gaming, Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.

5.4. Home Occupations

- i. Application for Development Permit shall include the following, in addition to the requirements for a development permit as outlined in Section 2.7:
 - a. An application for a development permit for a home occupation shall be made by submitting to the Development Officer the prescribed form which shall, among other things, include a detailed description of 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 home occupation.

5.4.1. Home Occupations – Class 1

- i. Home occupations – class 1 are essentially “desk and telephone” home offices that do not generate any non-residential traffic, require no outdoor storage, do not have signage on the site, and are essentially “unnoticeable” within a residential neighbourhood.
- ii. Home occupations - class 1 do not require a development permit.

- iii. Home occupations – class 1 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- iv. Home occupations – class 1 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- v. The operation of a home occupation – class 1 shall not:
 - a. have outside storage of materials, goods or equipment on the site;
 - b. increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation;
 - c. display any form of advertising related to the home occupation on the site;
 - d. require alterations to the principal building;
 - e. have any employees or business partners working on the site who are not residents of the dwelling unit;
 - f. include the direct sale of goods to walk-in clientele;
 - g. have more than 20% of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage; or
 - h. advertise the address of the home occupation to the general public.

5.4.2. Home Occupations – Class 2

- i. Home occupations – class 2 are occupations that require few deliveries, require no outdoor storage, do not generate more than ten (10) associated visits per week, and are essentially “unnoticeable” within a residential neighbourhood.
- ii. Home occupations - class 2 require a development permit and an annual business license issued by the Town of Ponoka. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place.
- iii. Home occupations – class 2 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- iv. Home occupations – class 2 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- v. The operation of a home occupation – class 2 shall not:

- a. have outside storage of materials, goods or equipment on the site;
- b. have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building; or
- c. require alterations to the principal building unless the Development Authority approves the alterations;
- d. have any employees or business partners working on the site who are not residents of the dwelling unit;
- e. include the direct sale of goods to walk-in clientele;
- f. have more than 20% of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage; or
- g. advertise the address of the home occupation to the general public.

5.4.3. Home Occupations – Class 3

- i. Home occupations – class 3 are occupations that are more intensive home-based businesses than Home Occupation – Class 2 operations in terms of the number of associated visits per week.
- ii. A home occupation – class 3 shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial district.
- iii. The regulations which follow are intended to ensure that these businesses will be operated in a manner which recognizes that home occupations - class 3 are subordinate to the residential use of the site and do not interfere with the amenities of the residential neighbourhood in which they are located.
- iv. Home occupations - class 3 require a development permit and an annual business license issued by the Town of Ponoka. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place.
- v. Home occupations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- vi. Home occupations shall be an incidental and subordinate use to the principal residential use and shall normally be contained within the principal building.

- vii. Home occupations - class 3 may be considered by the Development Authority within a private garage provided that at least 50% of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- viii. Only residents of the residence may be employed on site by the home occupation.
- ix. Home occupations – class 3 shall not be permitted on the same site as a Bed and Breakfast establishment or a secondary suite.
- x. Home occupations – class 3 are limited to one per dwelling unit and to those which shall not:
 - a. create a nuisance by way of dust, noise, odour, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries;
 - b. display any form of advertising related to the home occupation on the site except in accordance with this bylaw;
 - c. require alterations to the principal building unless the Development Authority approves the alterations;
 - d. include the direct sale of goods to walk-in clientele which are not produced on the premises;
 - e. have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq.ft) whichever is less, devoted to business usage;
 - f. have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building; or
 - g. advertise the address of the home occupation to the general public except in accordance with (f) above.

5.5. Manufactured Home Design

- 5.5.1. The external appearance of manufactured homes not located in the Manufactured Housing District (RMH) District must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and must have:
 - i. A minimum roof pitch of 4:12
 - ii. A roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood

- shakes
- iii. A minimum roof overhang or eaves of 0.40 m (16 in) from each external wall
- iv. A maximum length to width ratio of 3:1
- v. A minimum width of 7.3 m (24 ft.)
- vi. A permanent foundation of a concrete pad or basement
- vii. Been constructed after 1990.

5.6. Medical Cannabis Production Facility

- 5.6.1. Medical Cannabis Facilities shall only be allowed in Industrial Districts, where all of the processes and functions are fully enclosed within a standalone building, including all loading stalls and docks;
- 5.6.2. Must not include an outdoor area for storage of goods, materials or supplies;
- 5.6.3. An ancillary building or structure used for security purposes may be located on the parcel containing the use;
- 5.6.4. Garbage containers and waste material must be contained within the building containing the use;
- 5.6.5. Must not be within 75.0 metres of a residential district measured from the property line of the parcel containing the use to the nearest property line of a parcel designated as a residential district;
- 5.6.6. where the Development Authority may require, as a condition of a development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes detail on:
 - i. the incineration of waste products and airborne emissions, including smell;
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material;
- 5.6.7. Parking requirements shall be the minimum number of parking stalls based on Section 4.30 for Industrial manufacturing uses.

5.7. Medical Cannabis Counselling

- 5.7.1. Must not be located within 300.0 metres of any other Medical Cannabis Counselling use when measured from the closest point of a Medical Cannabis Counselling use to the closest point of another Medical Cannabis Counselling use;
- 5.7.2. Must not be located within 150.0 metres of a parcel that contains a school or a school authority office, when measured from the closest point of a Medical Cannabis Counselling use to the closest point of a parcel that contains a school or school authority office;
- 5.7.3. Parking requirements will be the same as those required under Section 4.30.1 for Commercial Uses under Services Commercial/General.

5.8. Multiple Housing Developments

- 5.8.1. All multiple housing development applications shall submit a comprehensive site plan showing all buildings, parking, amenity space, and landscaping.
- 5.8.2. Multi-unit dwelling developments shall provide amenity space for the residents to the satisfaction of the Development Authority. This amenity space may be private, communal, or a combination of both.
- 5.8.3. Private outdoor amenity space shall be designed to provide visual privacy and be comprised of one or both of the following:
 - i. Patios or courtyards: a minimum width or length of 2.4 m (7.87 ft.) and a minimum area of 7.4 m² (79.65 ft²) for each dwelling unit located at or below grade;
 - ii. Balconies: a minimum width or length of 1.5 m (4.9 ft.) and a minimum area of 4.5 m² (48.43 ft²) for each dwelling unit.
- 5.8.4. Communal amenity space shall be designed for recreational use and enjoyment of all residents of the development. The amenity space shall be indoor or outdoor, or a combination thereof, and may include landscaped courtyards, swimming pools, fitness centers, games rooms, and children’s play areas complete with equipment.
- 5.8.5. For dwelling groups having 10 or more dwelling units, a minimum of 10% of the site shall be provided for a communal amenity space.
- 5.8.6. Buildings shall be arranged on the site to maximize privacy and shall be subject to the approval of the Development Authority.

5.9. Secondary Suites

- 5.9.1. Secondary suites shall be restricted to sites containing a single detached dwelling.
- 5.9.2. A secondary suite as an accessory building may be contemplated on the same parcel as a secondary suite within a detached dwelling within the R3 and R4 districts.
- 5.9.3. Secondary suites shall not:
- i. exceed two (2) bedrooms;
 - ii. exceed the lesser of 83.6 m² (900 sq. ft) or 75% of the ground floor area of the principal building when contained with the principal building.
- 5.9.4. A secondary suite shall be situated so the exterior walls are at least:
- i. 1.5m (5 ft.) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building,
 - ii. 1.5m (5 ft.) from the rear parcel boundary when there is a blank wall facing the boundary,
 - iii. 3.0m (10 ft.) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary,
 - iv. 2.5m (8 ft.) from the principal building and any accessory buildings on the parcel.
- 5.9.5. A secondary suite developed on a second floor integral to a detached garage shall not be more than 7.5 m (25 ft.) in height and shall not exceed the height of the principal building.
- 5.9.6. One off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal dwelling.
- 5.9.7. Use of a detached and/or attached garage for tandem parking as a method of meeting the secondary suite parking requirements shall only be permitted where is not being utilized for any other required parking space.
- 5.9.8. The appearance and design of a secondary suite developed as a separate building or addition to the principal building shall be compatible with the appearance and design of the principal building to the satisfaction of the Development Authority.

5.10. Shipping Containers

- 5.10.1. Shipping containers shall be prohibited in all districts, with the exception of the C1, C2, M1, M2 and IPU districts. Shipping containers shall be deemed a discretionary use within the C1, C2 and IPU districts.
- 5.10.2. Shipping containers shall not be used for the storage of dangerous goods
- 5.10.3. Shipping containers shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings within the applicable district.
- 5.10.4. A shipping container located within a commercial district shall only be considered on properties where the placement of the container is not visible from a highway or road.
- 5.10.5. Notwithstanding section 5.10.1, shipping containers may be temporarily placed on a site in any district:
 - i. During active construction on a site when the shipping container is solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for the construction. The shipping container must be removed from the site upon completion of construction; or
 - ii. For the purposes of loading and unloading of items associated with the principal use for a period of not more than ten (10) days in any six month period.
- 5.10.6. When placed on a site pursuant to section 5.10.4 the shipping container shall:
 - i. Be located so as to not create a safety hazard;
 - ii. Not be located within 1.2 m of a property boundary; and
 - iii. Be located in the rear yard where possible.

16. **SIGNS**

16.1. Exemptions

No permit is required for a sign which:

- is not visible from a public road or park, or
- is erected by a government or school authority, or
- concerns an election, or
- identifies the address or function of a building or parcel on which the sign stands, or
- advertises a sale or event taking place that day, or
- offers for sale or rent the parcel on which it stands, or
- advertises a business or activity taking place on that parcel, or
- advertises a product, service, or commodity offered for sale or rent on that parcel,

provided the size, style, number, and location of the sign meets the requirements of this bylaw.

16.2. A development permit is required for all signs other than those listed above.

16.3. Signs on Roads

16.3.1. No sign shall be placed on the right of way of a road without the approval of the municipality.

16.3.2. Notwithstanding Sections 16.2 and 16.3.1 above,

16.3.2.1. temporary signs protected by Section 2(b) of the Constitution Act, 1982 (Canada), and

16.3.2.2. signs advertising auctions and garage sales taking place that day,

5.11 SIGNS – NO PROPOSED CHANGES

SIGNS – NO PROPOSED CHANGES

do not require a development permit, and may be placed on a road provided that the signs

16.3.2.3. are not a danger to public safety, and

16.3.2.4. are removed promptly after the election or event which is the subject of the sign, and

and these signs do not require an encroachment agreement or insurance cover under Section 13 of this schedule.

16.4. Signs Overhanging Roads

16.4.1. The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.

Note: Signs encroaching over a road require an encroachment agreement and insurance under Section 13 of this schedule.

16.5. Signs in Residential Districts

In residential districts:

16.5.1. Signs shall not exceed 1 square metre (10 square feet), or 3 square metres (32 square feet) on church property, and shall not be illuminated, fluorescent, or moving.

16.5.2. Signs advertising a home occupation or home office shall to be attached to the wall of the building in which the office or occupation is carried on.

16.5.3. Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.

16.5.4. Signs shall be in good taste and compatible with the character of the neighborhood.

SIGNS – NO PROPOSED CHANGES

16.5.5. No more than one sign for each of the purposes listed in Subsection 16.1 shall be erected on a residential parcel, except where the parcel abuts two or more roads, a sign may be erected facing each road.

16.5.6. Signs advertising commercial activities off site are not permitted.

16.6. Signs on Undeveloped Land Adjacent to Highways

16.6.1. No advertising other than

16.6.1.1. signs exempted by Section 16.1, and

16.6.1.2. billboards as defined elsewhere in this bylaw

shall be placed within 200 metres of Highways 2A and 53 in the UR District.

16.6.2. Billboards on each side of a highway in the UR District shall be separated by at least 200 metres.

16.6.3. For the purposes of this bylaw, vehicles or trailers parked for more than seven days on a private parcel adjacent to a highway, and bearing advertising material, are deemed to be signs but not billboards.

16.6.4. All signs and billboards must meet with Alberta Transportation and Utilities approval.

16.7. Portable Signs

16.7.1. A portable sign is a sign which is not permanently or securely attached to the ground or to a building, or which is intended to be moved from place to place.

16.7.2. The Development Authority must not issue a development permit for a portable sign unless the sign is owned by

16.7.2.1. the owner or lessee of the land on which it stands, or

SIGNS – NO PROPOSED CHANGES

16.7.2.2. a person holding a current business license.

16.7.3. No more than one portable sign may be placed on a lot for each 100 metres of frontage.

16.7.4. Portable signs are not permitted in residential districts.

16.7.5. Council may by resolution set an annual fee to be paid in respect of every portable sign displayed in the municipality.

16.8. Aesthetics

Signs shall be designed, constructed, and maintained so they are compatible with the quality of the neighborhood, and at the discretion of the Development Authority.

16.9. Public Safety

16.9.1. A sign which is not attached to a building shall be set back from a road or lane the same distance as if it were a building, unless the Development Authority is satisfied that it will not interfere with sight lines for drivers.

16.9.2. Notwithstanding any other part of this bylaw, the Development Authority may refuse to issue a development permit for any sign which in his opinion would be a danger to traffic, property, or public safety.

16.9.3. If in the opinion of the Development Authority a sign is a danger to traffic, property, or public safety, he may demand the immediate removal of the sign, and if he is unable to identify the person responsible for the sign, he may obtain right of entry under Section 542 of the Act, and remove the sign.

16.10. Situations Not Covered by This Bylaw

Where this bylaw provides no regulations governing the size, style, number,

purpose, content, or location of sign, a permit may be issued by the Development Authority, but the use shall be deemed a discretionary use, and may be appealed to the Subdivision and Development Appeal Board, which may confirm, amend, or revoke the permit.

SIGNS – NO PROPOSED CHANGES

TOPICS WITH NO DIRECT CARRY OVER

1. AIRPORT SAFETY MEASURES

Can address as an Overlay District.

1.1. When dealing with any application in SW 5-42-25-4 and SE 6-42-25-4, the Development Authority shall conform with the Transport Canada document Land Use in the Vicinity of Airports, Catalogue TP1247E, March 1989 as amended, and pursuant to that document

1.1.1. no structure or land use shall emit light, glare, dust, smoke, or electromagnetic radiation that interferes with the operations of the Ponoka Industrial Airport - “Labrie Field,” and

1.1.2. no part of any structure shall be higher than a line rising at a gradient of 1 in 40 from the North end of the runway within the take-off and approach area of Ponoka Industrial Airport - “Labrie Field.”

Note: a 1:40 gradient from the North end of the runway is about 30 metres (100 feet) above ground at the South end of the Industrial Park.

1.2. In case of doubt the Development Authority shall refer all proposals to the airport authorities and shall not issue a permit contrary to their recommendations.

2. CONTAMINATED SITES

Covered in application requirements where contamination may be suspected.

If it appears to the Development Authority that the site may be contaminated as a result of the former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Authority may require the applicant to supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such

information, the Development Authority may refuse the application.

9. **LIVESTOCK**

9.1. No livestock other than normal domestic pets shall be kept in any district except UR.

9.2. This section does not apply to auction marts or veterinary clinics.

15. **SERVICE STATIONS**

15.1. The lot containing a service station shall have a minimum area of 1,100 square metres (12,000 square feet) and shall have a frontage of at least 30 metres (100 feet).

15.2. Where a service station is not part of a larger commercial development such as a shopping centre, the buildings shall cover no more than 15% of the area of the lot.

15.3. The requirements of Section 5, drive in businesses, apply to service stations.

15.4. Fuel pumps and above-ground fuel storage tanks shall be set back at least 9 metres from the front and side property lines.

15.5. A development permit for a service station does not allow auto body work, auto wrecking, or the sale of vehicles, unless this is specifically written in the development permit.

Can be addressed through animal control bylaw.

No comparable regulations offered, can be addressed through District standards and General regulations.