



**LAND USE
BYLAW 1-2020**



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BYLAW REGULATIONS

PART ONE – GENERAL

Pursuant to the *Municipal Government Act, 2000* Chapter M-26, as amended, the Council of the Town of Vermilion duly assembled, hereby enacts as follows:

1.1. TITLE

The title of this Land Use Bylaw shall be the Land Use Bylaw of the Town of Vermilion.

1.2. PURPOSE

The purpose of this Land Use Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

1. To divide the municipality into Districts;
2. To prescribe and regulate for each District the purposes for which land and buildings may be used;
3. To establish a method of making decisions on applications for development permits including the issuing of development permits;
4. To provide the manner in which notice of the issuance of a development permit is to be given; and
5. To establish the number of dwelling units permitted on a parcel of land.

1.3. DEFINITIONS

In this Land Use Bylaw:

“Abut” or **“Abutting”** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it.

“Accessory Building” means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land.

“Accessory Use” means a use customarily incidental and subordinate to the main use or building and is located in the same parcel of land with such main use or building.

“Act” means the *Municipal Government Act* as amended.

“Adjacent Land” means land that is contiguous to a particular parcel of land and includes:

- a. land that would be contiguous if not for a highway, road, river or Stream; and
- b. any other land identified in this Land Use Bylaw as adjacent for the purpose of satisfying Part Three, Section 3.5.5.b of this Land Use Bylaw.

“Amenity Area” means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership.

“Awning” means a light detachable system typically made of fabric, sheet metal, plexiglass, or other similar material, which is entirely supported from a building by a fixed or retractable frame.

“**Balcony**” means a horizontal cantilevered platform projecting from a building typically located above the first storey, which may be partly recessed and is intended for use as a private outdoor amenity area.

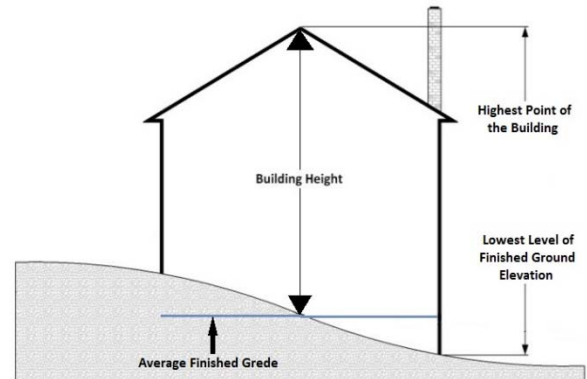
“**Basement**” means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above.

“**Blank Wall**” means an exterior wall of a building containing no windows, doors or other similar openings.

“**Boundary Line**” *SEE line, boundary.*

“**Building**” means a building, as defined in the Act.

“**Building Height**” means the vertical distance measured from the average finished grade adjoining a building at any exterior wall to the highest point of the building, exclusive of any accessory roof construction such as mechanical housing, elevator housing, roof stairway entrance, ventilating fan, skylight, flagpole, parapet wall, chimney, steeple, or similar feature not structurally essential to the building but does not include roof top signage or communication structures.



Building Height
For illustrative purposes only (not drawn to scale)

“**Canopy**” means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

“**Carport**” means a roofed structure attached to a principal building used for storing or parking not more than two (2) vehicles and which has no less than forty percent (40%) of its total perimeter open and unobstructed but does not include a prefabricated structure.

“**Chief Administrative Officer**” means the Chief Administrative Officer of the Municipality appointed by Council pursuant to the Act.

“**Communication Structure**” means a structure and any associated support systems, including all masts, towers and antennas that are either free-standing or attached to an existing structure that are being used or have the potential to be used to convey communication, radio, or television signals.

“**Comprehensive Site Planning**” means a development comprising one or more multi-family dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building.

“**Corner Site**” *SEE site, corner.*

“**Council**” means the Council of the Municipality.

“**Curb Cut**” means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site.

“**Deck**” means any open structure attached to the main dwelling having a height greater than 0.61 m (2.0 ft.) above ground level, and thereby requiring stairs and railings as outlined in the *Alberta Building Code*. A deck shall not have a roof or walls higher than 1.25 m (4.1 ft.).

“**Density**” means a measure of the average number of dwelling units per unit of area.

“**Developer**” means an applicant, owner, agent or any person, firm or company involved in a development.

“**Development**” means a development, as defined in the Act.

“Development Authority” means the Development Authority established by the municipality's *Development Authority Bylaw* and appointed by Council.

“Development Officer” means the Development Officer established pursuant to the Act through this Bylaw.

“Development Permit” means a document authorizing a development issued pursuant to this Land Use Bylaw.

“Discretionary Use” means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority, in accordance with the Act.

“Double-Fronting Site” *SEE site, double-fronting.*

“Dwelling” means any building, or portion(s) thereof, used exclusively for human habitation. This definition shall include one family dwellings, duplexes, triplexes, fourplexes, row houses, apartments and condominiums.

“Dwelling Unit” means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.

“Easement” means a right to use land, generally for access to other property or as a right-of-way for a utility.

“Excavation” means any breaking of ground, but does not include landscaping of a use for which a development permit has been issued, agricultural cultivating, limited household gardening or ground care.

“Exterior Wall” means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and porches, but not including roof overhangs.

“Fence” means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access. A fence may include gates, lattice, chain link, or a wall, but does not include the wall of an enclosed building.

“Flanking Side Yard” *SEE yard, flanking side.*

“Foundation” means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground.

“Front Line” *SEE line, front.*

“Front Yard” *SEE yard, front.*

“Frontage” means the length of the front line. On double-fronting sites, all front lines shall be considered frontage.

“Garage” means an accessory building, referred to as a detached garage, or that part of a principal building, referred to as an attached garage, which is designed and/or used primarily for the storage of motor vehicles and includes a carport.

“Grade” means the finished ground elevation upon placing of topsoil and ground-level landscaping.

“Green Roof” means the installation of vegetated roofs and site/building systems that either reduce the amount of storm water runoff and/or reused storm water on-site or within buildings. Also known as green roof tops, vegetated roofs, planted roofs, rooftop gardens, or eco-roofs which utilize a variety of techniques

for growing vegetation on a building rooftop. All green roofs must meet or exceed all applicable building codes and engineering standards.

“Gross Floor Area” means the total area of all floors of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, EXCEPT THAT all dwelling units in apartment buildings shall be included in the calculation of gross floor area.

“Gross Floor Area Ratio” means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total area of the parcel of land on which the buildings are located.

“Ground Floor Area” means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including porches, but excluding decks, patios, balconies, and steps, cornices, eaves and similar projections. Ground floor area shall include air wells, and all other space within a building except inner or outer courts.

“Habitable Room” means any room in a dwelling other than a non-habitable room.

“Hard-Surfacing” means the pouring or placing of concrete, asphalt, paving stone, or other similar materials as the uppermost layer of a surface used primarily for the travel or parking of motorized vehicles, but does not include sand, gravel, loose rock, cloth, or other similar materials.

“Internal Site” SEE site, internal.

“Landscaping” means plant materials (including grass, trees, shrubs, hedges, ornamental plantings, gardens (community or otherwise), and any materials similar to the foregoing), artificial turf, decorative paving, walkways, playgrounds, water features, or other structures and materials used in landscape architecture.

“Lane” means a road 7.6 m (24.9 ft.) or less in width.

“Leading Wall” means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.

“Line, Boundary” means the front, rear, and/or side lines which compositionally enclose a lot or site at its perimeter.

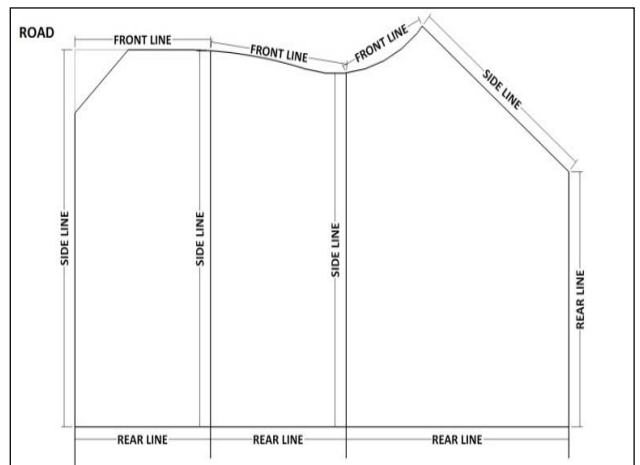
“Line, Front” means the boundary line of a site abutting a road. In the case of a corner site, the shorter of the two boundary lines abutting the road shall be considered the front line. In the case of a double-fronting site, both boundary lines abutting the roads shall be considered front lines.

“Line, Rear” means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road.

“Line, Side” means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line.

“Lot” means a lot, as defined in the Act.

“Lot Area” means the total area of a lot/site.



Front, Rear and Side Lines

For illustrative purposes only (not drawn to scale)

“Lot Coverage” means the percentage of lot area covered by buildings or structures, including accessory buildings, and decks whether attached or not. Patios, sidewalks, driveways, swimming pools, and hard landscaping shall not be considered part of the lot coverage.

“Main Building” means a building which:

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

“Main Use” means the primary purpose or purposes for which a building or site is used.

“Maintenance” means, only in relation to Part Three, Section 3.2 of this Bylaw, the upkeep of the physical form of any building which does not require a permit pursuant to the *Safety Codes Act*. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the floor area or the internal volume of any building.

“Municipality” means the Town of Vermilion.

“Non-Conforming Building” means a non-conforming building, as defined in the Act.

“Non-Conforming Use” means a non-conforming use, as defined in the Act.

“Non-Habitable Room” means a space in a dwelling providing a service function and not intended primarily for human occupancy, including, among other areas, bathrooms, entry ways, corridors, and storage areas.

“Nuisance” means any activity or thing which arises from unreasonable, unwarranted or unlawful use by a person of their own premises or property so as to produce a material annoyance, inconvenience or discomfort to the public or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property.

“Occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons or property.

“Offensive” means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

“Owner” means:

- a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- b. in the case of any other land:
 - i. the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - ii. in the absence of a person described in Subsection i, the person shown as the owner of a parcel of land on the municipality's assessment roll.

“Parapet Wall” means that part of an exterior wall, party wall, or fire wall extending above the roof line, or a wall which serves as a guard at the edge of a balcony or roof.

“Parcel of Land” means a parcel of land, as defined in the Act.

“Parking Area” means the area set aside for the parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, accesses and egresses to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building, and, if so, is commonly referred to as a parkade and includes a garage.

“Parking Space” means an area set aside for the parking of one (1) vehicle.

“Patio” means any developed surface to the main dwelling which is less than 0.61 m (2.0 ft.) above ground level.

“Peace Officer” means a member of the Royal Canadian Mounted Police, a member of a municipal police service, a Special Constable appointed by the town of Vermilion pursuant to the provisions of the *Police Act, RSA 2000, c.P-17*, as amended or repealed and replaced from time to time, or a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*.

“Permanent Material” means any exterior finishing material commonly used in building construction that complies with the *Safety Codes Act*. Without limiting the generality of the foregoing, permanent materials include but are not limited to brick, finished concrete, stone, stucco, wood, vinyl or metal siding, but does not include materials such as drywall, untreated plywood, or building wrap.

“Permitted Use” means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw in accordance with the Act.

“Porch” means any open structure attached to a building with means of passage between the building and the outside that is covered by a roof, and may be partially enclosed with walls, windows or screens, provided that the structure is not entirely enclosed with walls. Roofs may be open to, or provide protection from, the elements. For the purposes of this Bylaw, a veranda shall be considered a porch.

“Prefabricated Structure” means a building normally constructed off-site and transported to the site, or is made of components manufactured off-site and packaged as a commodity for assembly on site, which may be used for storage of goods and materials or other purposes. Prefabricated structures include fabric structures, and shipping containers either new or previously used for shipping cargo, goods and/or materials, but does not include manufactured home units, or recreational vehicles or tents periodically used for camping purposes or open air shelters.

“Rear Line” *SEE line, rear.*

“Rear Yard” *SEE yard, rear.*

“Recreational Vehicle” means a recreational vehicle, as defined in the Municipality’s Traffic, Highways and Public Places Bylaw.

“Rentable Unit” means a separate unit used or intended to be used for the temporary dwelling accommodation of one (1) or more persons.

“Road” means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane.

“Separation Space” means a horizontal open space provided around a dwelling, and may be entirely outside the boundary lines of the site on which the dwelling is located.

“Shipping Container” means a container that is new or was formerly used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal also referred to as a sea cargo container, sea-can or cargo container. When used for any other purpose other than transporting freight, a shipping container is considered a structure.

“Side Line” *SEE line, side.*

“Side Yard” *SEE yard, side.*

“Site” means a lot, a part of a lot, or a number of lots located adjacent to one another which are considered for a single use or a mixture of uses, which is owned or managed as a single unit.

“Site Depth” means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line.

“Site Width” means, unless otherwise defined in this Bylaw, the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line.

“Site, Corner” means a site with boundary lines along two or more roads which intersect at an angle of less than one hundred thirty five (135) degrees, not including the intersection of a road and a lane, or a single road that curves such that the arc of the inside boundary of the road is less than 45.0 m (147.6 ft.) in radius over an angle of more than forty-five (45) degrees along the boundary line of the site.

“Site, Double-Fronting” means a site which abuts two roads and which is not a corner site.

“Site, Internal” means a site which is bordered by only one (1) road.

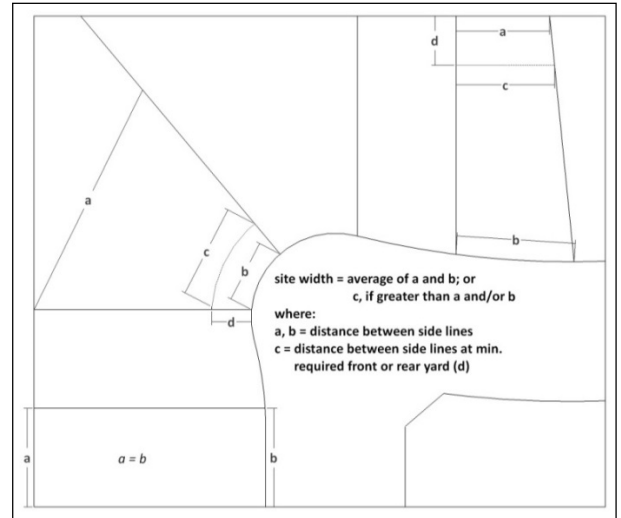
“Storefront” means commercial developments which are oriented to a road, with parking areas located at the side or rear of a building, such that access to the principal entrances of a building from the front line is not transected by a parking area, or any front yard that is of a size which is not compatible in scale and character with adjacent developments.

“Storey” means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey.

“Structural Alteration” means the addition to, deletion from, or change to any building which modifies any foundation, floor area, exterior wall and/or roof, and includes any changes in permanent material to those respective parts of the building.

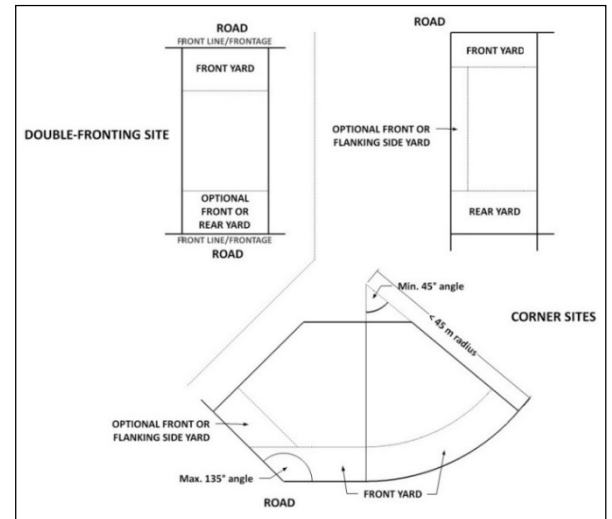
“Subdivision Authority” means the Subdivision Authority established pursuant to the Act through the Municipality’s Subdivision Authority Bylaw.

“Subdivision and Development Appeal Board” means the Subdivision and Development Appeal Board established by the Council by the *Subdivision and Development Appeal Board Bylaw* adopted pursuant to the Act.



Site Width

For illustrative purposes only (not drawn to scale)



Corner Sites & Double-Fronting Sites

For illustrative purposes only (not drawn to scale)

“Substandard Lot” means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the Residential District in which the lot is located.

“Temporary Building” means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development.

“Use” means the purpose or activity for any and all of which a development, subdivision, site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained, and includes principal and accessory uses.

“Violation Tag” means a tag or similar documents issued by the municipality pursuant to the *Municipal Government Act*.

“Violation ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, and the regulations thereunder.

“Width” means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard.

“Yard” means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw.

“Yard, Flanking Side” means a side yard abutting the road of a corner site.

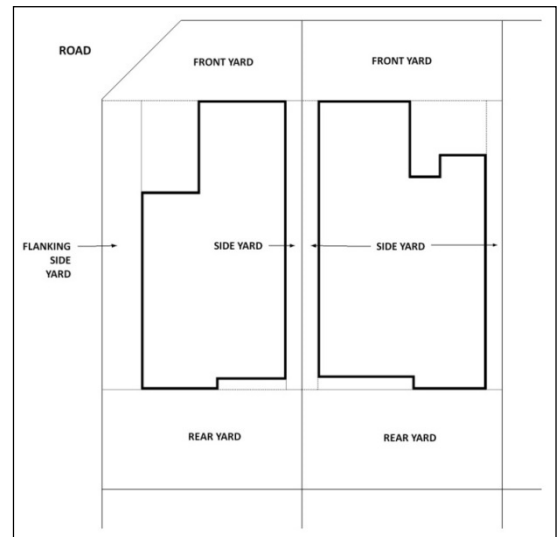
“Yard, Front” means a yard extending across the full width of a site from the front line to the nearest point on the exterior of the principal building situated on the site, except any portion of a building that this Bylaw permits to be located in a yard, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve.

“Yard, Rear” means a yard extending across the full width of a site from the rear line to the nearest point on the exterior of the principal building situated on the site, except any portion of a building that this Bylaw permits to be located in a yard, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve.

“Yard, Side” means a yard extending from the side line to the nearest point on the exterior of the principal building situated on the site, except any portion of a building that this Bylaw permits to be located in a yard, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve.

“Zero Lot Line Development” means the concept of residential subdivision design whereby attached and detached dwellings are located on narrow lots on which one side yard is either minimized or eliminated altogether. In zero lot line developments, dwellings will be constructed either at or very near the lot line and appurtenances to the building such as eaves will often overhang into an adjacent lot.

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.



Front, Side, Flanking Side and Rear Yards
For illustrative purposes only (not drawn to scale)

1.4. LAND USE CLASSIFICATIONS

In this Land Use Bylaw:

“Adult Entertainment Establishment” means:

- a. a development or part thereof where, for any consideration, live performances are held, the central feature of which is any real or perceived sexual act, female breasts or male or female pubic area or buttocks;
- b. any cinema where adult motion pictures, video tapes, DVDs, Blu-ray disks, video disks, computer disks, or similar electronic, photographic, or computer software reproductions are shown or displayed, the central feature of which is any real or perceived sexual act, female breasts or male or female pubic area or buttocks;
- c. any adult video stores which are developments where the main feature of more than 50% of the inventory of the business is used to sell or rent adult video tapes, DVDs, Blu-ray disks, or other electronic devices where the central feature of which is any real or perceived sexual act, female breasts or male or female pubic area or buttocks, or items which stimulate or are reproductions of any female breasts or male or female pubic area or buttocks; or
- d. love boutiques/shops which are retail or wholesale developments where the main feature of more than 50% of the inventory of the business is used for which the principal activity is the display and sale of non-clothing merchandise and/or products intended to be used for sexual pleasure.

Typical uses include adult mini theatres, strip clubs or shows, peepshows, erotic dance clubs, adult massage parlours, exotic lounges, adult novelty stores, adult print media, escort services, and adult video stores.

“Alcohol Sales” means a development used for the retail sale to the public of any and all types of alcoholic beverages, including hard liquor, wine and beer, whether or not the beverages are refrigerated and may include the retail sales of related products such as soft drinks and snack foods.

“Alternative Energy Technology” means any system, device or structure that is used to collect natural energy sources, such as the sun, wind, or geothermal sources to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources in order to reduce the negative impacts on the natural environment.

Typical examples are solar collectors, small wind energy systems and geothermal energy systems and mean:

“Geothermal Energy System” means a renewable source of energy that employs the use of a heat pump to warm or cool air by utilizing the constant temperatures of the Earth.

“Solar Collector” means any device used to absorb sunlight that is part of a system used to convert solar radiation energy into thermal or electrical energy.

“Small Wind Energy System” means a wind energy conversion system consisting of a wind turbine rotating on either a vertical or horizontal axis, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 5 kW, and which is intended to provide electrical power for use onsite; and

“Amusement Establishment – Indoor” means a development where the principal use is the provision of mechanical, table or electronic games for the purpose of providing entertainment or amusement to the public for a fee. Typical uses include billiard halls, bowling alleys, indoor miniature golf courses, laser tag, and games arcades, but does not include a gaming establishment, a recreational facility, or an adult entertainment establishment.

“Amusement Establishment – Outdoor” means a development providing recreational facilities outdoors played by patrons for entertainment. Typical uses include amusement parks, go-cart tracks, and miniature golf courses, but does not include carnivals, or circuses.

“Apartment Building” means development comprised of five (5) or more dwelling units contained within a building having shared entrance facilities in which the dwellings are arranged in any horizontal or vertical configuration and which does not conform to the definition of any other residential use. This use does not include row house or stacked row house uses.

“Art Studio” means a development used for the production of various forms of art, such as painting, sculpting, and photography. This use does not include adult entertainment establishments.

“Basement Suite” means a self-contained dwelling unit, in the basement of a one family dwelling, having a common access with a dwelling unit on the main floor.

“Bed and Breakfast” means a development within a dwelling which shall not change the principal or external appearance of the dwelling where temporary sleeping accommodations up to a maximum of five (5) bedrooms, with or without meals, are provided for remuneration to members of the public for periods of fourteen (14) days or less. This use shall be secondary to the principal use as a permitted single family dwelling and does not include boarding house or group home.

“Boarding House” means a development within a dwelling, which shall not change the principal or external appearance of the dwelling where temporary sleeping accommodations up to a maximum of five (5) bedrooms, with or without meals, are provided for remuneration to members of the public.

“Cannabis Production Facility” means an industrial activity involving the indoor growing, processing, cleaning, packing, distribution, and/or storage of cannabis and cannabis products. This use does not include cannabis sales.

“Cannabis Sales” means a development licensed by the Province of Alberta used for the retail sale to the public of cannabis, as defined in the *Cannabis Act* (Canada) and its regulations as amended from time to time, and may include the retail sales of related accessory products.

“Car Wash” means a building or structure for use by the general public containing facilities for the washing of motor vehicles for a fee, either by production line methods employing mechanical devices or by hand.

“Cemetery” means a development for the entombment of the deceased, which may include the following accessory developments: crematories, cineraria, columbaria, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

“Child Care Facility” means a development where care and supervision, but not overnight accommodation, is provided to seven (7) or more infants, pre-school children, kindergarten children, and/or school-aged children as defined in the *Alberta Child Care Licensing Regulation*, as amended. Typical uses include day care programs, out of school care programs, pre-school programs and other programs where the primary purpose is the care and supervision of children, but does not include child day homes, group homes, group care facilities, or public education facilities.

“Child Day Home” means a child care facility within and accessory to a single detached, stacked duplex or side-by-side duplex dwelling unit or manufactured home unit where care and supervision, but not overnight accommodation, is provided to, including any resident children, not more than a total of ten (10) infants, pre-school children, kindergarten children, and/or school-aged children as defined in the *Alberta Child Care Licensing Regulation*, as amended.

“Commercial School” means a development where training and instruction in a specific trade, skill or service is provided. Typical uses include secretarial, business, hairdressing, cosmetology, dancing, martial arts, and music schools, but does not include public education facilities.

“Club or Lodge” means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Typical uses include facilities for food and beverage preparation and consumption, and rooms for assembly, but does not include adult entertainment establishments.

“Drinking and Eating Establishment” means premises where patrons may consume alcoholic beverages and/or food on site - the consumption of alcoholic beverages being the primary activity. A drinking and eating establishment does not include such premises when contained as part of a hotel or motel.

“Drive-Through Business” means a development or part of a development, which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Typical uses include service stations, gas bars, drive-in restaurants, financial services, recycling depots, and car washes.

“Duplex” means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other.

“Fitness and Wellness Facility” means a development providing facilities within an enclosed building for sports, fitness, wellness, personal training and recreation activities where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include athletic clubs; health and fitness clubs; yoga and other similar studios, dance studios, racquet clubs, and other similar uses. Fitness and wellness facilities may also provide for the sale of refreshments on a small scale, a typical example of which being a juice or sandwich bar, as well as the sale of health and fitness related products, also on a small scale, including food and clothing items.

“Fourplex” means a development comprised of four (4) dwelling units.

“Funeral Services” means a development where the dead are prepared for burial or cremation and where funeral services are held. Typical uses include funeral homes and undertaking establishments.

“Gaming Establishment” means a development where games of chance or percentage are the principal use of the facility. Typical uses include bingo halls and casinos, but does not include amusement establishments or other facilities that house a bingo or casino on an infrequent basis.

“Gas Bar” means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. This use does not include facilities for the servicing or repairing of motor vehicles or service stations.

“Group Care Facility” means a development which provides resident care services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. Typical uses include supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but does not include major institutional care facilities such as hospitals.

“Group Home” means a development which provides resident care or rehabilitation service in a dwelling unit to six (6) or fewer children, adolescents or adults. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Typical uses include foster or boarding homes for children.

“Home Occupation” means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in Section 2.2 of Schedule B of this Land Use Bylaw. For the purposes of this Land Use Bylaw, home occupations are divided into two sub-classifications - home occupations - major and home occupations - minor - with specific regulations for each as indicated in Section 2.2 of Schedule B of this Land Use Bylaw. A home occupation - major does not include any business, occupation, trade, profession, or craft in which more than one (1) employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling.

“Home Office” means an accessory development within a dwelling unit for a business that involves a professional or service office operated by a permanent resident and which does not involve any external signage, keeping of products or goods related to the business on-site, client or customer visitations including deliveries, and employees.

“Hotel” or “Motel” means development used for the provision of rooms or suites for temporary sleeping accommodations and may either be accessed via a common internal corridor or have its own individual exterior access. Rooms may be equipped with individual kitchen facilities both hotels or motels may also include accessory uses such as restaurants, meeting rooms, personal service shops, small retail, drinking and eating establishments and other commercial uses at the discretion of the Development Authority.

“Mixed-Use Development” means a development comprising a ground-level commercial use or uses and a residential use or uses, all within the same building. This use does not include live/work units.

“Mobile Home” means a structure that conforms to CSA provisions, is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as dwelling accommodation for a single household. For the purpose of this Land Use Bylaw, two types of manufactured home units may, from time to time, be distinguished, as follows:

“Mobile Home”, “Single-Wide” means a manufactured home unit consisting of a single unit designed to be towed in a single load.

“Mobile Home”, “Double-Wide” means a manufactured home unit consisting of two (2) sections separately towable, but designed to be joined together at the site to form one dwelling unit.

“Mobile/Manufactured Home Park” means any lot on which two or more occupied manufactured home units are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks.

“Mobile/Manufactured Home Stall” means an area of land upon which a manufactured home unit is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home unit.

“Manufactured Modular Unit” means a dwelling or commercial office/retail unit built at an off-site manufacturing facility which is then transported by trailer and delivered to the site where it is intended for occupancy and assembled/place on a concrete foundation or other suitable non-permanent foundation in accordance with the *Alberta Building Code*.

“Modular Unit” means a prefabricated or factory built frame or shell which comprises of a wall or siding of a proposed dwelling, more specifically, a modular unit may represent only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side by side or vertically and completed to form one (1) or more complete dwelling units for year round occupancy. These units are typically designed to be moved in sections for transport and assembled on site. This does not include manufactured modular units, mobile homes or ready-to-move homes.

“Motel” *SEE Hotel*

“Neighbourhood Shopping Centre” means a building or group of buildings, containing retail and commercial operations of the convenience type.

“Office Use” means a development where government, professional, management, administrative, and consulting services may be provided. Typical uses include the offices of lawyers, accountants, engineers, architects, and realtors, insurance firms, clerical, secretarial, employment and telephone answering and similar office support services, the offices of governmental and public agencies, and private agencies such as real estate and travel agents.

“Off-Street Parking Lot” means a parking area which is located on a parcel of land and not accessory to a particular use or development.

“One Family Dwelling” means a dwelling consisting of one (1) dwelling unit and, if the provisions of this Land Use Bylaw allow, a basement suite.

“Outdoor Storage” means a development or an outdoor area forming part of a development used for the storage of goods, materials, products, or equipment that are or may be placed outside of a building on a more or less permanent or continuous basis.

“Place of Worship” means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

“Personal Service Shop” means uses that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects.

“Public Park” means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields.

“Public Use” means a development where public services are provided by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility. This use does not include office uses, protective and emergency services, and major and minor utility services.

“Public Utility” means a public utility, as defined in the *Municipal Government Act*.

“Public Utility Building” means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility.

“Ready-to-move Building”, or **“RTM”**, means a previously unoccupied dwelling unit constructed to the current *Alberta Building Code* that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed on a construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a slab or basement foundation. Ready-to-move home does not include manufactured homes, modular manufactured homes, modular homes or mobile homes.

“Recreational Facility” means a development for sports and active recreation. Typical uses include fitness and wellness facility, ice arenas, curling rinks, equestrian centres, golf courses, and swimming pools.

“Restaurant” means premises where food and beverages are prepared and served on site in accordance with the *Public Health Act*. The consumption of alcoholic beverages may also be allowed, but as a secondary activity. This term includes restaurants, cafes, tea houses, ice cream parlours, take out restaurants and other similar uses at the discretion of the Development Authority.

“Retail Stores” means a development in which goods, products and services are sold such as groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, clothing and shoes, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, minor public services such as postal services and film processing depots may also be provided. Such uses do not include warehouse sales, gasoline sales or the sale of alcohol or cannabis products.

“Row Housing” or **“Stacked Row Housing”** means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment".

“School” means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Typical uses include the administration offices, storage, and maintenance operations of the School Division, public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices, storage, and maintenance facilities.

“Secondary Suite” means a self-contained, accessory dwelling unit within a single detached dwelling having direct outside access without passing through any part of the principal unit and may be located on the main floor or upper floor. This use does not include basement suites or duplexes.

“Service Station” means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Typical uses include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but does not include automotive body repair or paint shops.

“Shopping Centre” means a building or a group of buildings, comprising retail commercial and similar uses, with shared off-street parking facilities, and which may be managed as a single unit.

“Stacked Row Housing” means development consisting of **“Row Housing”**, except that the dwellings may be arranged two deep, either vertically so that the dwellings may be placed over others, or horizontally so that dwellings may be attached at the rear as well as at the side. Each dwelling unit shall have separate access, not necessarily directly to grade, provided that no more than two dwellings may share access to grade.

“Surveillance Suite” means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. A surveillance suite will be attached to or within the exterior walls of the principal building.

“Temporary Use” means a use that has been allowed to be located and/or operate for a limited time only. Typical uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals, and rodeos.

“Theatre” means a facility within an enclosed building specifically for live theatrical, cultural, musical or dance performances as well as the showing of motion pictures, but does not include adult entertainment establishments. Typical uses include auditoriums, cinemas, playhouses, and theatres.

“Triplex” means a development comprised of three (3) dwelling units.

“Veterinary Clinic” means a development where small animals are cared for and treated. Veterinary clinics and hospitals primarily involve outpatient care and minor medical procedures involving hospitalization for fewer than four (4) days. All animals shall be kept within an enclosed building. Typical uses include pet clinics, small animal veterinary clinics, and veterinary offices, but does not include animal shelters or small animal breeding and boarding establishments.

1.5. DATE OF RECEIPT

Where a subdivision or development permit approval or refusal, subdivision or development appeal notice, notice to reclassify lands, notice of contravention including Stop Orders, or notice of appeal hearing is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta. In the event of a dispute, the *Interpretation Act*, as amended, shall apply.

1.6. METRIC AND IMPERIAL MEASUREMENTS

Within this Land Use Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

1.7. TRANSITIONAL PROVISIONS

1. No provisions of previous bylaws with respect to land use classifications, development control and development schemes shall hereafter apply to any part of the Municipality described in this Bylaw.
2. Any reference in this Bylaw to other bylaws, provincial or federal statutes and regulations shall be a reference to the bylaw, statute or regulation then in effect and shall include all amendments and any successor legislation.

1.8. ESTABLISHMENT OF DISTRICTS

1. For the purpose of this Land Use Bylaw, the Town of Vermilion is divided into the following Districts:

ACO	Architectural Control Overlay District
AVO	Airport Vicinity Overlay District
C1	Commercial District
C2	Commercial District
C3	Highway Commercial District
C4	Shopping Centre District
C5	Neighbourhood Commercial District
CB	Central Business District
DC	Direct Control District
DC2	Direct Control District
DC4	Direct Control District
I	Institutional District
IL	Light Industrial District
IMH	Medium/Heavy Industrial District
MHO	Manufactured Home Overlay District
P	Community District
R1	Residential District
R2	Residential District
R3	Residential District
R4	Residential District
R5	Residential District
R6	Residential District
RMH1	Residential Manufactured Home Subdivision District
SGDC	South Gateway Direct Control District
UR	Urban Reserve District

2. The boundaries of the Districts listed in Subsection 1 are as delineated on the Map 1 – Land Use District Map, being Schedule A hereto.
3. Where uncertainty exists as to the boundaries of Districts as shown on the Map 1 – Land Use District Map, the following rules shall apply:

Rule 1. Where a boundary is shown as following a highway, road, lane, or watercourse, it shall be deemed to follow the centre line thereof.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:

- a. where dimensions are set out on the Map 1 – Land Use District Map, by the dimensions so set, or
 - b. where no dimensions are set out on the Map 1 – Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Map 1 – Land Use District Map.
4. Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Land Use Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
 5. After the Council has fixed a District boundary pursuant to the provisions of Subsection 4, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Land Use Bylaw.
 6. The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

1.9. ESTABLISHMENT OF LAND USE REGULATIONS AND DISTRICTS

Land use regulations and districts shall be as set forth in the Schedule of Land Use Regulations and Districts, being Schedule B hereto, which Schedule is hereby adopted to be part of this Land Use Bylaw, and which may be amended in the same manner as any other part of this Land Use Bylaw.

1.10. ESTABLISHMENT OF AIRPORT VICINITY OVERLAY DISTRICT

Regulations in the vicinity of the Vermilion Airport shall be as set forth in the Schedule of Land Use Regulations and Districts, being Schedule B hereto, which Schedule is hereby adopted to be part of this Land Use Bylaw. These regulations apply, in addition to any other regulations of this Land Use Bylaw, to the area outlined on Map 1 – Land Use District Map.

PART TWO - AGENCIES

2.1. DEVELOPMENT AUTHORITY

1. For the purposes of this Land Use Bylaw, the Development Authority shall be:
 - a. the person or persons appointed to be the Development Authority pursuant to the municipality's *Development Authority Bylaw*; and
 - b. only within the DC District, the Councilwith their duties and responsibilities that are specified in Part Three and in the Schedules of this Land Use Bylaw.
2. If the Council is to be making the decision on a development permit application, the term “Development Authority”, when used in this Land Use Bylaw in relation to the decision- making process, shall be the Council.
3. The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereof and the reasons therefore.
4. For the purposes of Section 542 of the Municipal Government Act, the Development Authority is hereby declared to be the designated officer.

2.2. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board established by the municipality's *Subdivision and Development Appeal Board Bylaw* shall perform such duties as are specified in Part Four of this Land Use Bylaw.

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1. CONTROL OF DEVELOPMENT

1. No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
2. In the case where land is being developed by way of subdivision, the developer or owner of the land shall not undertake works prior to obtaining the necessary approvals. These works shall include:
 - a. clearing, piling and burning of trees and shrubs; or
 - b. grading; or
 - c. any other development which may unduly affect the lands or the neighbouring lands.

3.2. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. The following development shall not require a development permit:
 - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
 - b. The completion of a building which was lawfully under construction at the date of the first publication of the notice required by Section 606 of the Municipal Government Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice.
 - c. The use of any such buildings as referred to in Subsection b for the purpose for which construction was commenced.
 - d. The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Schedule B, Part One, Section 1.5 hereof.
 - e. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Land Use Bylaw. This may also include temporary placement of a shipping container to accommodate storage or equipment or materials of an approved development project at the discretion of the Development Authority for no longer than twelve (12) months.
 - f. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land, which is publicly owned or controlled.
 - g. An accessory building or structure with a gross floor area of under 9.0 m² (96.9 ft²) which is not on a permanent foundation and complies with any applicable setback requirements prescribed elsewhere in this Bylaw.
 - h. A patio or deck in a Residential District that meets the minimum yard requirements specified in the corresponding Residential District per Schedule B, Part Six of this Bylaw and complies with the requirements of Section 1.8, Schedule B, Part One of this Bylaw.
 - i. Temporary uses, limited specifically to community special events such as circuses, carnivals and rodeos, carried out by or on behalf of federal, provincial and municipal public authorities.

BYLAW REGULATIONS – PART THREE – PERMITS & PROCEDURES

- j. Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport except for a deck or patio in a Residential District that does not meet the minimum distance requirements outlined in Schedule B, Section 1.6 of this Land Use Bylaw.
- k. The development of a use in the CB, C1 and C4 Districts where the developer has submitted a detailed written submission describing the proposed development, and where the Development Authority determines that the use:
 - i. is listed under the permitted uses column of the CB, C1 and C4 Districts;
 - ii. conforms to the applicable regulations of this Bylaw;
 - iii. is situated within an existing approved building and will not result in any structural alteration to that building; and
 - iv. would not, in the opinion of the Development Authority, require conditions to be attached to the approval of the use as part of the normal development process.
- l. Development within a basement which does not change or add to the uses within a dwelling.
- m. The provision of child care which would be classified as a child day home except that it only provides child care for up to four (4) children and its hours of operation are solely limited to during periods before and after school, during the lunch hour, when schools are closed, and casual babysitting on an infrequent basis not exceeding twelve (12) hours per week, provided that it is not a Provincially licensed child care program.
- n. Home offices within a dwelling unit, provided they are listed as a permitted use in the District in which the site is located.
- o. The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Subsections d through h above, both inclusive.

3.3. NON-CONFORMING BUILDINGS AND USES

- 1. Section 643 of the Act and any amendments thereto shall be adhered to in dealing with non-conforming uses and buildings. For the purposes of Section 643(5) of the Act, the following shall apply:
 - a. If a building located on a site does not conform with the requirements of this Bylaw, the owner, applicant, purchaser, vendor or occupant, as the case may be:
 - i. may request that the Development Authority acknowledge and provide for the non-conformances in accordance with Sections 643(1) through (4) of the Act and, pursuant to Section 643(5)(b) of the Act, allow for routine maintenance, as the Development Authority considers necessary, in the case of a non-conforming building; or,
 - ii. may submit a development permit application to the Development Authority in accordance with Part Three, Section 3.4 of this Bylaw for the purpose of making a building located on a site conform with the requirements of this Bylaw.
 - b. The development permit applications referred to in Subsection ii shall be processed and decided upon in accordance with Part Three, Section 3.4 of this Bylaw.

3.4. PERMISSION FOR DEVELOPMENT

- 1. An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - a. a site plan in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site; and
 - b. a statement of the proposed uses; and
 - c. a statement of ownership of the land and the interest of the applicant therein.

BYLAW REGULATIONS – PART THREE – PERMITS & PROCEDURES

2. Each application for a development permit shall be accompanied by a fee as established by Council.
3. The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Land Use Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located and pictures of the proposed structure.
4. The Development Authority shall, within the prescribed time period after the receipt of an application for a development permit pursuant to Section 683.1 of the Act, determine whether or not the application is complete. If, in the opinion of the Development Authority, the information supplied by the applicant in accordance with Section 3.4 hereof is insufficient or of insufficient quality to properly evaluate the application, the Development Authority shall issue to the applicant a notice in writing that the application is incomplete. The notice shall be in the form satisfactory to the Development Authority and state:
 - a. the deficiencies in the application and information required in accordance with Section 3.4 hereof to properly evaluate the application; and
 - b. the date by which the applicant shall submit the required information.
5. The applicant shall, pursuant to the notice described in Section 3.4 4. above, submit the information required by a date set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete. If the applicant fails to submit all required information by the date herein described, the application shall be deemed to be refused. If an application is deemed to be refused, the Development Authority shall issue to the applicant a notice of the refusal in accordance with Section 3.5.
6. The Development Authority may make a decision on a development permit application if, regardless of not receiving all possible information as required by Section 3.4 hereof, the Development Authority, in its sole discretion, determines the information supplied by the applicant is sufficient to treat the application as complete.
7. If the Development Authority determines that an application for a development permit is complete in accordance with Sections 3.4 3., 4. or 5. hereof, as the case may be, the applicant shall be notified in writing by the Development Authority, in the form satisfactory to the Development Authority, acknowledging that the application is complete. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in its sole opinion, that the development permit application is complete and the applicant has received the acknowledgement described herein.
8. Notwithstanding Section 3.4 7., hereof, an application for a development permit shall, at the option of the applicant, be deemed to be complete when an acknowledgment of a complete application referred to Section 3.4 7., hereof is not provided within the prescribed time period.
9. The Development Authority, in the course of reviewing the application to issue a decision, notwithstanding the development permit application requirements heretofore specified under Section 3.4, may request additional information or documentation from the applicant that the Development Authority considers necessary to review and decide the application.
10. Within the area outlined on Map 2 of Schedule A of this Land Use Bylaw, if the development proposal includes any construction which is or may be visible from a road, the Development Authority shall require additional information respecting the relationship of the proposed development to the Vermilion Main Street Programme Guidelines before consideration of the development permit application shall commence.

BYLAW REGULATIONS – PART THREE – PERMITS & PROCEDURES

11. The Development Authority shall:
 - a. refer to the Council for its consideration and decision applications for a development permit in the DC Direct Control District unless otherwise provided for in this Land Use Bylaw.
 - b. receive, review, consider and decide on all other applications for a development permit.
12. Council has approved the contents of the Vermilion Downtown Historic Area Guidelines and the philosophy of the Alberta Main Street Programme as their intent for the designated historic area outlined on Map 2 of Schedule A of this Land Use Bylaw. The Development Authority shall make known the Vermilion Downtown Historic Area Guidelines to individuals requesting an application for all development permits within the designated historic area if their development proposal includes any construction which is or may be visible from a road.
13. In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
14. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
15. In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Land Use Bylaw, at his discretion, the Development Authority may or may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for twelve (12) months after the date of the refusal.
16. In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.
17. The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Land Use Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - a. the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood;
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
 - b. the proposed development conforms to the use prescribed for that land or building in this Land Use Bylaw.
18. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of receipt of a notice acknowledging that the application is complete pursuant to Section 3.4 7. hereof, or, if said notice was not provided, within 40 days after the prescribed time period which deemed the application to be complete pursuant to Section 3.4 8. hereof, unless the applicant has entered into a written agreement with the Development Authority to extend the decision beyond the 40-day period.

3.5. DEVELOPMENT PERMITS AND NOTICES

1. A Development Permit granted pursuant to this Part shall not be valid unless and until:
 - a. any conditions of approval, save those of a continuing nature, have been fulfilled; and,
 - b. no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the prescribed time periods pursuant to the Act. Any development proceeded with by the applicant prior to the expiry of this period is prohibited.
2. Where an appeal is made to the Subdivision and Development Appeal Board pursuant to Section 4.1 of this Bylaw, a development permit which has been approved shall not be valid unless and until:
 - a. the Subdivision and Development Appeal Board has given its decision of an appeal in writing and the permit has been confirmed, modified or nullified thereby; and
 - b. any conditions of approval, save those of a continuing nature, have been fulfilled.
3. Upon service on the Municipality of an application for leave to appeal the decision of the Subdivision and Development Appeal Board, under the Act, the Development Authority shall suspend the development permit issued by the Subdivision and Development Appeal Board.
4. The development permit issued by the Subdivision and Development Appeal Board and suspended pursuant to the Act, remains suspended until:
 - a. the Alberta Court of Appeal denies leave to appeal; or
 - b. the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.
5. When a permit has been issued, the Development Authority shall immediately:
 - a. in the R1, R2, R3, RMH1, or RMH2 Districts, post a notice in the Town Hall in the case of permits for permitted uses;
 - b. in the case of development permits issued for Home Occupations - Major or Basement Suites or Secondary Suites, mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and
 - c. in all other circumstances:
 - i. immediately post a notice of the decision conspicuously on the property and maintain the notice in a reasonable condition for a period of no less than the prescribed time period referred to in Sections 3.5 1. – 4. hereof; and/or
 - ii. immediately mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
 - iii. immediately publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
6. If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
7. A decision of the Development Authority on an application for a development permit shall be given in writing and sent to the applicant on the same day the decision is made, together with a written notice specifying the date on which the decision was made and containing any other required information.
8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART FOUR - APPEALS

4.1. APPEALS

The decision of the Development Authority may be appealed to the Subdivision and Development Appeal Board pursuant to the Act through the Municipality's *Subdivision and Development Appeal Board Bylaw*.

4.2. APPEAL PROCEDURE

1. An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
 - a. refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application; or
 - b. issues a development permit subject to conditions; or
 - c. issues an order under Part Five, Section 5.1 of this Land Use Bylaw.
2. Notwithstanding Subsection 1 above, if a development permit is issued directly by the Council, there shall be no appeal to the Subdivision and Development Appeal Board.
3. Notwithstanding Subsection 1 above, no grounds for an appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Land Use Bylaw were relaxed, varied or misinterpreted. While an appeal can be submitted however ultimately it is the Subdivision and Development Appeal Board who will make the decision on whether there are sufficient grounds for appeal and whether or not a hearing will be held.
4. The person applying for the permit or affected by the order, under Subsection 1, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Subdivision and Development Appeal Board.
5. An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - a. the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5.3 of this Land Use Bylaw; or
 - b. the forty (40) day period referred to in Subsection 1.a has expired.
6. Each notice of appeal shall be accompanied by a fee as established by Council.

4.3. PUBLIC HEARING

1. Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
2. The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:
 - a. the appellant;
 - b. the Development Authority from whose order, decision or development permit the appeal is made;
 - c. those adjacent land owners who were notified under Section 3.5.3.c and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - d. such other persons as the Subdivision and Development Appeal Board specifies.
3. The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - a. the application for the development permit, its refusal and the appeal therefrom; or
 - b. the order of the Development Authority under Part Five, Section 5.1. as the case may be.

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

4.4. DECISION

1. The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
2. A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - a. to a judge of the Court of Appeal; and
 - b. within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART FIVE - ENFORCEMENT AND ADMINISTRATION

5.1. CONTRAVENTION

1. Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - a. the Municipal Government Act or the regulations made thereunder;
 - b. a development permit or subdivision approval; or
 - c. this Land Use Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- a. stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - b. demolish, remove or replace the development; or
 - c. take such other measures as are specified in the notice so that the development or use of the land or buildings complies with the Municipal Government Act, the regulations made thereunder, a development permit, subdivision approval or this Land Use Bylaw.
- within the time set out in the notice.
2. Where a person fails or refuses to comply with an order directed to him under Subsection 1 or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
 3. A person found guilty of an offence is liable to a fine as set out in Schedule C of this Land Use Bylaw.
 4. Where the Development Authority carries out an order, the Council may cause the costs and expenses incurred in carrying out the order to be placed on the tax roll for the lands, in accordance with Section 553 of the Act. Thereafter, any amounts added to the tax roll shall be deemed to be a property tax and shall form a special lien against the lands in favour of the Town from the date such costs are added to the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

5.2. VIOLATION TAG

1. The Development Authority, the Peace Officer/Municipal Enforcement Officer or any other person identified as a designated officer by the Council for the purposes of this, may issue a violation tag to any person whom he has reasonable grounds to believe contravened a provision of this Land Use Bylaw, or a development permit or subdivision approval.
2. A Violation Tag shall be served upon such a person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Officer of the corporation, or a person apparently in charge of a branch office, or by mailing a copy to such person by registered mail.
3. Where personal service cannot be affected upon a person, the Development Authority or the Peace Officer/Municipal Enforcement Officer may serve the Violation Tag by leaving it with a person on the premises who has the appearance of being at least eighteen (18) years of age.
4. A Violation Tag shall be in a form approved by Council, as set out in Schedule C, and shall contain the following information:
 - a. The name of the person to whom the Violation Tag is issued;
 - b. The date of issuance;
 - c. A description of the offence, the section number of the Bylaw, and the date on which the offence occurred;
 - d. The appropriate penalty for the offence as specified in Schedule C of this Land Use Bylaw;

- e. That the penalty shall be paid within twenty-one (21) days of the issuance of the Violation Tag, in order to avoid prosecution; and
 - f. Any other information as may be required by the Chief Administrative Officer from time to time.
5. Where a Violation Tag has been issued pursuant to Section 5.2.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag, within the time period provided.

5.3. VIOLATION TICKETS

1. In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer/Municipal Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.
2. Notwithstanding Section 5.3.1 above, a Peace Officer/Municipal Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Peace Officer/Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Land Use Bylaw, notwithstanding that a Violation Tag has not first been issued.
3. Where a Violation Ticket has been issued to a person pursuant to this Land Use Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

5.4. AMENDING BYLAWS

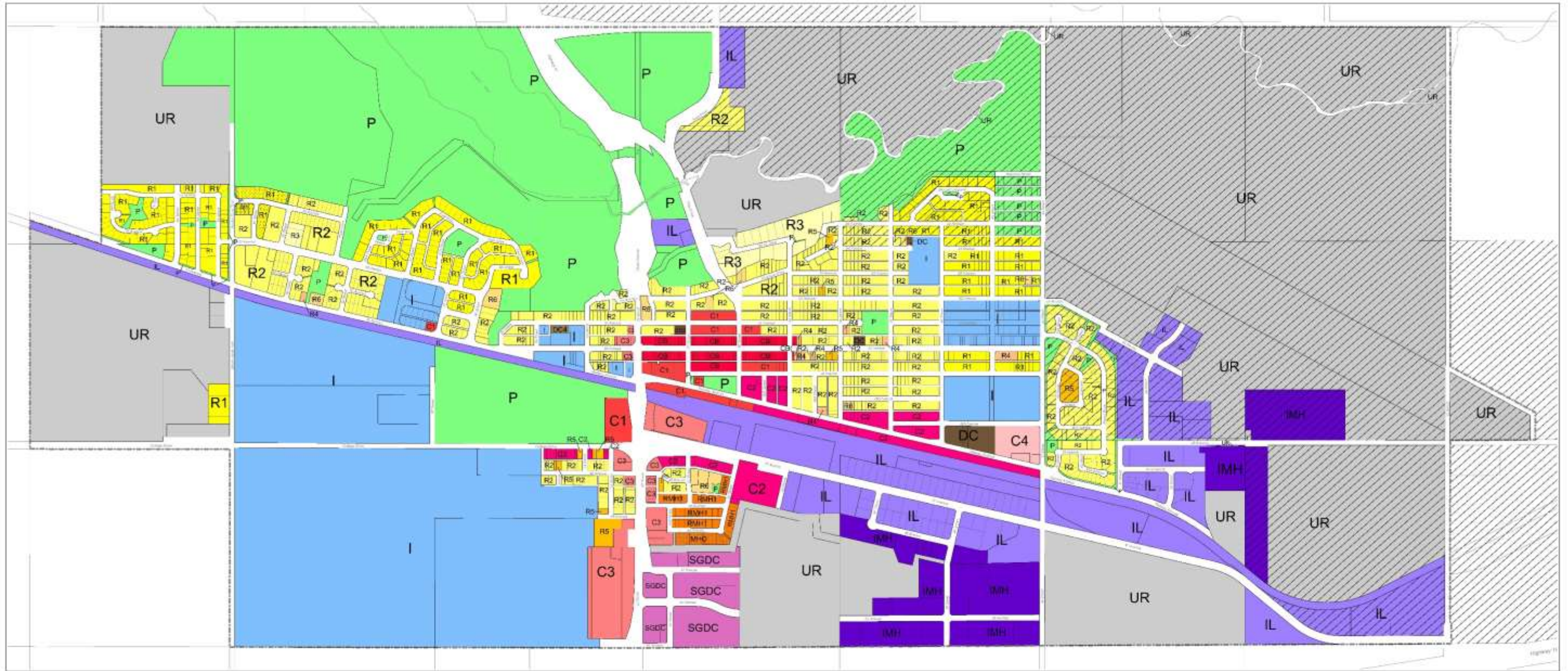
1. All amendments to this Land Use Bylaw shall be made by Council by Bylaw and in conformity with the Municipal Government Act.
2. A person may apply to have this Land Use Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Part Five, Section 5.3.
3. Council may at any time initiate an amendment to this Land Use Bylaw by directing the Development Authority to initiate an application therefore.
4. All applications for amendment to this Land Use Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - a. an application fee as established by Council for each application; and
 - b. a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and
 - c. drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.

5.5. SCHEDULES

Schedules A, B and C are part of this Land Use Bylaw.

SCHEDULE A – MAP REFERENCES

LAND USE DISTRICT MAP



2020 Municipal Land Use Map

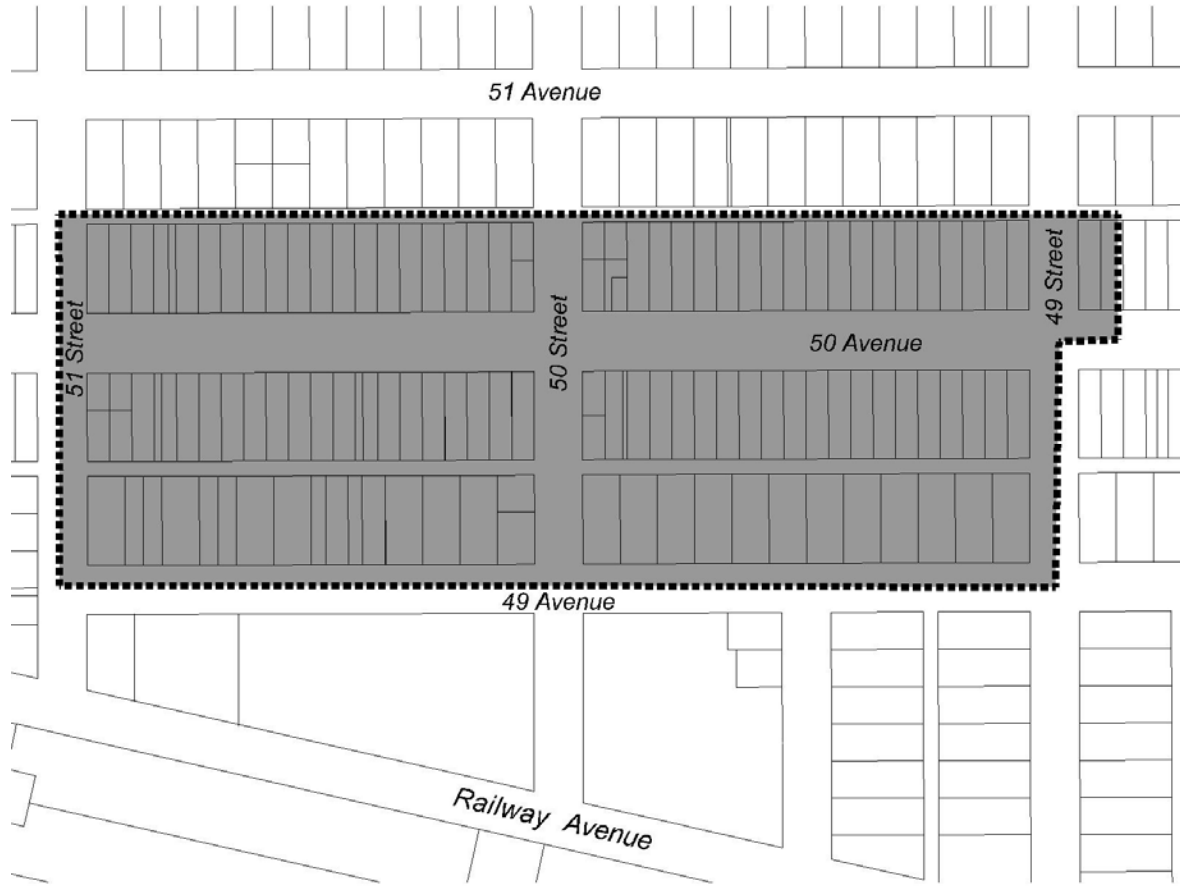
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Map data extracted from Provincial Geospatial Mapping 10 Digital Topographic Metadata Properties, Coastal Services 119 (2nd, 4th) & 120 (1st, 2nd) Data Alberta Data Partnership (January 2020).
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www.vermilion.ca/2020-01-16/16110488



C1 - C1 - Commercial District	DC - DC - South Gateway Direct Control District	IMH - IMH - Medium/Heavy Industrial District	R2 - R2 - Residential District	BMH1 - BMH1 - Residential Manufactured Home Subdivision District
C2 - C2 - Commercial District	DC2 - DC2 - Direct Control District	P - P - Community District	R3 - R3 - Residential District	MHO - MHO - Manufactured Home Overlay District
C3 - C3 - Highway Commercial District	DC4 - DC4 - Direct Control District	I - I - Institutional District	R4 - R4 - Residential District	AVO - AVO - Airport Vicinity Overlay District
C4 - C4 - Shopping Center District	IL - IL - Light Industrial District	UR - UR - Urban Reserve District	R5 - R5 - Residential District	ACD - ACD - Architectural Control Overlay District
CB - CB - Central Business District			R6 - R6 - Residential District	

DOWNTOWN HISTORIC AREA



Downtown Historic Area

For illustrative purposes only (not drawn to scale)

SCHEDULE B - LAND USE REGULATIONS AND DISTRICTS

PART ONE – GENERAL USE PROVISIONS

1.1. SUBDIVISION OF LAND AND SUBSTANDARD LOTS

1. All provisions of this Part may, as applicable, apply to applications for subdivisions.
2. Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.
3. Subject to 1.1 4., any application to subdivide land in the Municipality shall conform to the Act, regulations made pursuant to the Act, and this Bylaw and any notice, acknowledgement or other thing required to be issued by the Subdivision Authority pursuant to Section 653.1 of the Act regarding determining the completeness of an application for subdivision shall be in writing in the form satisfactory to the Subdivision Authority.
4. The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority:
 - a. the proposed subdivision or bareland condominium plan would not:
 - i. unduly interfere with the amenities of the neighbourhood, or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - b. the proposed subdivision or bareland condominium plan conforms to the use prescribed for that land or building in this Bylaw.
5. With the approval of the Development Authority the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.
6. The Subdivision Authority may require that as a condition of approving an application for subdivision, the applicant enter into an agreement with the Municipality as provided for in this Bylaw, and any other matters the Subdivision Authority considers necessary to ensure it does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

1.2. DWELLING UNITS ON A PARCEL

In the R1, R2, R3, RMH1, and RMH2 Districts, no permit shall be granted for the erection of more than one (1) dwelling unit on a single parcel of land, or if a basement suite or secondary suite is approved within the dwelling on the parcel of land, more than two (2) dwelling units.

1.3. SITE GRADING AND DRAINAGE

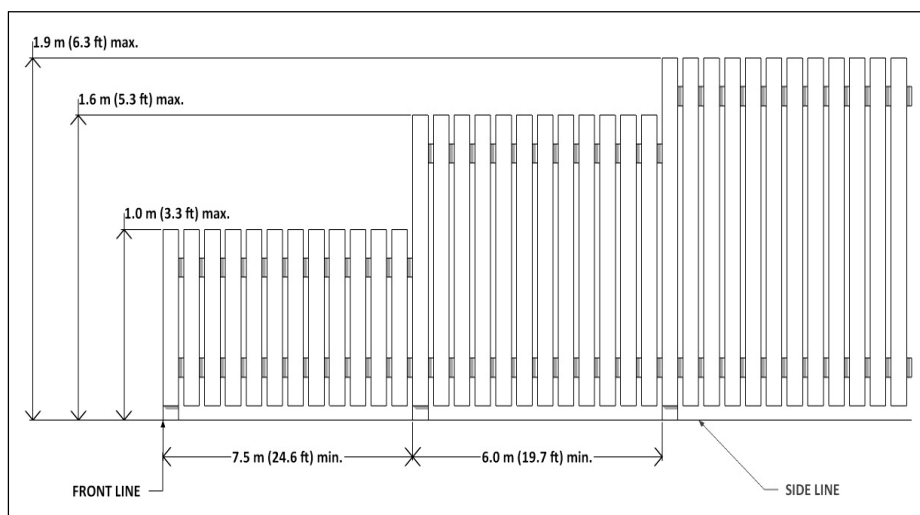
1. Site grading and drainage, including the placing and spreading of topsoil, shall be designed and built in accordance with the Municipality's engineering standards.
2. In all cases, site grades shall not allow drainage from public property onto private property, or one site to drain onto an adjacent site, except where that drainage conforms to an approved grading and drainage plan and all appropriate easements are registered.

1.4. EXCAVATION, STRIPPING AND GRADING

1. Any stripping and grading activities or proposed excavations may be subject to a development permit and considered as a discretionary use in any land use district. In reviewing an application, the Development Authority will take the following into consideration in rendering a decision:
 - a. Impact on adjacent land uses and the need to restrict the hours of operation;
 - b. Provision for adequate dust control;
 - c. Duration of the exposure of loose soil;
 - d. Measures to prevent tracking of mud onto adjacent roadways including the Town taking securities as part of the development permit approval to ensure the Town has resources to draw upon to remove any mud tracked onto adjacent roadways not be removed and cleaned up by the applicant; and
 - e. Any other matters the Development Authority considers necessary to ensure it does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.
2. There shall be provided upon the occupancy of the development, a minimum topsoil coverage of 15.0 cm (6 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.

1.5. FENCING

1. Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
2. Unless otherwise provided in this Bylaw, no fence or hedge shall be:
 - a. higher than 1.9 m (6.3 ft.) above grade in side yards and rear yards; or
 - b. higher than 1.0 m (3.3 ft.) above grade in front yards; or
 - c. higher than 2.4 m (7.9 ft.) above grade at the highest point of a gate that is not more than 2.5 m (8.2 ft.) in length; or
 - d. higher than 1.0 m (3.3 ft.) above grade within the sight line protection area as provided in Schedule B, Section 1.12 - Site Line Protection.
3. Notwithstanding Section 1.1 2., in the case of a corner site, a fence or hedge shall be allowed no higher than shown in the Figure below within the minimum required flanking side yard.



Fencing within Minimum Required Flanking Side Yard

For illustrative purposes only (not drawn to scale)

4. For the purpose of screening and sound attenuation, special consideration may be given, at the discretion of the Development Authority for residential lots to allow the rear or side yard fence height to be increased to a maximum of 2.44 m (8.0 ft) in height if;
 - a. a lot is immediately adjacent to a main collector or arterial roadway which directs traffic in or out of an Industrial District, or
 - b. a lot is immediately adjacent to the railway separated only by a roadway, or
 - c. a lot is immediately adjacent to a property used for a lawful non-residential use that generates more traffic that would normally be characteristic of the residential uses in the area.
5. All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or solid fence of not less than 1.2 m (3.9 ft.) nor more than 2.14 m (7.02 ft.) in height, along any side lines adjacent to any Residential District.
6. Where a commercial use or development is adjacent to any Residential District, at the discretion of and to the satisfaction of the Development Authority, a solid fence of not less than 1.83 m (6.0 ft.) in height for screening shall be provided.
7. All drive-in businesses, car washing establishments, service stations and gas bars adjacent to any Residential District shall provide and maintain, to the satisfaction of the Development Officer, a solid fence of not less than 1.5 m (4.9 ft.) nor more than 2.14 m (7.0 ft.) in height.
8. All fences shall be made of a permanent material satisfactory to the Development Authority and of sturdy construction by being adequately anchored and fixed to the ground, such that they are freestanding and not supported by any other building.
9. No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the IMH and UR Districts. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (5.9 ft.) unless the Development Authority, at its sole discretion, allows barbed wire at a lower height where, in its opinion, dwellings would not be in proximity to the fence proposed.
10. No electrification of fences or razor wire fences shall be allowed.
11. The Development Authority may require that a fence or hedge be provided to a height of at least 1.5 m (4.9 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
 - a. Outdoor storage areas;
 - b. Garbage and/or recycling collection areas; and
 - c. Loading or vehicle service areas.

1.6. LANDSCAPING

1. Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the Municipality’s landscaping standards; and any landscaping activities on public property shall be done in accordance any applicable bylaws, standards and/or policies of the Municipality.
2. Where a landscaping plan is required, no landscaping shall commence prior to the plan being approved in writing by the Development Authority. After approval is given in writing, all landscaping work shall be done in accordance with the approved plans. Any proposed revisions to an approved landscaping plan must be submitted in writing as an addendum to an approved landscaping plan and authorized in writing by the Development Authority prior to the revisions being undertaken.
3. Subject to 1.6 4., the Development Authority may require landscaping plans with any application for a development permit, and landscaping plans shall be required with an application for a development permit within:
 - a. the R4, R5 and R6 Districts;
 - b. any Comprehensive Site-Planned developments;
 - c. the P & I Districts; and,

- d. all Commercial and Industrial Districts.
4. Notwithstanding Section 1.6 3., where a development permit application applies only to renovations, structural alterations, a change of use, or change in intensity of use that does not alter the floor area or exterior of the building, a landscaping plan may not be required.

Plan Contents:

5. Landscaping plans shall include, at the discretion of the Development Authority, the following information:
- a. Site plan contents as required in Part Three, Section 3.4;
 - b. Location and description or illustrations of all existing or proposed physical features, identifying height of physical features above grade, including but not limited to ground cover, fences, walls, flower beds, gardens, berm contours, outdoor furniture, decorative paving, water features, and surface utilities;
 - c. Location of all existing plant materials, labelled with a key, cross-referenced with a descriptive list identifying the common and botanical name, noting whether they will be retained or removed;
 - d. Location of all proposed plant materials, labelled with a key, cross-referenced with a descriptive list identifying the common and botanical name, quantity, size and method of planting, or grass mix for sod and/or seed;
 - e. Playground equipment and public seating areas if the area forms part of a communal amenity area; and
 - f. Any other information the Development Authority considers necessary to ensure the development does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.

Standards:

General Requirements

- 6. The areas to be landscaped shall include all abutting boulevards and site areas not previously landscaped or covered with buildings, sidewalks and parking areas, unless it can be demonstrated that these areas are necessary for the day-to-day utilization of the site in accordance with the approved use.
- 7. Where at the time of development the area between the front line and the curb and/or the curb and sidewalk is not landscaped, this area shall be landscaped.
- 8. Where a specified site area is required for landscaping by any use or land use district, the abutting boulevard area may, at the discretion of the Development Authority, be used in partial fulfillment of landscape area requirements subject to the provisions of this Bylaw if it can be shown the requirement cannot be provided on site.
- 9. At a minimum, all landscape areas shall be seeded or sodded with grass unless specified otherwise. Aesthetically pleasing alternative landscape areas are encouraged to include xeriscaping or other forms of low maintenance and drought-resistant landscaping techniques which allow for reduced water usage and naturalized stormwater management. However, in no case shall hard-landscaping features, such as decorative paving or other impervious surfaces, exceed 25% of the required landscaped area.
- 10. In all landscape areas in the R4, R5 and R6 Districts, all Commercial Districts, the P and I Districts, and Comprehensive Site-Planned developments, including a manufactured/mobile home park:
 - a. Trees shall be planted at a minimum ratio of one (1) tree per 45.0 m² (484.4 sq. ft.) of landscaped area, and
 - b. Shrubs shall be planted at a minimum ratio of one (1) shrub per 20.0 m² (215.3 sq. ft.) of landscaped area.

11. Existing trees and shrubs shall be retained to the greatest extent possible. Any such trees or shrubs which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted the ability of the existing trees or shrubs to survive a two (2) year maintenance period. Any trees or large shrubs which are removed shall be replaced with a tree or shrub of similar species.

Parking Areas

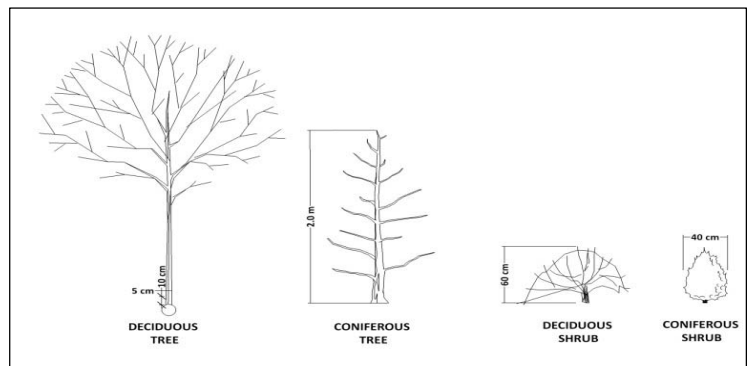
12. Curbed islands or peninsulas shall be provided in off-street parking areas as follows:
 - a. Parking spaces must be separated by an island or peninsula at the rate of at least one (1) per each row of twelve (12) consecutive parking spaces (single-row parking) or twenty-four (24) consecutive parking spaces (double-row parking).
 - b. Trees shall be planted at a ratio of one (1) tree per five (5) parking spaces (single-row parking) or one (1) tree per ten (10) parking spaces (double-row parking) in the islands or peninsulas, or within 3.0 m (9.8 ft.) of the periphery of the parking area.
 - c. Where practical, islands and peninsulas shall be placed at ends of parking rows or along designated pedestrian areas. Planted medians within off-street parking areas may be considered as an alternative to islands and peninsulas.
 - d. Each island, peninsula or median shall be:
 - i. designed to protect all plant material from damage;
 - ii. a minimum width and length of a standard parking space;
 - iii. raised at least 15 cm (5.9 in.) above grade; and
 - iv. finished with tree grates, ground cover vegetation, and/or hard landscaping.

Buffers

13. When no lane separates commercial or industrial development from a residential use or land use district, a landscaped buffer shall be required along the full length of any yard in the commercial or industrial development site adjacent to the residential use or land use district. This landscaped buffer may be required where a lane separates such uses.
14. The minimum width of the buffer shall be 3.0 m (9.8 ft.) or as otherwise required by the Development Authority.
15. Trees that are a minimum of 6.0 m (19.7 ft.) in height at maturity shall be planted on all buffers that, in the opinion of the Development Authority, would be sufficient to screen the residential use or district from the commercial or industrial development.

Plant Material Specifications

16. Unless otherwise specified, all plant materials should meet the following:
 - a. be hardy to the Municipality and the proposed site (the Canadian Standards for Nursery Stock by the Canadian Nursery Landscape Association may be used as a reference guide in selecting plants);
 - b. where possible and practical, deciduous trees should be planted to shade interior building spaces to allow the winds to cool down the building during summer and allow direct sunlight in the winter, and coniferous trees should be planted on the prevailing winter wind side;



Plant Material Specifications
 For illustrative purposes only (not drawn to scale)

- c. deciduous trees must have a minimum caliper width of 5 cm (1.9 in.) measured 10 cm (3.9 in.) above the root ball;
- d. coniferous trees must be a minimum height of 2.0 m (6.6 ft.) at the time of planting; and
- e. shrub material, if deciduous, must have a minimum height of 60 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40 cm (15.7 in.) when planted.

Installation and Maintenance

- 17. All landscaping shall be completed to the satisfaction of the Development Authority within twelve (12) months from the date of issuance of a Building Permit Services Report pursuant to the Safety Codes Act, or commencement of the use of the building, whichever occurs first, although the Development Authority has discretion to extend this period and may take into consideration adverse weather conditions that have impacted timelines.
- 18. The owner of the site or its successors or assignees shall be responsible for proper maintenance of the landscaping.
- 19. The quality and extent of the landscaping on a site shall be the minimum standard to be maintained on the site for the life of the development.
- 20. If plant material is deemed inappropriate or does not survive, it must be replaced with plant material of similar type and size.

Security

- 21. The Development Authority may require that the developer provide security in the form and amount required by the Development Authority, as a condition of development permit approval, either in addition to, or as part of, other security being required for the development, to ensure that landscaping is satisfactorily carried out and with reasonable diligence.

1.7. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 1. No person shall keep or permit in any part of any yard in any Residential District:
 - a. any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
 - b. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located; or
 - c. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - d. a heavy vehicle as defined in the Town Traffic, Highways and Public Places Bylaw. (excluding recreational vehicles).
- 2. No person shall keep or permit in any part of any front yard in any Residential District:
 - a. a heavy vehicle as defined in the Town Traffic, Highways and Public Places Bylaw. (excluding recreational vehicles);
 - b. any accessory use or parking space, without the specific approval of the Development Authority.

1.8. PROJECTION INTO YARDS

Except as provided in this part, and except for fences as noted in Section 1.6.1 of this Schedule, no portion of a building shall be located or project into a required yard.

1. Front Yards

The following features may project into a required front yard:

- a. steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- b. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.92 m (3.02 ft.);
- c. patios, decks, and porches, provided they are not enclosed and are no closer than 4.5 m (14.8 ft.) from the front line;
- d. exterior balconies on apartments provided that they are cantilevered and not enclosed, designed as an integral part of the building, and they do not project more than 1.98 m (6.5 ft.) into the front yard; and
- e. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

2. Side Yards

The following features may project into a required side yard; except where a side yard of 2.59 m (8.50 ft.) is required for vehicular passage:

- a. steps, chimneys and decks, provided such projection does not exceed 50% of the width of the required side yard; or
- b. patios, which can project to the side line; or
- c. eaves, gutters and sills or other similar projections, with the amount of the projection to be as allowed by the Development Authority; or
- d. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.92 m (3.0 ft.);
- e. exterior balconies on apartments provided that:
 - i. they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - ii. they do not project more than 0.92 m (3.0 ft.) into a required side yard and in no case are closer than 1.98 m (6.5 ft.) to a side line.
- f. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

3. Rear Yards

The following features may project into a required minimum rear yard:

- a. steps, ramps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- b. decks, provided such projection does not exceed 3.6 m (11.8 ft.);
- c. patios, which can project to the rear line;
- d. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.92 m (3.0 ft.);
- e. exterior balconies on apartments provided that:
 - i. they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - ii. they do not project more than 1.98 m (6.5 ft.) into a required rear yard and in no case are closer than 1.98 m (6.5 ft.) to a rear line.
- f. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

1.9. ARCHITECTURAL STANDARDS

1. The design, character, and appearance of all buildings shall:
 - a. be compatible with other buildings in the vicinity,
 - b. be suited to the purpose of the District in which it is located, and
 - c. comply with the provision of any plan or document approved by Council applicable to the design, character or appearance of the building.
2. The exterior finish on all buildings shall be of a permanent material and be of a character and quality satisfactory to the Development Authority. Permanent materials shall be of a colour commonly used in building construction, with the use of predominantly natural colours.
3. The exterior finish of a building shall be completed to the satisfaction of the Development Authority within twelve (12) months from the date of issuance of a Building Permit Services Report pursuant to the Safety Codes Act, or commencement of the use of the building, whichever occurs first, although the Development Authority has discretion to extend this period and may take into consideration adverse weather conditions that have impacted timelines.
4. Any addition or structural alteration to a principal building or accessory building, or development of a new accessory building, shall be compatible with or complement the design of the existing principal building, incorporating similar features such as window and door detailing, exterior cladding materials and colours, and roof lines; with the exception of prefabricated buildings and accessory buildings less than 10.0 m² (107.5 sq. ft.) in ground floor area.

Architectural Regulations for Commercial and Industrial Development

5. The purpose of this section is to provide the Town with controls and guidance to ensure aesthetically attractive and compatible development is provided throughout the Town of Vermilion. Architectural features means any part or portion of a building or structure including but is not limited to exterior finish, projections, recesses, windows, columns, awnings, signage, cornices, eaves, gutters, windows, chimneys and any other decorative and/or functional ornamentation that may be considered to contribute to overall appearance or visual appeal of the building.

Commercial Districts (CB, C1, C2, C3, C4, C5, SGDC)

6. All building facades shall have a minimum of two exterior finishing materials (concrete, exposed aggregate, stucco, glass, brick, brick veneer, natural stone, tile, wood or metal) with no one material to cover more than 80% of the exposure. Exterior cladding shall be comprised of high quality, compatible and harmonious finishing materials that also compliment the surrounding neighbourhood to the satisfaction of the Development Authority.
7. The use of two or more colours is required to enhance the building exterior and to create design accents. Building and architectural details (including flashing and downspouts) shall have a colour that compliments or accents the main building.
8. The facade treatment shall wrap around the side of the building a minimum of 1 metre (where applicable) to provide a consistent profile to the front and sides of the building. On lots where more than once facade is visible to a public roadway, this treatment may be required to extend beyond 1m, or additional facade treatments may be required to the satisfaction of the Development Authority.
9. Where walls visible from a public roadway exceeding 15m in length, the visual massing shall be reduced through the use of architectural elements such as columns, ribs, pilaster or piers, changes in plane (recesses or projections), changes in building finish, material, texture or colour to create and identifiable pattern and address human scale.

10. Accessory buildings visible from a public roadway shall use similar facade treatment, finishing, materials and colours as the primary buildings in a fashion that is complimentary to the primary building(s).
11. Consideration may be given to applications with brand or franchise-specific building requirements that do not adhere to this section with Council approval.

Industrial Districts (IL, IMH)

12. All building facades shall have a minimum of two exterior finishing materials (concrete, exposed aggregate, stucco, glass, brick, brick veneer, natural stone, tile, wood or metal) with no material to cover more than 80% of the exposure. Exterior cladding shall be comprised of high quality, compatible and harmonious finishing materials that also compliment the surrounding neighbourhood to the satisfaction of the Development Authority.
13. The use of two or more colours is required to enhance the building exterior and to create design accents. Building and architectural details (including flashing and downspouts) shall have a colour that compliments or accents the main building.
14. To the extent reasonably feasible, front yards shall be used for less intrusive parking/storage. Vehicle operation and storage areas shall be predominantly located in the rear and side yards.
15. Consideration may be given to applications with brand or franchise-specific building requirements that do not adhere to this section with Council approval.

1.10. PROTECTION FROM EXPOSURE HAZARDS AND OBJECTIONABLE OR RESTRICTED DEVELOPMENTS

Hazardous Substances and Pesticides

1. All commercial or industrial developments involving hazardous substances or pesticides shall submit a written description of the materials and operations being undertaken on the site at the time of development permit application or at the time the operation begins using the hazardous substances or pesticides.
2. The location of any Anhydrous Ammonia (AA) or Liquefied Petroleum Gas (LPG) storage tank with a water capacity exceeding 9,080 l (2,000 gal.) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 122 m (400.0 ft.) from an assembly, institutional, commercial or residential buildings and shall comply with all provincial and federal legislation and regulations.
3. AA or LPG containers with a water capacity of less than 9,080 l (2,000 gal.) shall be located in accordance with and shall comply with all provincial and federal legislation and regulations.
4. Flammable liquids storage tanks at bulk plants or service stations shall comply with all provincial and federal legislation and regulations.
5. Any development near abandoned wells must be in accordance with the regulations laid out by the Energy Resources Conservation Board (ERCB).
6. All developments which store, manufacture, utilize, emit, or discharge hazardous substances or pesticides shall comply with Provincial and Federal legislation and regulations.

Sour Gas

7. No development shall be permitted within 100 m (328.0 ft.) of a Level 1 sour gas facility (consisting of a well) or as determined by the Alberta Energy and Utilities Board. 2.
8. No development shall be permitted within 500 m (1640.4 ft.) of a Level 2 sour gas facility as determined by the Alberta Energy and Utilities Board. 3.
9. No development shall be permitted within 1500 m (4921.2 ft.) of a Level 3 or Level 4 sour gas facility as determined by the Alberta Energy and Utilities Board.

Environmental Assessments

10. Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase I Environmental Site Assessment be conducted according to the guidelines of CSA Z768-01 or its successor, in order for a development permit application to be considered complete. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

Nuisance

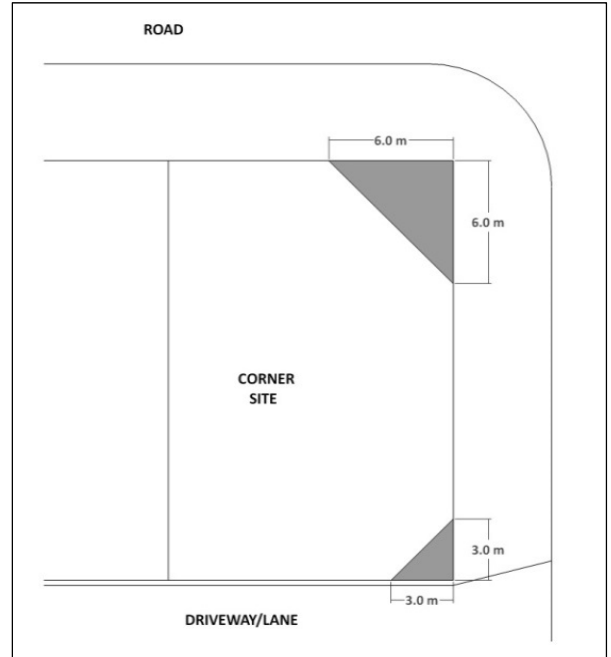
11. No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of noise, vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour exceeding those measures prescribed in applicable municipal bylaws, or Federal or Provincial statutes or regulations.
12. Garbage shall be stored in weather-proof and animal-proof containers and screened from adjacent sites, and roads, and shall be in a location easily accessible for pick-up.

1.11. CORNER AND DOUBLE-FRONTING LOTS

1. In the case of double-fronting sites, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
2. Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double-fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
3. Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner site, the minimum required flanking side yard shall not be less than 3.0 m (9.8 ft.).

1.12. SIGHT LINE PROTECTION

1. On corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines (or their projections) and a straight line joining points on the road right-of-way lines 6.0 m (19.7 ft.) from their intersection.
2. At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.
3. This Section does not apply in the CB and C1 Districts, except where an existing building is set back from the boundary line sufficient to allow for the regulations provided by Section 1.12 1. and 2. In no case shall the area protected for sight line be obstructed as determined by the Development Authority.
4. Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in Section 1.12 1. and 2. such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.



Sight Line Protection
 For illustrative purposes only (not drawn to scale)

1.13. RELOCATION OF BUILDINGS

In making his decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall, in addition to all other applicable requirements and standards of the District within which the site is located, and having regard to Schedule B, Section 1.9 1. – 5., consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if the building is incompatible with the neighbourhood.

1.14. LIMITED VEHICULAR ACCESS TO MAJOR ROADS

1. No access for vehicles will be permitted from an arterial road, as designated in the Municipal Development Plan, Transportation Study or any area structure plan, to:
 - a. any residential parcel, unless the access serves more than four dwelling units;
 - b. any parcel, unless turning space is provided on the parcel such that vehicles entering upon the parcel may turn before re-entering the street except, as determined by the Development Authority, there is no other practical alternative; and
 - c. any parcel where, in the opinion of the Development Authority, there would be an excessive number of access points onto the street.
2. Access to Highway No. 41 shall be limited to those access points approved by Alberta Transportation, in consultation with the Town.

Provisions Pertaining to 50th Avenue

3. The construction of a driveway from a site in any Residential District to 50th Avenue shall not be allowed unless there is no other practical alternative method of vehicle access to the site and the location of the driveway is acceptable to the Development Authority.
4. For a site where vehicle access to the site is provided from 50th Avenue, such access shall not result in the designation of the site as a non-conforming use as described under Part One, Section 3.3 of this Land Use Bylaw. The access to the site shall be allowed to continue unless the current main building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation.
5. The Development Authority may use discretion in assessing the value of existing buildings and other improvements on a site when considering a proposal retaining access to 50th Avenue.

1.15. LIGHTING

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.

1.16. ALTERNATIVE ENERGY TECHNOLOGY

1. All Alternative Energy Technology applications will be reviewed to ensure the proposal will not negatively impact the surrounding area in which it is located and decisions on all applications will be at the discretion of the Development Authority.
2. The proposed installation of any alternative energy system, device or structure shall first require the issuance of a development permit, and any other permits that may be required and the system, device or structure must meet all applicable provincial codes, regulations and standards including the building code and any other municipal requirements.
3. Along with the general requirements for development permit applications outlined in Part Three, Section 3.4, upon request of the Development Authority, technical drawings or studies relating to the proposed alternative energy structure may be required.
4. There shall be no aboveground portion of an alternative energy structure located in a front or side yard, with the exception of solar panels being ground mounted in a side yard, provided the structure complies with the minimum side yard requirements of the District.
5. Any aboveground portion of an alternative energy structure, including but not limited to guy wires and anchors, which is accessory to a principal building shall comply with all other regulations of this Land Use Bylaw.
6. When practical, methods of screening shall be used to ensure that all alternative energy technologies visually blend with the surrounding natural and built environment in which they are situated.
7. No advertising, except for a manufacturer’s logo, shall be visible on any alternative energy technology.

Solar Collectors

8. A solar collector may be located on the roof or wall of a building or structure, or ground mounted in a side yard provided the structure complies with the minimum side yard requirements of the District. If the optimal solar orientation of a solar collector would be located in a front yard, the Development Authority may consider an exception on a case-by-case basis.
9. A solar collector mounted on a roof must not extend beyond the outermost edge of the roof or above the peak of the roof.

10. A solar collector that is mounted on a wall may project a maximum of:
 - a. 1.5 m (4.9 ft.) from the surface of that wall, when the wall is facing a rear line; and
 - b. in all other cases, 0.6 m (2.0 ft.) from the surface of that wall.

Small Wind Energy Systems (SWES)

11. In addition to the requirements of Part One Section 3.4, applications for small wind energy systems shall meet or exceed all Provincial and Federal Regulations and shall include the manufacturer’s specifications indicating:
 - a. the SWES rated output in kilowatts;
 - b. safety features and sound characteristics;
 - c. type of material used in tower, blade, and/or construction;
 - d. turbine height;
 - e. blade diameter and rotor clearance;
 - f. Canadian Standards Association approval, if applicable;
 - g. potential for electromagnetic interference;
 - h. nature and function of over speed controls which are provided;
 - i. specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;
 - j. information demonstrating that the system will be used primarily to generate on-site electricity; and
 - k. location of existing buildings or improvements.
12. Prior to making a decision on a Development Permit application for a small wind energy system, the Development Authority may refer and consider the input of any authorities having jurisdiction and any applicable legislation.
13. Notwithstanding the maximum height provisions applicable to a site, the total height of a small wind energy system may exceed the maximum building height of a District by a maximum of 2.0 m (6.6 ft.).
14. The moving components (i.e. blades) clearance of any small wind energy system shall not be less than 4.6 m (15.1 ft.) above grade.
15. Small wind energy systems shall be setback from any boundary line a minimum distance equal to the height of the structure when bounded by adjacent developed or developable properties. In situations where properties back onto undevelopable areas these requirements may not apply and are at the discretion of the Development Authority. In addition, small wind energy systems must comply with the minimum yard requirements of the District.
16. The maximum diameter of the wind turbine blades shall be 3.0 m (9.8 ft.).
17. The property owner shall be responsible to ensure that the small wind energy system is properly maintained including but not limited to the general appearance of the structure and that its ongoing operation meets industry standards with regards to noise limits and does not become a nuisance due to noise. Should an issue of noise arise it shall be the sole responsibility of the landowner to obtain the services of a qualified individual to conduct accurate noise level tests to ensure it is within the acceptable limits. Any expenses resulting from obtaining this information shall also be the sole responsibility of the landowner.
18. Small wind energy systems shall comply with the following standards:
 - a. There shall be a limit of one (1) small wind energy system per site in all Residential Districts, and the limit in all other Districts shall be at the discretion of the Development Authority;
 - b. The system shall be equipped with manual and automatic over speed controls;
 - c. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer;
 - d. The system shall be operated such that no electro-magnetic interference is caused.

1.17. UTILITY EASEMENTS

1. No development other than landscaping, a fence or portable (easily moveable) accessory building/structure not exceeding 9.0 m² (96.9 ft²) shall be constructed or placed on or over a utility easement unless, in the opinion of the Development Authority, the development does not restrict access to the utility easement for the purpose of installation and maintenance of the utility.
2. If deemed appropriate by the Development Authority, a developer may be required to obtain the written consent of the owner of the easement or affected party to the easement, for any development proposed to encroach on or over a utility easement, other than a fence or landscaping.

1.18. AMENITY AREAS

1. Where required in any land use district, private and/or communal amenity areas shall be provided in accordance with the following:
 - a. Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
 - i. be located immediately adjacent to, and with direct access from, the dwelling it is intended to serve;
 - ii. be located in a yard other than a front yard;
 - iii. be landscaped and surfaced for convenient use for outdoor activities,
 - iv. be of a width and length of at least 4.0 m (13.2 ft.); and
 - v. be developed as open space unencumbered by any accessory buildings or future additions.
 - b. Notwithstanding Section 1.18 a. iv., balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft.).
 - c. Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area may be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and children's play areas complete with equipment.
 - d. In multi-unit dwelling developments of 15 dwelling units or more, a minimum communal amenity area of 2.5 m² (26.9 sq. ft.) per dwelling unit shall be provided and be developed as children's play space or other communal recreation space, and be aggregated into areas of not less than 50.0 m² (528.2 sq. ft.).
 - e. In multi-unit dwelling developments, at least ten percent (10%) of the open space area required on the site shall be provided for recreational purposes; and in multi-unit dwelling developments of 15 units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. In accordance with the provisions of Part Three, Section 3.4 17., this requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

1.19. TEMPORARY BUILDINGS AND USES

1. Where, in the opinion of the Development Authority, an application for a development permit is for a building or use that is intended to be temporary or is inherently temporary, the Development Authority may impose conditions limiting the duration of the validity of the Development Permit.
2. Where an application for a development permit is for the temporary erection of a prefabricated building pursuant to Section 1.19 1., the Development Authority shall not approve the development permit for a period of more than twelve (12) months.
3. If an extension to the twelve (12) month period is desired, an application for a new development permit shall be submitted to the Development Authority. In such a case, the Development Authority shall not approve the development permit for a period exceeding a further twelve (12) months. In no case shall the

Development Authority approve a subsequent development permit such that the development would cumulatively exceed a period of five (5) years.

4. Notwithstanding Section 1.19 2., the Development Authority may issue, and subsequently consider for extension upon expiry, a temporary approval within the I - District for a period of time at their discretion provided it does not exceed five (5) years.
5. If a development permit is conditionally approved limiting the duration of its validity, the Development Authority shall impose a condition that the use or building be entirely removed from the site and that the site be restored to its previous condition upon expiration of the development permit, subject to reapplication.

1.20. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that an agreement is entered into with the Municipality pursuant to Part Three, Section 3.4 14, to undertake such services or improvements.

1.21. COMPREHENSIVE SITE PLANNING

1. Prior to the granting of approval of a subdivision application or a development permit for a comprehensive site planning development, as the case may be, the developer shall provide the Municipality with a proposed site development/landscaping plan and may be required to enter into an agreement with the Municipality specifying the respective obligations of the developer and the Municipality, in addition to those requirements of Part Three, Section 3.4.14, regarding all of the following as are applicable:
 - a. The establishment, operation and maintenance of facilities for:
 - i. storm water management;
 - ii. sanitary sewage collection and disposal;
 - iii. water, power and gas supply;
 - iv. alternative energy technology, if proposed;
 - v. access via roads, sidewalks, walkways and curbs;
 - vi. snow removal;
 - vii. garbage collection, including garbage collection areas and buffering of same;
 - viii. fire protection;
 - ix. parks, playgrounds, buffers and other amenity areas;
 - x. landscaping and fencing; and
 - xi. any other facility deemed necessary by the Development Authority.
 - b. The standards of construction for same and the provision of security to ensure completion of any or all of them;
 - c. The manner in which costs of same are to be met or recovered;
 - d. The period of time agreed upon for completion of construction or installation of the facilities;
 - e. The provision to the Municipality of as-built site and utility plans showing the boundaries of all lots and the location of all buildings and services; and
 - f. Such other matters as may be deemed necessary by the Development Authority.
2. In considering a condominium plan or a bareland condominium plan, the following shall apply:
 - a. Except as provided for in Section 1.21 4., the development regulations of the District in which the condominium plan or bareland condominium plan is located shall apply;
 - b. Roadway and municipal engineering standards may, at the discretion of the Development Authority, be relaxed within the condominium plan or the bareland condominium plan provided that:
 - i. adequate emergency vehicle access, legal road access, and municipal servicing is provided and maintained to the satisfaction of the Development Authority, and

- ii. the developer and its heirs and assigns or the condominium corporation assumes all responsibility for the construction, maintenance, repair and replacement of all such roads and services within the condominium plan or bareland condominium plan.
3. The site area, site sizes, site coverage and density within a comprehensive site planning development shall adhere to the regulations of the District in which the comprehensive site planning development is located, except that the site size, site coverage, and density may be relaxed in part of the development where the minimum site area is achieved and the maximum density on the site is not exceeded. The Development Authority shall adhere to the provisions of Part Three, Section 3.4 17. when considering a relaxation to these regulations.
4. Internal separation space between buildings within a comprehensive site planning development shall be to the satisfaction of the Development Authority, based on site design considerations and the need for access between buildings. In no case shall such separation space be less than 2.4 m (7.9 ft.) where building height is 2 storeys or less and 4.25 m (13.9 ft.) where building height exceeds 2 storeys.
5. The Development Authority may require that all plans for parking areas within a comprehensive site planning development be submitted under the seal of a Professional Engineer.
6. No person shall construct or be permitted to construct a fence, including barricades or a gate, that would prohibit or otherwise restrict primary vehicular access to a parking area of a comprehensive site planning development. This section does not apply to parkades.

1.22. NOISE SENSITIVE LAND USE

Hospitals, schools, residential areas and other noise-sensitive land use shall not be located adjacent to sources which are likely to emit annoying levels of noise. The Development Authority may specify the construction of special features such as buffering and landscaping as part of the development in order to mitigate noise levels to acceptable levels.

1.23. HOUSE NUMBER

Every residence shall have its house number clearly displayed using letters a minimum of 10.0 cm (4.0 in) high and contrasted in such a manner so that they are kept easily visible from the street.

1.24. HAZARD LANDS

1. For the purposes of this Section, "top-of-bank" is as determined by the Development Authority in consultation with Alberta Environment.
2. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m (65.6 ft) of the top-of-bank of any waterbody or watercourse and no development shall be permitted within 20.0 m (65.6 ft) of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
3. The Development Authority may require a greater setback than is prescribed in Section 1.24 2.
4. Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 1.24 2. and 3., where the application is for development on lands that are or may be subject to subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventive engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
5. Further to Section 1.24 4., the Development Authority may require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.

6. Subject to Sections 1.24 4. and 5., the Development Authority may reduce the setback requirements established pursuant to Sections 1.24 2. and 3. if the applicant provides satisfactory proof of bank stability.

1.25. EMERGENCY ACCESS TO BUILDINGS

The Development Authority shall ensure that parcels are designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all buildings and parcels in accordance with municipal and provincial fire authorities having jurisdiction.

1.26. CURB CUTS

1. The Development Authority shall ensure that curb cuts are located in a manner such that they provide for the safe and efficient movement of vehicles and pedestrians.
2. Unless otherwise specified by the Development Authority, the maximum curb cut shall not exceed 9.1 m (30.0 ft) in industrial land use districts and 7.6 m (25.0 ft) in all other land use districts.
3. In determining curb cuts pursuant to Sections 1.26 1. and 2., the Development Authority shall ensure that the amount of curb space lost for use as on-street parking is kept to an absolute minimum.

1.27. MUNICIPAL LANDS AND BOULEVARDS

1. Unless exempted elsewhere in this Bylaw, all developments on lands owned by the Town including boulevards, municipal and environmental reserve lands and utility parcels shall require a development permit.
2. The requirement for a development permit, as referred to in Section 1.27 1., applies also to the Town as developer/owner.
3. The developer/owner, as the case may be, of a parcel abutting a boulevard shall develop and maintain the boulevard abutting their parcel by excavating, backfilling, levelling or consolidating to final grade, then seeding or performing other works that may be necessary to develop and maintain a turf boulevard, including weed control, with all development and maintenance of the boulevard being entirely at the developer's/owner's expense.
4. The fencing of public walkways that are adjacent to private property, and the maintenance of the fencing thereon or attached thereto, shall be entirely at the expense of the adjacent owner(s) unless a cost-sharing arrangement is established between the adjacent property owner(s) and the Town.

1.28. PUBLIC UTILITIES AND PUBLIC UTILITY FACILITIES

1. Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a parcel shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Town.
2. Utility parcels, utility buildings and publicly owned buildings may be permitted in any land use district except as specifically regulated elsewhere in this Bylaw.
3. Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
 - a. in the opinion of the Town, the said structure is of a temporary nature and does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and,
 - b. written consent has been obtained from the person for whose use the easement has been granted.

1.29. OUTSIDE STORAGE AND DISPLAY

1. The following shall apply in the CB District:
 - a. No person shall permanently store goods, products, materials or equipment outside of a building.
 - b. No person shall permanently display goods, products, materials or equipment outside of a building except with the written permission of the Municipality.

2. The following shall apply in the C1, C2 and C3 Districts:
 - a. The Development Authority may restrict the outside storage of goods, products, materials or equipment permitted within the front yard setback prescribed in the above-noted land use districts.
 - b. Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and, at the discretion of the Development Authority, be screened by means of a wall or fence from public thoroughfares and adjacent residential uses to the satisfaction of the Development Authority.
 - c. No storage or activity may be undertaken that would in the opinion of the Development Authority:
 - i. unduly interfere with the amenities of the district; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
 - d. When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Development Authority:
 - i. unduly interfere with the amenities of the district; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

3. The following shall apply in the C4 District:
 - a. The Development Authority may restrict the storage of goods, products, materials or equipment outside of a building.
 - b. Subject to approval being granted by the Development Authority, part of the site may be used for the temporary outdoor display of goods or products for sale, lease or hire. Such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Development Authority:
 - i. unduly interfere with the amenities of the district; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

1.30. ZERO LOT LINE DEVELOPMENTS

1. Where developments are proposed which are permitted to have a zero side yard, the regulations of this Section and the regulations of the land use district in which the development is proposed shall apply.
2. Prior to the approval of any zero side yard development, plans showing grading and drainage on adjacent parcels must be submitted and must be acceptable to the Development Authority.

Easements Required

3. Where a zero side yard is permitted, an easement shall be provided on the parcel abutting that side yard, the full width of the side yard required on the adjacent property, for the maintenance of all principal and accessory buildings, and for any overhang of principal or accessory buildings onto that adjacent parcel. The Development Authority may require that an easement plan be registered in addition to the normal plan of subdivision.
4. Where an accessory building is permitted to have a zero side yard abutting a parcel, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Section 1.30 5. a. prior to the issuance of a development permit for the zero side yard development proposal.

Provisions for Future Zero Side Yard Development

5. Where a plan is accepted for a zero side yard project or zero side yard parcel, and where that plan indicates the location or alternative locations for future accessory buildings (including garages) on the parcel, easements required under Section 1.30 4. shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.

Side Yard Setbacks

6. Side yard setbacks shall be as prescribed below:
 - a. Zero for one side, except where a parcel in which the principal or accessory buildings are permitted to have a zero side yard abuts another land use district, in which case the minimum side yard setback from the boundary abutting the adjacent district shall be 1.5 m (5.0 ft).
 - b. 3.0 m (10.0 ft) except that where a parking space is provided in the required side yard and adjacent to a zero side yard of another unit, the minimum side yard setback where the parking space is provided shall be 3.5 m (11.5 ft).
 - c. No part of any structure or building shall be erected within 5.0 m (16.5 ft) of the road boundary on the flanking front yard side of a zero side yard parcel.

Surveyed Boundaries

7. Notwithstanding other Sections of this Bylaw, at the discretion of the Development Authority, approval may be given and a development permit may be issued on a zero side yard development prior to the registration of a plan of subdivision for the development, if the development is in conformance with a parcel plan that proposes future subdivision to accommodate the zero side yard development provided that:
 - a. subdivision approval has been previously given on the proposed parcel by the Subdivision Authority;
 - b. a preliminary survey plan has been undertaken and applied to the land to establish the location of buildings proposed;
 - c. after the registration of the linen plan, the development will be in conformance with all regulations of this Bylaw; and
 - d. the developer will be held responsible under this Bylaw for any development that is undertaken which is not in conformance with the Bylaw prior to, or after the registration of the linen plan of subdivision.
8. Where Section 1.30 7. a. is enforced, the plan of subdivision must be prepared and registered immediately upon the completion of foundations and, at the discretion of the Development Authority, prior to any further development taking place on the parcel.

1.31. COMMUNICATION STRUCTURES

1. Communication, radio communication and broadcasting systems are regulated by Industry Canada. In making its decision regarding the communication tower and related facilities Industry Canada considers the following:
 - a. The input provided by the Development Authority;
 - b. Compliance with Transport Canada’s painting and lighting requirements for aeronautical safety;
 - c. Health Canada’s safety guidelines respecting limits of exposure to radio frequency fields; and
 - d. An environmental assessment may be required in order to comply with the Canadian Environmental Assessment Act.

2. An applicant proposing to locate a communication, radio communication or broadcast antenna system within the boundaries of Vermilion, which does not meet the exclusion criteria (Section 6 of the Radiocommunication and Broadcasting Antenna Systems) or communication structures that are not regulated by Industry Canada shall be subject to the following provisions:
 - a. Communication structures over 6.7 m (22.0 ft.) above grade at its highest point shall require a development permit and any other permits as required and must meet all applicable provincial codes, regulations and standards including the Alberta Building Code and any other municipal requirements.
 - b. In addition to the general requirements for a site plan outlined in Part Three, Section 3.4 of this Bylaw, a site plan for a communication structure will identify the boundary lines, tower, guy wire anchors, existing and proposed structures, and uses and structures on the site and abutting properties.
 - c. Communication structures shall not be located within front or side yards.
 - d. Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers).
 - e. Communication structures and guy wire anchors shall conform to the setback regulations respecting accessory buildings and structures, meet the setback requirements of the applicable land use district and be satisfactory to the Development Authority.
 - f. The maximum height of a communication structure as determined by the Development Authority.
 - g. Antennas shall not be illuminated unless required by Transport Canada regulations and, except for a manufacturer’s logo, shall not exhibit or display any advertising.
 - h. No person shall erect more than one freestanding antenna or two roof top antennas on a residential site.
 - i. Communication structures shall be encouraged to be camouflaged or screened and as far as possible respect the appearance and aesthetics of the buildings permitted in the applicable land use district to mitigate any adverse visual impact on its surroundings.
 - j. An application for a development permit for an amateur radio antenna located within a residential district shall be subject to a landowner consultation process. The applicant shall provide notice of proposed development in accordance with Part Three, Section 3.5 of this Bylaw by mailing to adjacent landowners, ask for comments and input and submit a summary of the outcome of the consultation to the Development Authority. The Development Authority shall ensure the applicant is given an opportunity to respond to comments and input that may form part of the basis for its decision.
 - k. Any communication structure requiring a development permit pursuant to Section 1.31 2. a. shall be considered as a discretionary use in any land use district.
 - l. In reviewing an application for a communication structure, the Development Authority shall consider that:
 - i. preferred locations for the siting of communication structures, either freestanding or attached to a building, include Commercial Districts and Industrial Districts; and
 - ii. discouraged locations for the siting of communication structures, either freestanding or attached to a building, include Residential Districts and public areas such as parks.

PART TWO – ACCESSORY USE PROVISIONS

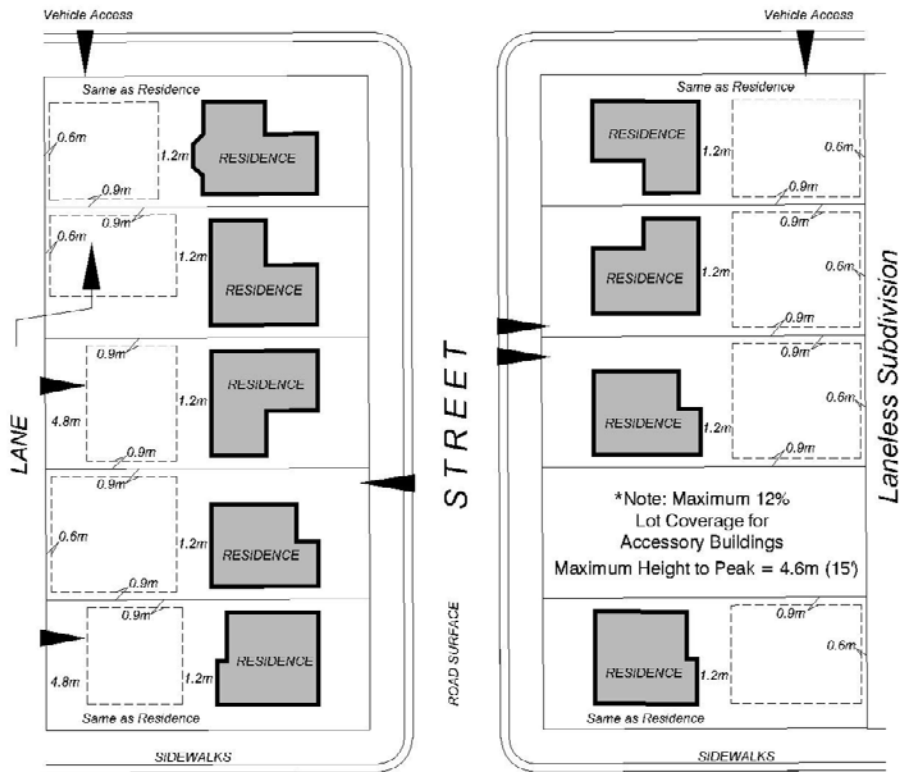
2.1. ACCESSORY BUILDINGS

1. All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
2. No person shall use or permit an accessory building to be used as a dwelling unit, except as a surveillance suite or secondary suite, where allowed in this Bylaw.
3. Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
4. Where a building is attached to a principal building by an open or enclosed roofed structure, or where the building cannot be removed or relocated without structural alteration to the principal building, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply.
5. Where an accessory building is attached to another accessory building, they are to be considered to be combined as one accessory building, and the floor area of the building shall be the total of all attached portions of that building.
6. No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, the gross floor area of the accessory building or buildings would:
 - a. along with the principal building, exceed the maximum site coverage allowed on the site; or
 - b. exceed twelve percent (12%) of the site area.
7. Accessory buildings shall not be located in a front yard or flanking side yard.
8. Accessory buildings shall not be located on an easement or a utility right-of-way, unless otherwise provided for in Schedule B, Part One, Section 1.17.
9. Accessory buildings shall comply with Schedule B, Part One, Sections 1.9 1. through 15. unless otherwise noted in this Bylaw.

In Residential Districts

10. Unless otherwise provided for in this Bylaw, an accessory building shall not exceed 4.6 m (15.0 ft.) in building height. Where a variance is being sought related to the above prescribed maximum height, the following shall be considered:
 - a. The prescribed maximum height for any principal building within the applicable land use district of this Bylaw as well as any relevant provisions of any applicable area structure plan;
 - b. The topography of the parcel upon which the building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the building;
 - c. The height of a building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the surrounding area; and,
 - d. The fire safety provisions of the Alberta Safety Codes Act and regulations thereto, as may be amended from time to time, and the capacity and availability of firefighting equipment and personnel.
11. No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, the gross floor area of the accessory building or buildings would exceed the floor area of the principal building on the site.

12. Accessory buildings (see Figure – Siting of Accessory Buildings) shall be located:
- if a detached garage or carport, no closer than 1.2 m (4.0 ft.) from the dwelling;
 - no closer than 0.9 m (3.0 ft.) from the side line, excepting where a party wall is constructed along the boundary line, in which case accessory buildings may be built up to the side line along the party wall;
 - no closer than 0.6 m (2.0 ft.) from the rear line in the case of a laneless subdivision and either 0.6 m (2.0 ft.) or 4.8 m (15.75 ft) from the rear line in the case of a lane subdivision; and
 - such that no roof overhang is located within 0.45 m (1.5 ft.) of a side line or 0.3 m (1.0 ft.) of a rear line.



Siting of Accessory Buildings
 For illustrative purposes only (not drawn to scale)

13. Notwithstanding Section 2.1 7., in the case of double fronting or corner sites, the minimum required front yard from one front line, or the minimum required flanking side yard, may be reduced to 4.5 m (14.75 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected.

Shipping Containers

14. Shipping containers are discretionary and shall only be considered as an accessory use to a legal primary use in the non-residential Districts. Shipping containers are prohibited in all other Districts unless approved by the Development Authority as a temporary use only.
15. Shipping containers are considered accessory buildings and are to be used for cold storage purposes only, excluding dangerous or hazardous materials or containers. Containers shall not be used as a dwelling nor shall they have services connected to them.

16. Prior to the Development Authority accepting an application for a Development Permit for a shipping container, colour photographs of all four sides of the proposed container(s) shall be provided.
17. In addition to obtaining a Development Permit a Building Permit must also be obtained.
18. Shipping containers shall not be stacked one upon another.
19. All approved shipping containers shall be located in the rear or side yards only and shall not be permanently fixed to the ground nor project beyond the front face of the principal building on the subject lot.
20. Shipping containers must have an exterior finish to match or compliment the exterior finish of other buildings on the subject property and/or be screened from view to the satisfaction of the Development Authority. If the exterior finish is not acceptable the Development Authority may require the container be painted to match the surrounding building colours. Note: Addition of exterior cladding materials or structural alterations to the container may affect the required separation distances.
21. Shipping containers must be kept clean and well maintained and must comply with all other applicable provisions contained in this Bylaw. Any breach of these conditions may result in the cancellation of the Development Permit and removal of the container at the owner's expense.
22. The maximum number of containers that may be allowed per lot is as follows:
 - a. Less than 0.40 ha (1.0 acre) – two (2) containers;
 - b. 0.41 ha (1.01 acres) to 1.21 ha (3.0 acres) – three (3) containers;
 - c. 1.22 ha (3.01 acres) or more – maximum five (5) containers.

The above does not apply where containers are being sold or rented as part of an authorized storage or shipping container related business.
23. Contractors licensed to operate within the Town of Vermilion may temporarily use shipping containers in any zoning district, including Residential, for the storage of equipment and materials during the period of construction at the construction site subject to the following:
 - a. New construction must have an approved Development Permit issued by the Town; and
 - b. containers must be placed wholly within the subject property and not within and Town road rights-of-way; and
 - c. The container shall be removed from the property no later than seven (7) calendar days after completion of the project and for no longer than a maximum of twelve (12) months; and
 - d. If construction ceases for a period of thirty (30) days or is abandoned, the shipping container shall be removed no later than seven (7) days after notice to remove is issued by the Town); and
 - e. Shipping containers temporarily used in single family Residential Districts shall not exceed 6m (20.0ft.) in length and shall be placed wholly within the property boundaries and not within the Town road rights-of-way.
24. Non-permitted containers in existence prior to implementation of this Bylaw will not be required to obtain a Development Permit providing they do not pose any concerns with regards to appearance, screening and/or safety at the discretion of the Development Authority. Any changes required to bring existing containers into compliance must be made within thirty (30) days after having received written notice by the Town. Failure to complete the requested changes may result in the container having to be removed completely from the property at the owner's expense. Placement of any additional containers will require obtaining a Development Permit.
25. Shipping containers may be allowed in the CB Central Business District however must not be visible from the main road and may require additional screening to the satisfaction of the Development Authority.

Fabric Structures

26. Fabric structures shall not be used or located on a site as an accessory use or building in any Residential District unless the Development Authority is satisfied the following have been complied with:
- a. Fabric structures shall only be used for storage of material that would normally be found in other forms of accessory buildings (garages, garden sheds, etc.) normally found on lots in residential land use districts;
 - b. Fabric structures shall be adequately anchored, but not permanently fixed to the ground;
 - c. Fabric shall be maintained in good condition and periodically refurbished;
 - d. Notwithstanding any minimum yard requirements, Fabric structures shall be sited in relation to side and rear lines such that the Development Authority is satisfied that it is accessible for maintenance, repair and removal if required;
 - e. Notwithstanding any other provision of this Bylaw to the contrary, fabric structures shall be located no closer than 2.4 m (8.0 ft.) from any boundary line or other building on the subject site or an adjacent site; and/or,
 - f. Any other matters the Development Authority considers necessary to ensure the fabric structure does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

In Districts other than Residential Districts

27. The setbacks and height of accessory buildings shall be determined by the Development Authority who may use as a guide the regulations in Section 2.1 10. unless otherwise indicated in this Bylaw; however, in no case shall the Development Authority allow accessory buildings to exceed the building height of the principal building on the site or the maximum building height allowed in the District in which the site is located.
28. Fabric structures in Districts other than Residential Districts shall be maintained in good condition and periodically refurbished, and adequately anchored.

2.2. HOME OCCUPATIONS

1. A Home Occupation - Major shall comply with the following regulations:
 - a. A home occupation - major may have a limited volume of on-premises sales;
 - b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time;
 - c. A home occupation – major may have clients come to the dwelling on a more regular basis but not exceeding five (5) clients or customers on-site at any time.
2. A Home Occupation - Minor shall comply with the following regulations:
 - a. A home occupation - minor does not involve the display of goods in the interior of the residence;
 - b. The home occupation - minor shall not employ any person on-site other than a resident of the dwelling;
 - c. A home occupation - minor shall only allow clients to come to the dwelling on an occasional basis (less than five (5) times per week).
3. All home occupations shall comply with the following requirements:
 - a. All home occupations, whether major or minor, shall be incidental and subordinate to the principal use of the dwelling.
 - b. Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located and the principal operator of the home occupation is a permanent resident of the dwelling.
 - c. For a development permit application for a proposed home occupation located within a condominium plan, the applicant shall submit a letter of authorization from the Condominium Association.

- d. A home occupation, major or minor, shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30 m² (322.9 ft²), whichever is less, of the dwelling unit for business usage. Except as noted in Subsection 3.g. herein, there shall be no exterior signage, display or advertisement.
- e. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- f. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwelling.
- g. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one (1) fascia sign placed on the dwelling or accessory building, providing that the sign does not exceed 0.186 m² (2.0 ft²) in area. Illuminated signs may be allowed at the discretion of the Development Authority providing they do not impact any adjacent residences.
- h. In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - i.
- j. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- k. Home occupations shall not involve:
 - i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - ii. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- l. The home occupations shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- m. The home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
- n. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Business activity itself may be allowed inside the dwelling or in an accessory building. Storage related to the business activity may be allowed in either the dwelling or accessory building at the discretion of the Development Authority.
- o. The Development Authority may, in its sole discretion, regulate the hours of operation of a home occupation and a place time limits on the period for which a development permit for a home occupation is valid.
- p. A development permit issued for a home occupation may be revoked at any time by the Development Authority, if, in its opinion, the use being undertaken is materially different from or has exceeded, in terms of scope, scale or intensity, that which was approved as part of the development permit issued and, as a result, has become contrary to the provisions of Sections 2.2 and/or 2.3 and detrimental to the amenities of the neighbourhood in which it is located.

2.3. BED AND BREAKFAST ESTABLISHMENTS

- 1. A bed and breakfast establishment shall comply with the following regulations:
 - a. Bed and breakfast establishments shall be accessory to a principal dwelling unit and always be considered as a discretionary use within the applicable land use districts in this Bylaw;
 - b. A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of five (5) rentable sleeping bedrooms;
 - c. Cooking facilities shall not be located within the sleeping units;

- d. In addition to any other parking requirements of this Land Use Bylaw, one (1) additional parking space shall be provided for each sleeping unit; and,
- e. A bed and breakfast establishment shall comply with all of the requirements for a home occupation - major described in Subsections 1 and 3 of Section 2.2.

2.4. SECONDARY SUITES

1. Secondary suites shall be accessory to a principal dwelling unit and shall not be allowed on a site unless specifically listed as a permitted or as a discretionary use in the District within which the site is located. Part Three, Section 3.4 16 shall not apply to any use that may be considered similar to secondary suites.
2. Only one secondary suite may be permitted on a parcel of land, and only where the principal dwelling unit does not have an approved development permit for a bed and breakfast establishment, child day home, group home or major home occupation. Notwithstanding the foregoing, a side-by-side duplex may contain one secondary suite in each dwelling unit.
3. A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling, and the exterior finish shall comply with Sections 2.4 4. through 9. below.
4. For an accessory building containing a secondary suite:
 - a. Notwithstanding any other provision of this Bylaw to the contrary, the use of an accessory building containing a secondary suite shall not be allowed on a site unless the site abuts a lane or is a corner site;
 - b. The minimum site area shall be 445.9 m² (4,800 sq. ft.);
 - c. Notwithstanding Section 2.1 10., the minimum required side and rear yards shall be 1.2 m (4.0 ft.);
 - d. The minimum internal separation space between the principal building and any accessory building containing a secondary suite shall be 2.4 m (8.0 ft.);
 - e. Notwithstanding Section 2.1 10 a., where a secondary suite is located above a detached garage the accessory building shall not exceed the height of the principal building and shall have a roof pitch of at least 4:12, but in no case shall the building exceed 7.0 m (23.0 ft.);
 - f. Windows shall be placed and sized such that they minimize visibility into yards and windows of adjacent properties through offsetting, screening with landscaping or fencing, and facing large windows away from abutting parcels of land; and
 - g. No deck, balcony or any similar unenclosed structure shall be allowed on roofs, and where a secondary suite is located above a detached garage the structure may only face a lane or flanking road abutting the site and, notwithstanding any other provision of this Bylaw to the contrary, shall be included in the calculation of ground floor area.
5. For a side-by-side duplex dwelling unit containing a secondary suite, the minimum site area shall be 327.0 m² (3,520 sq. ft.), except where greater is required for an accessory building containing a secondary suite per Section 2.4 4. b..
6. A secondary suite shall have a minimum floor area of 30.0 m² (322.9 sq. ft.), and a maximum floor area of 92.9 m² (1,000 sq. ft.) provided the floor area does not exceed the floor area of the principal dwelling. For the purposes of this Section 2.4 6., floor area does not include shared mechanical areas, common areas, or the area covered by stairways. In the case of a duplex dwelling containing a secondary suite, for the purposes of this Section 2.4 6., the principal dwelling shall be considered the duplex dwelling unit with the smaller floor area.
7. Secondary suites shall be constructed in accordance with the requirements of all applicable codes and regulations pursuant to the Safety Codes Act.
8. Parking shall be provided for a secondary suite in accordance with this Bylaw.

9. Secondary suites should be considered in the calculation of densities in statutory plans and in the Town's Engineering Standards.

2.5. SURVEILLANCE SUITES

1. Surveillance suites shall always be considered as a discretionary use within the applicable land use districts in this Bylaw.
2. A development permit for a surveillance suite shall only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, the surveillance suite shall be compatible with all existing, principal development/land uses on adjacent parcels and shall not interfere with the future principal development/land uses on adjacent parcels.
3. The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a surveillance suite occupation is valid.
4. A surveillance suite which is not located attached to or within the principal building shall be located:
 - a. a minimum of 2.0 m (6.6 ft.) from any buildings;
 - b. a minimum of 3.0 m (9.8 ft.) from the rear and side lines; and
 - c. no closer to the front line than the principal building.
5. The maximum floor area of a surveillance suite shall be 86.0 m² (960.0 sq. ft.).
6. A surveillance suite may be a manufactured home unit. Where it is a manufactured home unit, the manufactured home unit shall be properly secured to the ground and properly skirted to the satisfaction of the Development Authority.
7. The design and quality of the exterior treatment of the surveillance suite shall be in accordance with Schedule B, Part One, Sections 1.9 1. through 15.

2.6. PRIVATE SWIMMING POOLS AND HOT TUBS

1. Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private swimming pool or hot tub.
2. Private swimming pools and hot tubs shall not be located within a front yard.
3. Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests. Notwithstanding any provision of Section 2.6, any proposed private swimming pool or hot tub shall comply with the requirements of the Safety Codes Act.
4. No private swimming pool may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft.) in height for the length that it replaces the fence.
5. Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (6.0 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
6. No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

PART THREE – SPECIAL USE PROVISIONS

3.1. INDUSTRIAL DEVELOPMENT

1. An application for the establishment of an industrial use shall be considered by the Development Authority and shall comply with any authorities having jurisdiction and any applicable legislation.
2. Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 3.4.1 of this Bylaw:
 - a. Type of industry;
 - b. Size of buildings;
 - c. Number of employees;
 - d. Estimated water demand and anticipated source;
 - e. Type of effluent and method of treatment;
 - f. Transportation routes to be used (rail and road);
 - g. Reason for specific location;
 - h. Any accessory works required (pipeline, railway spurs, etc.);and/or
 - i. Any such other information as may be reasonably required by the Development Authority.
3. All site regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.
4. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the industrial use activities. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of door
5. The Development Authority shall pay particular attention to Schedule B, Part One, Section 1.10 when making a decision for any industrial uses.
6. If, in the opinion of the Development Authority, the pollution, hazard or nuisance level of an industrial use being a Discretionary Use in any District is of such an intensity which may render it incompatible with adjacent development, and where such pollution, hazard or nuisance level cannot be adequately mitigated through reasonable means, the Development Authority shall evaluate the proposal in terms of its land use compatibility and may refuse an application for a development permit for such an industrial use.

3.2. SERVICE STATIONS (INCLUDING GAS BARS)

1. Service stations or gas bars shall be developed in such a manner that:
 - a. no entrance or exit thereto for motor vehicles shall be located within 61.0 m (200 ft.) of an entrance to or exit from a Firehall, public or private school, playground, library, church, hospital, children's or senior citizen's home, or other similar public or quasi-public institutions; and
 - b. there shall be a front yard of not less than 12.0 m (39.4 ft.), provided, however, that gasoline pumps may be located as little as 6.0 (19.7 ft.) from the front line or at the discretion of the Development Authority.

Lot and Building/Structure Requirements

2. Any application for retail gasoline and petroleum products sales or a bulk fuel depot shall be referred to the Town’s Fire Chief and Director of Infrastructure and Planning Services for their review.
3. In addition to siting requirements of this Section and of the land use district in which the retail gasoline and petroleum products sales establishment or bulk fuel depot is located, the siting of all buildings and structures, including all fuel and other flammable liquid storage tanks, shall be in accordance with the requirements of all pertinent federal and provincial acts and regulations and any amendments thereto.
4. Any development approval the Town issues for the installation of fuel or any other flammable liquid storage tanks will be tied to the Town receiving certified copies of the required permits from the Alberta Government. All applicable petroleum tanks shall be registered with the Petroleum Tank Management Association of Alberta and comply with the requirements of the Alberta Fire Code Regulation any amendments thereto.

Lot Location, Area and Coverage

5. Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on lot which, in the opinion of the Development Authority, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the lot. To this end, the Development Authority must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent lots, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, any available standards or guidelines, off-street parking and loading as well as landscaping requirements.
6. The minimum lot area shall be 668.0 m² (7190.3 ft²) and the maximum building coverage shall be 25% of the lot area. When a car wash is included, the minimum lot area shall be 1114.0 m² (11,991.0 ft²).
7. In the case of a service station or gas bar designed and built as part of a shopping centre, the ratio of building space to parking space shall be determined as by the Development Authority.

Lighting

8. Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.

Use and Maintenance of Lot and Building

9. The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:
 - a. be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available in any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to residences or businesses in the immediate vicinity of the service station or gas bar by reason of dust, noise, gases, odour smoke or vibration;
 - b. be responsible for the proper, safe and orderly operation thereof of motor vehicles using said service station or gas bar, or being repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
 - i. that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station or gas bar; and
 - ii. that operators of motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided for such purposes and not elsewhere.
 - c. maintain on the boundaries of the lot, where required by the Development Authority, an appropriate fence not less than 1.5 m (4.9 ft.) in height.

3.3. CAR WASHES

Site Location

1. Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on lot which, in the opinion of the Development Authority, would be considered unsafe in terms of internal vehicle circulation or access to and egress from the lot. To this end, the Development Authority must consider, but not be limited to considering, the nature of the proposed use and uses on adjacent lots, anticipated volumes of traffic and types of vehicles during peak and off-peak business periods, off-street parking and loading as well as landscaping requirements.
2. In addition to those locations provided for in the Districts of this Bylaw, a car wash may be allowed as a discretionary use as part of a shopping centre if the Development Authority is satisfied that it will not adversely affect an adjoining land use or traffic circulation within and adjacent to the shopping centre.

Lot Area

3. The minimum lot area shall be 557.0 m² (5995.5 ft²) and shall contain queuing space for four (4) vehicles for each main entrance to wait or be parked prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations or gas bars including car washes, minimum lot area shall be 1114.0 m² (11,991.0 ft²).

Site and Building Requirements

4. All site and building requirements pertaining to drive-in/drive-through businesses shall also apply to car washes.

3.4. DRIVE-IN/DRIVE THROUGH BUSINESSES

Access

1. Points of access and egress shall be located to the satisfaction of the Development Authority.

Lot Area and Coverage

2. The minimum lot area shall be 557.0 m² (5995.5 ft²). There shall be a provision for at least six (6) customer vehicles to wait or be parked on the lot.

Site and Building Requirements

3. A drive-through business may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not:
 - a. impede safe traffic movement entering and exiting the site;
 - b. interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses; and
 - c. create unsafe traffic circulation on the site.
4. A drive-through business may be located in a shopping centre or other multiple use development at the discretion of the Development Authority.
5. The minimum required separation distances for drive-through developments shall be:
 - a. the minimum building setback requirement of the underlying land use district, in accordance with any front, side or rear yard, shall be applicable from the boundary line to the outer edge of any drive-through aisle;
 - b. 6.0 m (19.7 ft.) from any site line or parking areas to all pump islands;
 - c. 3.0 m (9.8 ft.) from any site line to canopies over pump islands or drive-through aisles; and

- d. for a drive-through development adjacent to a residential use or Residential District:
 - i. 10.0 m (32.8 ft.), or
 - ii. in the case of a car wash, 25.0 m (82.0 ft.), or
 - iii. such greater distance that the Development Authority deems necessary in order to buffer the residential use or District from noise, traffic or other impacts of the drive-through development.

- 6. Queuing space and traffic circulation shall be provided in accordance with the following:
 - a. In addition to the space occupied by a vehicle receiving service or using a drive through, a minimum of five (5) inbound queuing spaces and one (1) outbound queuing space shall be provided;
 - b. Notwithstanding the provisions of Section 3.4 6. a., the Development Authority may require a differing number of queuing spaces based on the nature of the use and taking into consideration on-site constraints and traffic circulation;
 - c. Queuing spaces must be a minimum of 6.0 m (19.7 ft.) long and 3.0 m (9.8 ft.) wide;
 - d. Queuing spaces must allow for vehicle turning and maneuvering; and
 - e. Pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.7 ft.).

Additional Requirements

- 7. All parts of the site to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Authority and in accordance with the Municipality’s engineering standards.
- 8. Drive-through aisles shall be clearly delineated as such and separated from any adjacent landscaped areas by poured-in-place concrete curbing.
- 9. The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- 10. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- 11. A minimum of ten percent (10%) of the site area of a drive-through business shall be landscaped to the satisfaction of the Development Authority.
- 12. In addition to the fencing, landscaping, and environmental protection requirements indicated in this Bylaw, a berm and/or fence and/or hedge shall be erected and maintained by the developer of a drive-through business along any site lines abutting or across a lane or walkway from a Residential District.
- 13. If a car wash is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority. Such measures may include but not be limited to the provision of buffering, restricting vacuums to indoor usage only, and requiring doors to be closed during operation of drying equipment.
- 14. The location and orientation of features such as menu boards and outdoor speakers shall be determined by the Development Authority, having regard to potential impacts on adjacent developments.

3.5. MOTELS/HOTELS

Site Requirements

1. Notwithstanding the provisions of the District in which it is located, a hotel/motel shall have a minimum required front yard of 6.0 m (19.7 ft.).
2. Notwithstanding any other provisions of this Bylaw to the contrary, a minimum of 10% of the site area of a hotel/motel development shall be landscaped in accordance with Schedule B, Part One, Section 1.6.

Space Between Buildings

3. Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.65 m (11.97 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.

Driveways

4. Each rentable unit shall face onto or about a driveway not less than 6.09 m (19.98 ft.) in width, and shall have unobstructed access thereto.

Entrances and Exits

5. Not more than one (1) entrance and one (1) exit for vehicles to a road or highway, each of a minimum width of 7.6 m (24.9 ft.), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 9.1 m (29.85 ft.) in width.

Maintenance of Site and Buildings and Business

6. The owner, tenant, operator or person in charge of a motel shall at all times:
 - a. maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
 - b. maintain garbage to the satisfaction of the Development Authority;
 - c. maintain an appropriate fence, where required by the Development Authority, not less than 1.5 m (4.9 ft.) in height, around the boundaries of the lot;
 - d. shall landscape and keep the site landscaped to the satisfaction of the Development Authority.

3.6. PLACES OF WORSHIP

1. The lot on which a church is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 929 m² (9999.7 ft²) except in the case where a building for a clergyman's residence is to be erected on the same lot. The combined area of the lot in this case shall not be less than 1393, 5 m² 14,999.5 ft²).
2. Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.
3. Notwithstanding any other provision of this Bylaw to the contrary, a portion of the required minimum number of parking spaces may be located on a site other than that of the subject place of worship if it is demonstrated to the satisfaction of the Development Authority that such off-site parking spaces are available for the use of the patrons of the place of worship.
4. All places of worship shall abut a road which is designated an arterial road or a major collector road in the Municipal Development Plan, or an arterial road, a major collector road or a minor collector road in an Area Structure Plan.

3.7. MULTIPLE DWELLING DEVELOPMENTS

1. Before any application for development of medium or high density residential development can be considered, the applicant must submit to the Development Authority:
 - a. Design plans and working drawings, including elevations; and
 - b. Site plans showing the proposed:
 - i. Location and position of structures on the site, including any "For Rent" or identification signs; and
 - ii. Location and number of parking spaces, exits, entries, and drives from roads, lanes, or highways; and
 - iii. Location of an access to garbage storage areas, and the fencing and landscaping of these facilities; and
 - iv. Landscape plan of the entire site which shall also show intended surfacing for drives and parking areas and shall adhere to all applicable landscaping requirements as per Schedule B, Part One Section 1.6; and
 - v. Grading and/or drainage plan to the satisfaction of the Development Authority.
2. The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.
3. The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans. All this information shall be provided to the satisfaction of the Development Authority.

Separation Space

4. In the case of buildings adjacent to each other and the relationship of those buildings to each other and their relationship to the land on which they are constructed, the following separation spaces relating to multi-unit dwelling development shall apply:
 - a. Principal Living Room Windows shall have a minimum separation space of 8.0 m (26.25 ft) except where the window faces a street, walkway or on-site parking or circulation area in which case 7.0 m (22.96 ft) may be permitted.
 - b. Habitable Room Windows shall have a minimum separation space of 3.2 m (10.5 ft) except where windows are in walls of more than two storeys in which case 5.0 m (16.4 ft) separation space must be provided.
 - c. Non-Habitable Room Windows shall have a minimum separation of 1.52 m (5.0 ft) plus 0.3 m (1.0 ft) for each storey above the first. No separation space is required where a non-habitable room window faces a street, walkway or on-site parking or circulation space.
 - d. The minimum required distance between two dwellings facing each other shall be the sum of the minimum separation spaces calculated separately for the opposing windows or openings except where there are two walls with no windows or openings in which case the minimum distance between the dwellings shall be 3.2 m (10.5 ft).
 - e. Separation space for windows as required in Section 3.7 4. a. – c. shall be effective for the full length of the exterior wall of the room in which the window is located.
 - f. Notwithstanding the foregoing regulations pertaining to separation space, the Development Authority may reduce the required separation space where special aspects of design ensure equivalent or better light, ventilation, privacy or visibility from dwellings.

Design Requirements

5. The design of multi-unit dwelling developments will require consideration of the exterior treatment of colours, materials and textures as well as setback orientations, massing, floor plans, roof lines and wall openings.
6. The site design shall ensure a satisfactory relationship of buildings to circulation patterns and surrounding developments along with well oriented, landscaped amenity areas.
7. Such items as mentioned in Section 3.7 5. and 6. will be at the discretion of the Development Authority.

3.8. MOBILE AND MANUFACTURED MODULAR HOME UNITS

1. All units shall have Canadian Standard Association certification where applicable.
2. All accessory structures, such as patios, porches, additions and skirting, shall be:
 - a. so designed and erected as to harmonize with the manufactured home units;
 - b. considered as part of the main building;
 - c. erected only after obtaining a Development Permit.
3. A mobile or manufactured modular home unit shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home unit.
4. The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the mobile or manufactured modular home unit, and this relationship shall be determined by the Development Authority.
5. No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.
6. Any furniture, domestic equipment, or seasonally used equipment shall be stored in adequate covered storage or screened area, either individually on the lot or communally, which shall conform to the building, fire, electrical, and plumbing Codes.
7. The following regulations apply to mobile or manufactured modular home units located in all subdivisions:
 - a. The hitch and wheels are to be removed from the mobile home unit;
 - b. All mobile home units shall be placed on a foundation or base. The manufactured home unit is to be attached by means of bolting or otherwise to the foundation or base;
 - c. The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit and shall adhere to all applicable landscaping requirements as per Schedule B, Part One, Section 1.6; and
 - d. Minimum lot area and width may be less in the case of existing registered sub- standard lots, with the approval of the Development Authority.
8. The following regulations also apply to mobile or manufactured modular home parks:
 - a. The stalls shall be located at least 3.0 m (9.8 ft.) from a property boundary line. This 3.0 m (9.8 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority;
 - b. All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0 m (29.5 ft.);
 - c. A safe, convenient, all season pedestrian walkway of at least 0.9 m (2.95 ft.) in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents;
 - d. Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured home units. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.;

- e. The design of mobile or manufactured modular home parks shall be to the satisfaction of the Development Authority;
 - f. All municipal utilities shall be provided underground to stalls;
 - g. A minimum of 5% of the gross site area shall be devoted to recreational use;
 - h. Only one (1) main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a mobile or manufactured modular home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority;
 - i. Directional signs within the mobile or manufactured modular home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material;
 - j. Mobile or manufactured modular home units shall be separated from each other by at least 3.0 m (9.7 ft.) in all directions and by at least 4.5 m (14.8 ft.) in all directions when either unit has a window on the subject side. Any porch or addition to the manufactured home unit shall be regarded as part of the manufactured home unit for the purpose of this separation;
 - k. The minimum lot area shall be 8093.7 m² (2.0 Ac.)
 - l. The minimum area for a manufactured home stall shall be 370.0 m² (3982.6 ft²).
 - m. The Development Authority may require that specific detailed architectural and landscape control guidelines be adopted.
9. Where a mobile home or manufactured modular home exists in the R2 District, such a mixture of residential use may continue until the mobile home or manufactured modular home is removed or demolished. When a mobile home or manufactured modular home unit is removed or demolished in the R2 District, it shall be replaced with a permitted or a discretionary use for that District.

3.9. DRINKING AND EATING ESTABLISHMENTS

Developments to convert existing buildings to drinking and eating establishments shall be required to comply with the parking requirements of this Bylaw.

3.10. ALCOHOL SALES AND LICENSED DRINKING ESTABLISHMENTS

The Development Authority may require hours of operation, lighting, signage and screening measures, including landscaping, in addition to the other requirements of this Bylaw that, in its sole opinion, will make a proposed alcohol sales or licensed drinking establishment development reasonably compatible with existing residential or commercial uses which are either adjacent or nearby.

3.11. CANNABIS SALES

- 1. Cannabis sales shall not be permitted if they have any part of an exterior wall that is located within 100.0 m (328.1 ft.) of any use or parcel of land prescribed by Alberta’s Gaming, Liquor and Cannabis Regulation, as amended or replaced from time to time.
- 2. Notwithstanding Part Three, Section 3.4, the Development Authority shall not grant a variance to the requirements of Section 3.11 1. immediately above.
- 3. The Development Authority may require lighting, signage and screening measures, including landscaping, in addition to the other requirements of this Bylaw that, in its sole opinion, will make a proposed cannabis sales development reasonably compatible with existing uses which are either adjacent or nearby.
- 4. The Development Authority shall impose a condition on any development permit issued for cannabis sales requiring that the development shall not commence until authorized by, and compliant with, provincial or federal legislation and any regulations pertaining thereto.

3.12. DOG KENNELS

Dog kennels, as defined below, are discretionary uses in all land use Districts. A kennel for commercial use shall not be permitted in any Residential District and all kennels must be developed in accordance with the *Vermilion Responsible Pet Ownership Bylaw* and are subject to a kennel inspection.

“Kennel” means if an operation if more than three (3) dogs are harboured at any one location, shelter, room, dwelling, or place. This does not include premises used for the treatment and care of animals as operated by a qualified veterinarian, nor does it include the pound as defined in this Land Use Bylaw, nor does it assume automatic licensing without maintaining compliance with this *Land Use Bylaw*, and other permits, business licensing, and development permits as required.

“Kennel for Breeding” means a kennel maintained for the breeding of dogs and which sells dogs from less than three (3) litters per year and which does not exceed three (3) dogs of a size of 25 lbs. or less, or two dogs of a size greater than 25 lbs. over the age of three (3) months on a single premises. A home occupation license, business license approved by the Town’s Development Officer, Permit Clerk and Enforcement Services Peace Officer and vaccination certificates certified by a veterinarian are required prior to continuance of and/or onset of breeder operations.

“Kennel for Commercial Use” means a kennel maintained as a business for the boarding of dogs, and cats, grooming of dogs and cats or one which sells dogs born and raised on the premises from no more than three (3) litters per year. A commercial use kennel is not permitted in residential areas and is subject to license, development permits, business license and other commercial regulations as approved by the Town’s Development Officer, Permit Clerk and Enforcement Services Peace Officer is required prior to continuance of and/or onset of breeder operations.

“Kennel for Hobby Use” means a kennel maintained for any collection of up to three (3) dogs of a size of 25 lbs. or less or a size greater than 25 lbs. All dogs must be spayed or neutered with vet certificates and confirming alteration and vaccination.

“Kennel Inspection” means upon application for a kennel license, the Enforcement Services Peace Officer may inspect the facility prior to the issuance of any kennel license. The Enforcement Services Peace Officer may deny the application if the facility is not in compliance with any or all Sections of this Land Use Bylaw, provincial statutes and regulations, and other applicable Town of Vermilion Bylaws. Enforcement Services Peace Officer may at any time inspect or cause to be inspected, any kennel and if, in his/her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required Bylaw, the Enforcement Services Peace Officer shall revoke or suspend, and in case of suspension, may reinstate such license.

3.13. ACCESSORY COMMERCIAL APARTMENT REQUIREMENTS/MIXED USE DEVELOPMENTS

1. Apartment housing shall be permitted only in buildings where the first storey is used for commercial purposes.
2. The housing component shall have an access at grade, which is separate from the access for the commercial premises.
3. The apartment component of the development shall be designed and sited so as to minimize any impacts to the commercial component of the development related to noise, traffic circulation or loss of privacy.
4. Maximum of six (6) units – exempt from amenity space requirements. Seven (7) or more units and amenity space must be provided as required.
5. Any development that includes a dwelling unit or units above ground floor commercial development shall comply with the following requirements:

- a. Minimum parking shall be provided in accordance with this Bylaw and the residential parking shall be clearly delineated from the commercial parking and signed accordingly.
- b. Residential visitor parking and commercial parking must be accessible to the public and as such will not be permitted to be located within a privately secured parkade.
- c. The registration of any condominium plan and potential titling of parking spaces must not affect public access to residential visitor parking and commercial parking spaces.
- d. Separate garbage and recycling containment areas may need to be provided for the residential and commercial components of the development if these services are handled and removed by separate providers.
- e. The Development Authority shall give careful consideration to any proposed discretionary commercial uses within a mixed use development to ensure such uses are reasonably compatible with the residential use, having regard to potential conflicts arising from nuisance or traffic generation.
- f. Dwelling units shall comply with maximum density, minimum floor area, landscaping, and amenity area requirements for dwelling units in the corresponding land use district.

3.14. ADULT ENTERTAINMENT ESTABLISHMENTS

1. In considering an application for approval of an adult entertainment establishment, the Development Authority shall require the development to meet the following:
 - a. the gross floor area for the adult entertainment establishment shall not exceed 278.7 m² (3,000.0 sq. ft.);
 - b. be located on a site at least 303.0 m (1,000.0 ft.) away from the nearest Residential District;
 - c. be located on a site at least 150.0 m (492.1 ft.) away from the nearest recreational facility, public education facility, place of worship, child care facility, group care facility, community recreation service or public park; and
 - d. be located at least 50.0 m (164.0 ft.) from the nearest site upon which there is another adult entertainment establishment.
2. In order to protect surrounding uses from the potential adverse effects of adult entertainment establishment, the Development Authority shall require the following design guidelines:
 - a. There shall be no exterior display of nudity or partial nudity in respect of any adult entertainment offered within the premises;
 - b. All exterior advertising shall be minimal and meet the character of the surrounding developments; and
 - c. Methods of shading shall be used on all windows and doors to ensure that there is restricted visibility into the facility from the outside.
3. The Development Authority may require lighting, signage and screening measures, including landscaping, in addition to the other requirements of this Bylaw that, in its sole opinion, will make a proposed adult entertainment establishment development reasonably compatible with existing residential or commercial uses which are either adjacent or nearby.

3.15. CHILD CARE FACILITIES AND COMMERCIAL SCHOOLS

1. In considering a development permit application for a Child Care Facility or Child Day Home, the Development Authority may consider, among other matters, if the development would be suitable for the proposed location, taking into account, among other matters, potential traffic, proximity to park and recreation areas, isolation of the site from dwellings, buffering or other techniques limiting interference with other uses and the peaceful enjoyment of nearby dwellings, and consistency in term of intensity of use with other development in the area.

2. The maximum number of children for which care may be provided in a Child Care Facility or Child Day Home shall be in accordance with the Alberta Child Care Licensing Regulation. The maximum number of patrons to a Commercial School at any one time shall be at the discretion of the Development Authority, having regard for the nature of the facility and the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the vicinity of the development.
3. Outdoor play space shall be provided for a Child Care Facility or Child Day Home in accordance with the Alberta Child Care Licensing Regulation, and any on-site outdoor play spaces shall be adequately screened to the satisfaction of the Development Authority.
4. Parking shall be provided for a Child Care Facility or Commercial School in accordance with Part Six of this Bylaw. In addition, a drop-off/pick-up zone shall be provided:
 - a. at the rate of one (1) drop-off / pick-up zone for every ten (10) patrons on-site;
 - b. with each drop-off / pick-up zone complying with minimum parking space dimensions found in Part Six of this Bylaw and being adequately signed for such use; and
 - c. within 30.0 m (98.4 ft.) from the entrance of the Child Care Facility or Commercial School.
5. For the purposes of this Section, a Child Day Home shall be considered a Major Home Occupation and comply with all applicable provisions of Schedule B, Part Two, Section 2.2, with the following exceptions:
 - a. The provision of outdoor business activity may be allowed for outdoor play space;
 - b. There may not be a utility trailer used in conjunction with a Child Day Home; and
 - c. The maximum number of clients or customers on-site at one time shall be at the discretion of the Development Authority, taking into consideration the maximum number of children for which care may be provided.

3.16. LIVE/WORK UNITS

1. Live/Work Units shall comply with all applicable regulations of the underlying land use district in which they are located as well as the provisions governing signage and parking as they pertain to each component of a unit.
2. A maximum of two people may be employed in addition to the resident of the live/work unit.
3. The commercial component of the unit shall not exceed 50% of the gross floor area of the residential dwelling unit.
4. Each component of a live/work unit shall have individual access at grade and a direct access shall also be provided between the commercial and residential units.

3.17. SHOPPING CENTRES

1. The maximum building height shall be 10.7 m (35.1 ft.) or two (2) storeys, whichever is greater.
2. Notwithstanding any other provision of this Bylaw to the contrary, the maximum floor area ratio shall be 1.0.
3. All shopping centres shall satisfy the Development Authority as to:
 - a. the orientation, exterior design, and architectural appearance of buildings,
 - b. the location of development in relation to adjacent land uses,
 - c. vehicular traffic flow patterns within and access to and from the site,
 - d. safe pedestrian access/egress within the site and from any pedestrian way, and
 - e. the location of exterior signs.
4. A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located. Unless specifically exempted under this Bylaw, a development permit shall be required for any changes to a shopping centre that would constitute a development.

5. The Development Authority may require any other matters, regulations, or conditions relating to the development as, in its opinion, are necessary, having regard to the nature of the proposed shopping centre development, adjacent land uses and compatibility of uses within the shopping centre.

3.18. SHOW HOMES

1. In addition to the development permit requirements of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
 - a. the location and area intended as the site for the show home, and
 - b. proposed parking, exterior lighting and signs.
2. Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
3. The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

3.19. STAFF ACCOMMODATION

1. The Development Authority, at its discretion, may require that:
 - a. any major tourism or resort development employing more than fifty (50) staff (full or part time) provide staff accommodation for fifty percent (50%) of the staff. This staff accommodation must be provided on-site;
 - b. notwithstanding any conflicting part of this Bylaw, parking for staff accommodation will be provided at a rate of one (1) parking space per staff accommodation unit; and
 - c. staff accommodation may be located on a site away from the main buildings but no further than 0.8 km (0.5 mi.) from those buildings.

3.20. WORK CAMPS

1. An application for a development permit for a work camp must provide the following information:
 - a. The location, type and purpose of the camp;
 - b. Location and standard of access to the camp;
 - c. Adjacent uses;
 - d. The method of supplying water, sewage and waste disposal to the camp. The proposed method of sewage disposal must comply with the Alberta Private Sewage Treatment and Disposal Regulation 2009, and amendments thereto, and be to the satisfaction of the Health Authority;
 - e. The number of persons proposed to live in the camp;
 - f. Location of any propane tanks or other petroleum storage on the site;
 - g. Method of power generation on site (i.e. generators);
 - h. The start date for development, date of occupancy by residents, and projected removal date for the camp;
 - i. Reclamation measures once the camp is no longer needed;
 - j. Letters of support from the adjacent landowners or residents, or relevant agencies (e.g. RCMP) when required by the Development Authority.
2. As a condition of approval, the Development Authority may include conditions to uphold all conditions in this Bylaw, and may also include the following:
 - a. Requirement for public road upgrading (if required) or entering into a road use agreement with respect to impact on the public road such as dust control and other matters;
 - b. Temporary issuance of permit for one year period, at which time it may be extended by reapplying with permit fee;
 - c. Requirements to limit noise to daytime hours (generally 7 a.m. to 11 p.m.), with the exception of generator noise, which must be mitigated by shielding or other method when it is found to be detrimental to an adjacent property;

SCHEDULE B – PART THREE – SPECIAL USE

- d. Requirement to maintain any existing natural buffers (trees, etc.);
- e. Requirement to mitigate traffic impact by using vans or buses for transporting workers to and from job sites.

PART FOUR – PARKING AND OFF-STREET LOADING PROVISIONS

4.1. OFF-STREET LOADING

1. When required by the Development Authority, loading spaces shall:
 - a. have dimensions of not less than 3.0 m (9.8 ft.) in width, 7.6 m (24.9 ft.) in length, and 4.25 (13.9 ft.) in height;
 - b. provide vehicular ingress to, and egress from, a road, highway, or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in nearby roads, highways, or lanes;
 - c. be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level; and
 - d. be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
2. The number of loading spaces required to be provided in a development shall be reasonably applicable to the site location and building design to the satisfaction of the Development Authority.

4.2. ON-SITE PARKING REQUIREMENTS

Location of Site and Site Standards

1. All on-site parking areas and accessory on-site parking areas:
 - a. shall not be located within 0.92 m (3.0 ft.) feet of a lot boundary line common to the lot and to a road or highway; and
 - b. shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of drive aisles designed to the satisfaction of the Development Authority; and
 - c. shall have necessary curb cuts located to the satisfaction of the Development Authority; and
 - d. shall provide adequate barrier free parking in accordance with the Alberta Building Code. Barrier free spaces are included as part of the on-site parking and not in addition to the minimum number of parking spaces and must be clearly identified as parking for the disabled through appropriate signage. All parking spaces shall conform to the following minimum parking standards:
 - i. Parking spaces must be a minimum of 2.75 m (9.0 ft.) wide and 5.5 m (18.0 ft.) deep;
 - ii. Parallel parking spaces must be a minimum of 2.6 m (8.5 ft.) wide and 7.0 m (23.0 ft.) deep;
 - iii. Parking spaces adjacent to walls, columns or curbs over 0.2 m (0.6 ft.) in height must be a minimum of 2.9 m (9.5 ft.) wide;
 - iv. Drive aisles must be a minimum of 7.0 m (23.0 ft.) wide for 90 and 75 degree parking, 5.5 m (18.0 ft.) wide for 60 degree parking, and 3.6 m (11.8 ft.) wide for 45 and 30 degree and parallel parking. Drive aisles are for one-way traffic for 75, 60 and 45 degree parking.
 - v. Up to 15% of the required parking for a development may be designated for small car parking. All small car parking spaces must be a minimum of 2.45 m (8.0 ft.) wide and 5.0 m (16.4 ft.) deep and designated with signs reading “small car parking only”.
2. Developments to convert existing buildings to drinking and eating establishments shall comply with the parking requirements.

Surfacing and Drainage

3. Every on-site parking space provided, and the access thereto, shall be hard surfaced if the access is from a road, highway, or lane which is hard surfaced;
4. Parking areas must be paved or of a gravel mixture as approved by the Development Authority;

- Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

Required Number of On-Site Parking Spaces

- The minimum number of on-site parking spaces required for each development shall be calculated from the following table. In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed. Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.

Use of Building or Development	Minimum Number of Parking Spaces
Commercial	
Accessory Dwellings above Commercial Developments	1 per dwelling unit
Alcohol Sales and Cannabis Sales, Amusement Establishments – Indoor & Outdoor	1 per 30.0 m ² (325 ft ²) of gross floor area
Bed and Breakfasts	1 per sleeping unit
Discretionary Apartments within same building in Commercial Districts	1 per dwelling unit
Home Occupations	1 in addition to the requirements for the residential use
Hotels, Motor Hotels and Motels	1 per sleeping unit plus 1 per three (3) employees
Restaurants, Cocktail Bars, Taverns, Drinking and Eating Establishments, Recreation Establishments, Recreation Facility, Gaming Establishments, Adult Entertainment Establishments, Funeral Services	1 per five (5) seating spaces plus 1 per three (3) employees on maximum shift
Retail and Personal Service Shops, Banks and Offices Leasable	1 per 46.45 m ² (500 ft ²) of gross floor area
Shopping Centres	5.5 per 92.9 m ² (1,000 ft ²) of gross leasable floor area
Hospitals & Similar	
Hospitals, Sanatoriums, Convalescent, etc.	1 per 46.45 m ² (500 ft ²) of homes, gross floor area, or 1 per four (4) beds and one (1) for every two (2) employees on maximum shift, whichever is greater
Industrial	
Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments, Research Laboratories and Public Utility Buildings	1 per 3 employees on maximum shift, provided that this standard may be varied by the Development Authority
Places of Public Assembly	
Auditoriums, Churches, Halls, Clubs, Theatres and other Amusement or Recreation Places	To the satisfaction of the Development Authority, but not less than 1 per ten (10) seating spaces
Residential	
Apartments/Condominiums	1.5 per dwelling unit (where this results in a fractional requirement, the total requirement shall be the next whole number)
Duplex, Triplex, Fourplex, Row Housing	1.5 per dwelling unit (where this results in a fractional requirement, the total requirement shall be the next whole number)
One Family Dwellings	1.0 per dwelling unit
Basement/Secondary Suites	1.0 per suite
Boarding Houses	1.0 per sleeping unit
Schools	
Public, Separate or Private, with or without an auditorium, gymnasium or swimming pool	1 per employee, plus 1 for every ten (10) students

7. The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project. Subject to the approval of Council, the applicant may, at his option, pay the municipality a payment equal to the cost of an equivalent public parking space provided elsewhere in the District.
8. If insufficient parking is provided by an approved development, the Development Authority may advise the landowner that he may be required to help pay for parking facilities in the future if required by Council in accordance with the Municipal Government Act or any other available legislation.

Combined or Shared Parking

9. A maximum of 20% of the required parking may be combined or shared parking provided that a legal agreement is entered into between the users or landowners, and further that the parking arrangements are acceptable to the Development Authority. Any change of use will require a development permit and may require a new agreement. The Development Authority has the authority to refuse an application not fully complying with parking requirements.

4.3. DIFFERING PARKING REQUIREMENTS

1. In accordance with the provisions of Part Three, Section 3.4 17., the parking requirements of Section 4.2 may be varied if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the development due to:
 - a. the relationship of the development to other parking areas;
 - b. differing hours of demand for parking; or,
 - c. the scale and character of the development.
2. Notwithstanding the minimum on-site parking requirements of this Part, at the option of an applicant, a Parking Study, under the seal of a qualified Professional Engineer, may be submitted with a development permit application to justify a differing amount of parking. The Development Authority may use such a study to ultimately determine the parking required for a development and in such instances, approval of a development permit will be considered as a variance to the parking that would otherwise be required and be subject to the applicable development permit notification requirements in Part Three Section 3.5.
3. In the C1 and CB Districts, the following provisions shall apply:
 - a. In the case of major renovations and architectural modifications to an existing building, no parking spaces in addition to those existing prior to undertaking the renovations or modifications shall be required;
 - b. In the case of expansion to the floor area of an existing building, additional parking spaces shall be required based on the size and use of the expansion only;
 - c. In the case of a change in the use of an existing building, no parking spaces in addition to those existing prior to the change in use shall be required provided that no alteration to the floor area of the building occurs; and,
 - d. The Development Authority shall pay particular attention to Section 4.3 1.
4. The Development Authority may authorize the use of off-site parking in place of on-site parking for a commercial or industrial use provided:
 - a. there is a convenient walkway from the off-site parking to the development that is the subject of the development permit application;
 - b. the owner of the development proposing to use an off-site parking area has control of the site where the parking is proposed and has dedicated the site to parking for the benefit of the development in question; and,
 - c. an Agreement is entered into between the property owners and registered on the subject Certificates of Title, unless the off-site parking is publicly owned.

5. At the sole option of the Development Authority, an owner of land proposed for development may pay money to the Municipality in lieu of providing parking spaces. The amount of money required will be determined by resolution of Council and shall be based on the amount needed to acquire land and construct the required number of parking spaces on land owned or proposed to be purchased by the Municipality. Money so received by the Municipality will be used only for the development of municipal, off-street parking facilities.

4.4. BICYCLE PARKING

1. Where any new development is proposed, including new development, change of use of existing development, or substantial enlargement of existing development, an on-site bicycle parking station(s) shall be provided and:
 - a. maintained by the property owner that:
 - i. is constructed of theft-resistant material and is securely anchored to the ground or a fixed structure;
 - ii. is designed such that it can support the bicycle frame and accommodate locking;
 - iii. is in a location that is convenient and safe for the users.
 - b. a minimum number of bicycle stalls in accordance with the Table below.

TYPE OF USE	
Educational uses	10% of the required on-site vehicular parking
Multi-unit dwellings with 20 or more dwelling units and shopping centres	5% of the required on-site vehicular parking
Any other uses	As may be required by the Development Authority

PART FIVE – SIGN PROVISIONS

5.1. DEFINITIONS

For the purposes of this Land Use Bylaw, certain terms or words herein shall be interpreted or defined as follows:

“Area of a Sign” means the total area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign.

“Banner Sign” means a temporary sign constructed from a non-rigid material that is attached to a pole or other structure.

“Billboard” means a fixed structure, primarily self-supporting, which is used for the display of general advertising.

“Business Frontage” means:

- a. Any side of a lot or building which abuts a road or highway; or
- b. In the case of individual business or tenants within a building, any business which has separate access to a road or highway.

“Construction Sign” means a temporary sign erected on a site incidental to construction taking place on the site, intended to provide guidance or warning to persons, or to identify the construction project and those parties having a role or interest in the construction.

“Copy” means the message on a sign face.

“Development Marketing Sign” means a temporary sign placed or erected for the purpose of drawing attention to new home areas, vacant lots, or show homes.

“Electronic Sign” means any sign or portion of a sign having moving parts or electronically controlled colour changes or lights that depict action or give motion to the sign, and includes flashing lights and electronic message or video signs.

“Fascia Sign” means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (0.98 ft.) from the building.

“Free-standing Portable Sign” means a sign on a standard, column or frame fixed to its own self-contained base and capable of being moved manually.

“Free-standing Sign” means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.

“General Advertising” means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the lot on which the sign is displayed.

“Inflatable Sign” means temporary air-inflated sign of any sort which is tethered to the ground or to a building and supported by buoyant gas or air pressure.

“Marquee or Canopy” means a projection outward from the face of a building, primarily designed to provide protection from climatic elements.

“Marquee or Canopy Sign” means a sign attached to a marquee or canopy.

“Merchandising Aid” means a device used for the display of merchandise and related advertising material.

“Neighbourhood Identification Sign” means a sign that marks the entrance into a residential subdivision or business park or identifying the name of a multi-unit residential dwelling.

“Point-of-sale Advertising” means advertising which relates to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the lot on which the advertising is displayed.

“Projecting Sign” means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (0.98 ft.) from the face of the building or structure.

“Roof” means the top of any enclosure, above or within the vertical walls of a building.

“Roof Sign” means any sign placed on or over a roof.

“Sandwich Board Sign” means any readily transportable sign used for point-of-sale advertising that can easily be relocated to another location or temporarily be set up and removed from a site which is not permanently attached to the ground, building or vehicle.

“Sign” means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boardings and banners.

“Sky Sign” means a roof sign comprising individual letters or symbols on an open framework.

“Temporary Community Notification Sign” means a sign used to display educational material and community events or notices that are erected for a specified period of time announcing an event of limited duration.

“Third-Party Sign” means a sign that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

“Traffic Control Device” means any sign, signal, marking or device placed, marked or erected by the Municipality for the purpose of regulating, warning or guiding traffic.

“Under-Canopy Sign” means a sign which is attached to the bottom face of a canopy.

“Wall Sign” means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1.0 ft.) from the building. Wall signs may include signs painted on buildings.

“Window Sign” means a sign either placed painted on or inside a window that faces outward and is intended to be viewed from outside the premises.

5.2. APPLICABILITY AND EXEMPTIONS FROM SIGN REGULATIONS

1. Part Five applies to all signs that are posted, placed or erected on both private property and/or public property, with the exception of highways.
2. The Municipality’s Traffic Bylaw regulates signage that is posted, placed or erected within any Highway as defined in the Traffic Bylaw.

SCHEDULE B – PART FIVE – SIGN PROVISIONS

3. The following signs shall be exempted from the provisions of these sign regulations:
 - a. Signs displayed on enclosed land where they are not readily visible to the public;
 - b. Window signs and signs displayed within a building;
 - c. Signs displayed on door plates, door boards, or kick plates; and
 - d. Signs associated with any drive-through business for the sole purpose of identifying goods or services sold or offered on-site to a vehicle using the drive-through.

4. The following specified signs are also exempted from these sign regulations and may be erected without application being made to the Development Authority, provided that the permission hereby granted in respect of any such signs specified below shall be subject to any conditions, general sign provisions or specific provisions prescribed for particular signs in Schedule B, Part Five, this Bylaw and be subject to all other orders, bylaws and regulations affecting such signs:
 - a. Statutory and official notices and functional advertisements of local authorities and public transport authorities.
 - b. Traffic and directional signs authorized by Council.
 - c. Notices of identification in respect to the land or buildings on which they are displayed, and professional business and trade name plates relating to the occupants of the land or buildings on which they are displayed, provided that
 - i. each notice or name plate shall not exceed 0.186 m² (2.00 ft²) in area; and
 - ii. there shall be a limit of one (1) notice for each occupant or each firm or company represented within the building, at one (1) entrance on each different road or highway.
 - d. Notices relating to the sale, lease or rental of the buildings, or land to which they are attached, provided that
 - i. the notices shall not be illuminated,;
 - ii. each notice shall not exceed 0.465 m² (5.00 ft²) in area; and
 - iii. there shall be a limit of one (1) notice for each side of the land or buildings on a different road or highway.
 - e. Notices of land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that
 - i. each notice shall not exceed 1.12 m² (12.06 ft²) in area; and
 - ii. there shall be a limit of one (1) notice for each side of the land or buildings on a different road or highway.
 - f. Signs of building contractors relating to construction work in progress on the land on which signs are erected, provided that
 - i. such signs shall be removed within fourteen (14) days of occupancy; and
 - ii. such signs shall be limited in size to a maximum of 2.98 m² (32.08 ft²), and in number to one (1) sign for each boundary of the property under construction which fronts onto a road or highway.
 - g. Temporary signs, including flags and flexible automatons, which are temporarily and not permanently displayed upon the premises upon or within which such sales will be or are being conducted, provided that
 - i. such signs shall not be illuminated and shall be constructed of paper, canvass, cardboard, nylon or other similar materials or painted on glass and intended to be displayed for a short period of time only; and
 - ii. such signs shall not be erected more than seven (7) days before the commencement of the sale to which they refer, and shall be removed within eight (8) days of the completion of the said sale.
 - h. Sandwich board signs, provided that
 - i. any such sign does not create a pedestrian or vehicular hazard or hindrance;
 - ii. the overall height shall not be greater than 1.22 m (4.0 ft.) above ground level; and
 - iii. the maximum area of the sign shall not exceed 1.12 m² (12.06 ft²).

- i. Signs on merchandising aids, provided that
 - i. any device shall be placed wholly within the lot lines;
 - ii. the overall height of any sign shall not be greater than 1.83 m (6.0 ft.) above ground level; and
 - iii. the maximum area of any sign shall be 1.12 m² (12.06 ft²).
- j. Temporary community notification signs, provided that
 - i. any such sign does not create a pedestrian or vehicular hazard or hindrance;
 - ii. the overall height shall not be greater than 1.22 m (4.0 ft.) above ground level;
 - iii. the maximum area of the sign shall not exceed 1.12 m² (12.06 ft²); and
 - iv. the sign be removed within twenty-four (24) hours of the conclusion of an event.

5.3. DETAILS OF APPLICATION

1. Application for a development permit shall be made to the Development Authority. The application shall:
 - a. be made out on the official form provided by the Development Authority;
 - b. be supported by a drawing of the proposed sign drawn to scale;
 - c. include drawings which indicate:
 - i. the location of the sign by elevation drawing and/or site plan;
 - ii. the overall dimensions of the sign;
 - iii. the size of the letters or letter;
 - iv. the amount of projection from the face of the building;
 - v. the amount of projection over municipal property;
 - vi. the height of the sign above the road, highway, or sidewalk or the height above the average ground level at the face of the building;
 - vii. the manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction;
 - viii. the least distance that the sign will be erected from an intersection of a road or highway with another. Also, the least distance from any device for the control of traffic at such an intersection.
2. No person shall erect or of place a sign differing from or larger than the sign for which a development permit has been issued. If during the progress of erecting or placing a sign, the applicant desires to deviate in any way from the terms of the original approved development permit, he shall notify the Development Authority and submit amended drawings, and, if the Development Authority, at his sole discretion, deems it necessary, shall make application to the Development Authority for approval of the sign as amended.
3. A development permit shall not be required to clean, repair, or repaint any sign.

5.4. GENERAL PROVISIONS

1. With the exception of the special provisions relating to billboards, which can be third party signs as defined in this Part, all signs shall contain "point-of-sale-advertising" only, as defined in this Part.
2. No sign shall be permitted which is attached to a pole, tree or any object in a road or highway or a publicly-owned place.
3. No sign shall be permitted which is attached to or standing on the ground in any road or highway or publicly-owned place.
4. No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, a pedestrian crossing or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.
5. No sign shall be illuminated such that illumination would cause excessive light pollution or light spillage onto any adjacent residential site.

SCHEDULE B – PART FIVE – SIGN PROVISIONS

6. A maximum of five (5) signs may be allowed on a site, including temporary signs, portable signs and signs on fences, but does not include fascia signs or signs less than 0.25 m² (2.7 ft²) in area.
7. A sign should be integrated with the development on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
8. Where possible, signs should not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
9. Wiring and conduits for electrified signs shall be concealed from view.
10. No part of a sign or sign structure may encroach onto or over an adjacent site, road or lane unless a registered agreement between landowners running with the land is obtained.
11. All signs shall be maintained in a satisfactory manner or notice will be served to perform the necessary repairs or remove the sign(s) within thirty (30) days.
12. Subject to any provincial or federal legislation/regulation, election signs are permitted uses in all districts and no development permits are required provided that:
 - a. the signs are posted:
 - i. with respect to municipal and school elections, only between 12:00 noon on nomination day and 24 hours after the closing of polling stations; and
 - ii. with respect to provincial and federal elections, only between 12:00 noon on the day when an election writ is handed down and 24 hours after the closing of polling stations.
 - b. the signs may not be placed or erected where they would obstruct or impair vision or traffic;
 - c. the signs do not exceed 5.0 m² (53.8 sq. ft.) in sign area or 2.5 m (8.2 ft.) in sign height;
 - d. the signs are not attached to fences on public property, trees or utility poles; and
 - e. the signs may not be posted on or within any municipally-owned or occupied facility, or on or within any site upon which a municipally-owned facility is situated.
13. Notwithstanding any of the provisions of Section 5.4, any signs, plaques or similar structures erected by the Municipality or an agency in conjunction with a property of historical significance shall have regard for the visual harmony and compatibility of the proposed sign with the architectural character and finish of the development and with the design, location and appearance of other signs on the development.
14. In any district where a place of worship or a public education facility or another institutional use is allowed, one (1) sign of not more than 5.0 m² (53.8 sq. ft.) in area shall be allowed to be erected on the site occupied by the place of worship, public education facility, or other institutional use.

5.5. FASCIA SIGNS

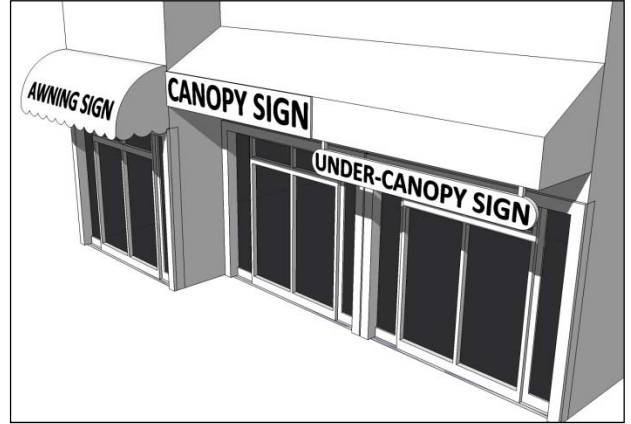
1. With the exception of the exemptions as provided for in this Part, fascia signs shall only be permitted in the Commercial, Industrial, Institutional and Community Districts. All fascia signs shall be erected so that they:
 - a. do not project more than 46.0 cm (18.1 in.) above the top of the vertical face of the wall to which they are attached;
 - b. do not exceed in area the equivalent of 25% of the superficial area of the wall comprising the business frontage; and
 - c. are located on a business frontage.
2. Fascia signs on a flank or gable wall which is not a business frontage shall be at the discretion of the Development Authority according to the merits of the individual application.
3. On commercial and industrial buildings which are non-conforming uses in Residential Districts, fascia signs shall be at the discretion of the Development Authority according to the merits of the individual application.



5.6. MARQUEE, CANOPY AND ROOF SIGNS

1. Marquee and canopy signs shall be considered as fascia signs according to the provisions of this Part, provided that:

- a. they shall be attached to the front edge of the marquee or canopy;
- b. no additional supporting wires or stays shall be attached to the canopy or wall;
- c. no portion of the sign shall project below the bottom edge or more than 18 inches above the top edge of the marquee or canopy; and
- d. a sign not exceeding 30.5 cm (12 in.) by 1.22 m (4.0 ft.) in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 2.45 m (8.04 ft.) to the ground or sidewalk.



2. Roof signs shall be considered as fascia signs according to the provisions of this Part, provided that:

- a. the sign shall be attached to the front edge of the roof;
- b. no additional supporting wires or stays shall be attached to the roof; and
- c. no portion of a sign shall project more than 46.0 cm (18.1 in.) above the roof.

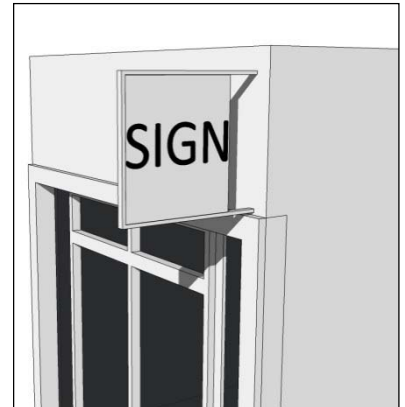
5.7. PROJECTING SIGNS

1. With the exception of the exemptions as provided for in this Part, projecting signs shall only be permitted in the Commercial, Industrial, Institutional and Community Districts. All projecting signs shall be erected so that:

- a. no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (9.8 ft.) above the ground or sidewalk grade;
- b. no part of the sign shall project more than 46.0 cm (18.1 in.) above the top of the vertical face of the wall to which it is attached;
- c. the space between the sign and supporting structure shall not be more than 0.61 m (2.0 ft.);
- d. there shall be only one (1) projecting sign for each business frontage, provided that, if a business frontage shall exceed 15.0 m (49.2 ft.) a further projecting sign shall be permitted for each additional 15.0 (49.2 ft.) or portion thereof;
- e. the permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:

Amount of Projection:	1.83	1.53	1.22	0.92	m or less
	6	5	4	3	(ft.)
Maximum Area of Sign:	3.26	4.5	5.6	7	m ²
	35.1	48.4	60.3	75.3	(ft ²)

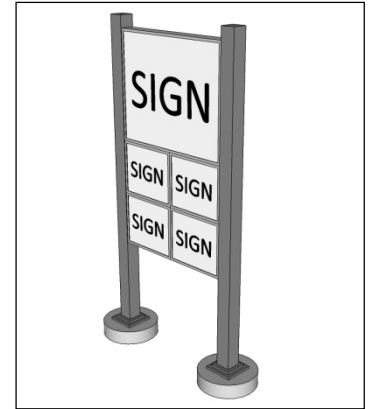
f. support shall not be provided by an "A" frame.



5.8. FREE-STANDING SIGNS

1. With the exception of the exemptions provided for in this Part, free-standing signs shall only be permitted in the Commercial, Industrial, Institutional and Community Districts. All free-standing signs shall be erected so that:

- a. no part of the sign, excluding that portion which is used for the support and which is free of advertising, shall be less than 1.0 m (3.3 ft.) nor more than 11.5 m (38.0 ft.) above ground or sidewalk grade;
- b. no part of the sign shall project beyond the lot line;
- c. the area of the sign shall not exceed the ratio of 929 cm² (1.0 ft²) for each linear metre of business frontage to a maximum of 12.0 m² (129.2 ft²), with the area of the sign being computed exclusive of the pylon or support provided that it is free of advertising;
- d. there shall not be more than one (1) free-standing sign for each business frontage unless the Development Authority is satisfied that the site is large enough and is configured such that consideration of another freestanding sign is warranted; and
- e. the portion used for support be painted and/or finished to the satisfaction of the Development Authority.



2. Billboards shall be considered by the Development Authority according to the merits of each individual application and shall be subject to the conditions that:

- a. minimum sign dimensions shall be as determined by the Development Authority and maximums shall not exceed 8.0 m (26.2 ft) in height and 10.0 m (32.8 ft.) in length;
- b. the vertical posts supporting the structure shall not project above the upper edge of the boarding;
- c. any additional bracing shall be contained within the front and rear faces of the vertical posts;
- d. the rear of any billboard which is plainly visible from a road or highway shall be covered with wooden slats or trellis fixed against the rear edge of the vertical posts and painted;
- e. no part of the structure shall project over public property; or placed on road or highway right-of-way;
- f. no billboard shall be erected less than 30.5 m (100 ft) from any existing billboards.
- g. the structure shall at all times be maintained, in the opinion of the Development Authority, in a satisfactory manner, for the term of the permit;
- h. all signs shall be limited to:
 - i. local advertising;
 - ii. facilities located within a radius of 48 km (30 mi.);
 - iii. indirect lighting, which excludes flashing. Electronic billboards may be considered at the discretion of the Development Authority according to the merits of the individual application;
 - iv. one sign for each licensed business development.

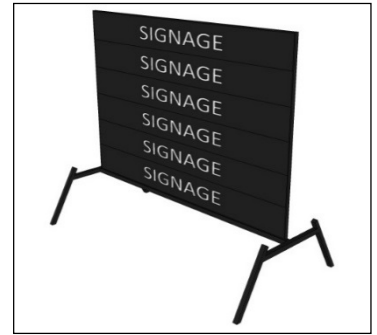


3. Free-Standing Portable Signs

With the exception of the exemptions provided for in this Part, free-standing portable signs shall only be permitted in the Commercial, Industrial, Institutional and Community Districts. A portable sign may be permitted only if:

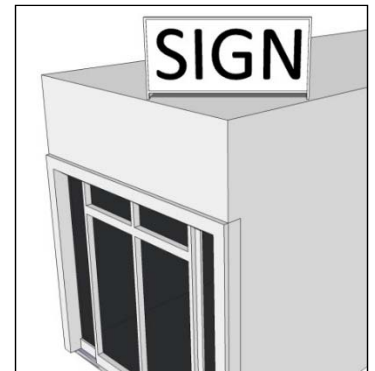
- a. the sign area does not exceed 5.0 m² (53.8 ft²) and does not exceed 2.6 m (8.5 ft) in height or 2.7 m (8.9 ft) in width including any structural supports;
- b. the sign maintains a separation distance of 30 m (98.4 ft) from another approved portable sign and/or 10 m (32.8 ft) from an approved permanent sign;

- c. the sign is not located within 3.0 m (9.8 ft) of a site access or 10 m (32.8 ft) from an intersection;
- d. no part of the sign shall project beyond the lot line;
- e. there shall not be more than one (1) free-standing portable sign for each business frontage unless the Development Authority is satisfied that the site is large enough and is configured such that consideration of another freestanding portable sign is warranted;
- f. the sign shall contain point-of-sale advertising only;
- g. the portion used for support be painted and/or finished to the satisfaction of the Development Authority;
- h. no freestanding portable sign shall be attached, affixed or displayed on any parked vehicle or trailer not normally used in the daily activity of the business and that is visible from a road so as to act as a sign for the advertisement of products or to direct people to a business or activity.



5.9. ILLUMINATED ROOF AND SKY SIGNS

- 1. Illuminated roof and sky signs may be only allowed in Commercial Districts. They shall be considered by the Development Authority according to the merits of each individual application, provided that:
 - a. the sign shall be attached to a flat roof on a building more than 10.7 m (35.1 ft.) high;
 - b. the Development Authority shall be satisfied that the purpose of the sign cannot be achieved by another type of sign;
 - c. no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 1.2 m (3.9 ft.) or more than 4.6 m (15.1 ft.) above the level of the roof;
 - d. the sign refer to the principal use of the building on which it is erected.



5.10. INFLATABLE SIGNS

- 1. Inflatable signs may only be allowed in Commercial or Industrial Districts. They shall be considered by the Development Authority according to the merits of each individual application, provided that:
 - a. the sign is located no closer than 30 m (98.4 ft) to a residential district;
 - b. the sign does not exceed the height limit for the District in which it is located;
 - c. not more than one (1) inflatable sign may be located on a site at one time.



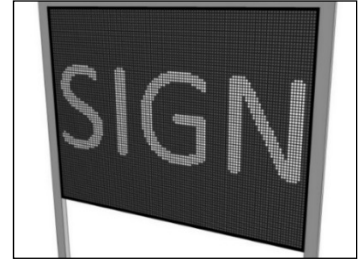
5.11. NEIGHBOURHOOD IDENTIFICATION SIGNS

- 1. Neighbourhood Identification Signs may be allowed in all land use Districts if:
 - a. the sign is self-supported;
 - b. the sign does not exceed 3.0 m (9.8 ft) in height;
 - c. the sign is not internally illuminated, though it may be lit from the front;
 - d. neighbourhood identifications signs must predominantly identify the District name adopted by Council where applicable and appropriate; and
 - e. the sign may incorporate the logo of the subject developer.



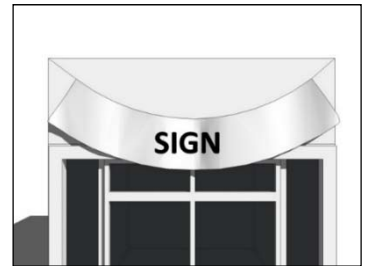
5.12. ELECTRONIC SIGNS

1. Electronic signs may only be allowed in Non-residential Districts and are considered a discretionary use. In keeping with the provisions in Section 5.4, paying particular attention to those provisions related to traffic and pedestrian safety, aesthetics and compatibility with adjacent land uses, the Development Authority shall be consider an electronic sign on the merits of each individual application and provided that:
 - a. each sign image shall be displayed for a minimum period of six (6) seconds; and
 - b. is located a minimum of 200 m (656 ft.) from any other electronic sign facing the same direction; and
 - c. the transition of sign advertising between static or scrolling images shall be instantaneous or with minimal animation at the discretion of the Development Authority providing it does not cause any visual interference and adheres to all other requirements of this Land Use Bylaw.



5.13. BANNER SIGNS

1. A banner sign is a permitted use in all non-residential land use districts and no development permit is required provided that:
 - a. if it is used to advertise a non-profit or charity event it may be displayed for a period of 14 days; or
 - b. if it is used for other purposes it may be displayed for up to 30 days.



5.14. CONSTRUCTION SIGNS

1. A construction sign is a permitted use in all land use districts and no development permit is required, provided that:
 - a. the sign does not exceed 5.0 m² (53.8 sq. ft.) in sign area or 3.0 m (9.8 ft.) in sign height;
 - b. there are no more than two (2) construction signs on a site; and
 - c. the sign or signs are removed within 7 days of development completion or as determined by the Development Authority.



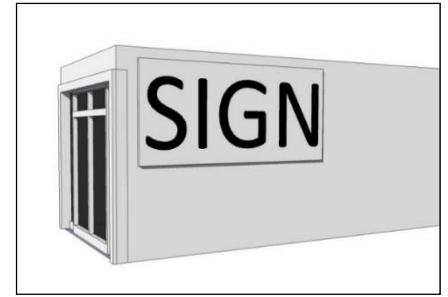
5.15. DEVELOPMENT MARKETING SIGNS

1. A development marketing sign is a permitted use in all land use districts and no development permit is required within the subject subdivision only or on the site that is being marketed, provided that:
 - a. the sign is self-supported;
 - b. the sign, if it is located within the subject subdivision or on the site that is being marketed, shall not exceed 3.0 m² (32.3 sq. ft.) in sign area or 3.0 m (9.8 ft.) in sign height;
 - c. the sign, if it is located on a site other than within the subject subdivision or on the site that is being marketed, shall clearly provide direction to the subject area, to the satisfaction of the Development Authority, and:
 - i. not exceed 30.0 m² (322.9 sq. ft.) in sign area,
 - ii. not exceed 8.0 m (26.2 ft.) in sign height,
 - iii. not be located less than 30.5 m (100.0 ft.) from an intersection, and
 - iv. not be located within 300.0 m (984.3 ft.) from any other development marketing sign or billboard facing the same direction;
 - d. the sign is located only during the duration while the subject area is actively under development; and
 - e. there are no more than two (2) development marketing signs per site.



5.16. WALL SIGNS

1. A wall sign is a permitted use in all non-residential land use districts and no development permit is required, provided that:
 - a. the sign is created, erected, and/or finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself;
 - b. the sign is not illuminated if it faces an adjacent residential use or district; and
 - c. the sign does not exceed an area of more than 25% of the wall to which it is applied.



5.17. OTHER SIGNS

Any other types of signs may only be allowed in Commercial or Industrial Districts and may be considered by the Development Authority according to the merits of each application.

5.18. VARIANCES

Where there are exceptional circumstances or conditions applicable to a particular property to the extent that practical difficulties, or results inconsistent with the general purposes of these regulations may result from their strict and literal interpretation and enforcement, variances shall be considered by the Development Authority according to the merits of the individual application.

5.19. CARE AND MAINTENANCE OF SIGNS

1. All signs shall be maintained in good and safe structural condition and shall be periodically refinished.
2. Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair it may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, require the owner of the land and the owner or operator of the sign to:
 - a. remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
 - b. take such measures as he may specify in the notice to alter and/or refurbish and/or repair the sign.
3. Failure to remove the sign or to comply with the measures specified in the notice described in Section 5.19.2. may result in the issuance of a violation ticket in accordance with this Bylaw.
4. The notice described in Section 5.19.2. may, at the sole discretion of the Development Authority, be considered a Stop Order for the purposes of enforcement of this Bylaw.

5.20. EXISTING SIGNS

These Sign Regulations shall not be applied to signs legally in existence at the date of the adoption of this Land Use Bylaw.

PART SIX – LAND USE DISTRICTS

6.1. R1 - RESIDENTIAL DISTRICT

1. Purpose:

The General Purpose of this District is to provide a low-density residential area with a mixture of housing types and residential accommodation and at the same time control, regulate, and encourage the development of residential uses that are compatible with the neighbourhood, the immediate site, and neighbourhood design as provided in the *Municipal Development Plan*.

2. Permitted Uses:

- a. One Family Dwellings;
- b. Home Occupations – Minor;
- c. Home Office;
- d. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Basement Suites;
- b. Bed and Breakfasts;
- c. Place of Worship;
- d. Child Day Cares;
- e. Child Day Homes;
- f. Home Occupations – Major;
- g. Manufactured Modular Homes;
- h. Modular Homes;
- i. Public or Quasi-Public buildings required to serve the immediate area;
- j. Public Utilities required to serve the immediate area;
- k. Secondary Suites;
- l. Small Parks and Playgrounds;
- m. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- n. Buildings and uses accessory to discretionary uses

4. Regulations:

a. Relating to One Family Dwellings:

Minimum Lot Area	510.0 m ² (5489.6 ft ²)
Minimum Front Yard	6.0 m (19.7 ft.)
	4.9 m (16.1 ft.) on lots located along 64 Street within Plan 062 4383
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Minimum Floor Area	92.9 m ² (1000.0 ft ²) for 1 storey, 1.5 storey, split level, or bi-level
	130.0 m ² (1399.3 ft ²) for 2 storey
	139.0 m ² (1496.2 ft ²) when the lot area exceeds 836.2 m ² (9000.8 ft ²)
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling - 9.15 m (30 ft.)
	Accessory - 4.6 m (15.1 ft.)

b. Other uses - as required by the Development Authority.

c. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.2. R2 - RESIDENTIAL DISTRICT

1. Purpose:

The General Purpose of this District is to provide a low-density residential area with a mixture of housing types and residential accommodation and at the same time control, regulate, and encourage the development or re-development of residential uses that are compatible with both neighbourhood, immediate site, infill, and re-development options as provided in the *Municipal Development Plan*.

2. Permitted Uses:

- a. One Family Dwellings;
- b. Home Occupations – Minor;
- c. Home Office;
- d. Buildings and uses accessory to permitted uses

3. Discretionary Uses:

- a. Basement Suites;
- b. Bed and Breakfasts;
- c. Place of Worship;
- d. Child Day Cares;
- e. Child Day Homes;
- f. Funeral Services;
- g. Group Care Facilities;
- h. Home Occupations – Major;
- i. Manufactured Homes;
- j. Manufactured Modular Homes;
- k. Public or Quasi-Public buildings required to serve the immediate area;
- l. Public Utilities required to serve the immediate area;
- m. Secondary Suites;
- n. Small Parks and Playgrounds;
- o. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- p. Buildings and uses accessory to discretionary uses

4. Regulations:

a. Relating to One Family Dwellings

Minimum Lot Area	500.0 m ² (5382.2 ft ²)
Minimum Front Yard	6.0 m (19.7 ft.)
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Minimum Floor Area	74.0 m ² (796.5 ft ²) for 1 storey, 1.5 storey, split level, or bi-level
	111.0 m ² (1194.8 ft ²) for 2 storey
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling - 9.15 m (30 ft.)
	Accessory - 4.6 m (15.1 ft.)

b. Other uses - as required by the Development Authority.

c. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.3. R3 - RESIDENTIAL DISTRICT

1. Purpose:

The General Purpose of this District is to provide a low-density innovative residential area with a mixture of housing types and residential accommodation and at the same time control, regulate, and encourage the development of residential uses that are compatible with the neighbourhood, the immediate site, and areas with special slope and visual characteristics or larger lots.

2. Permitted Uses:

- a. One Family Dwellings;
- b. Home Occupations – Minor;
- c. Home Office;
- d. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Basement Suites;
- b. Bed and Breakfasts;
- c. Child Day Cares;
- d. Child Day Homes;
- e. Home Occupations – Major;
- f. Public or Quasi-public buildings required to serve the immediate area;
- g. Public Utilities required to serve the immediate area;
- h. Small Parks and Playgrounds;
- i. Secondary Suites;
- j. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- k. Buildings and uses accessory to discretionary uses.

4. Regulations:

a. Relating to One Family Dwellings

Minimum Lot Area	Lots 1 to 4, Block 19, Plan 782-3515 - 790.0 m ² (8503.5 ft ²)
	Remainder of Plan 782-3515 - 1300.0 m ² (13,993.1 ft ²)
	All other new areas - 790.0 m ² (8503.5 ft ²).
Minimum Front Yard	The minimum front yard shall be at the discretion of the Development Officer and according to a consistent pattern to protect the character of the District
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Minimum Floor Area	1 storey, 1.5 storey, split level, or bi-level dwellings, a minimum ground floor area of 130.0 m ² (1399.3 ft ²), exclusive of any attached garage.
	2 storey dwellings, a minimum ground floor area of 929.0 m ² (1000.0 ft ²), exclusive of any attached garage, and a minimum total floor area of 130.0 m ² (1399.3 ft ²)
Maximum Lot Coverage	40%
Maximum Building Height	Lots 1 to 10, Block 19, and Lots 2, 7, and 8, Block 18, Plan 782 3515, and Lot 10A, Plan 842 1709 – 2 storey or 8.25 m (27.1 ft.)
	Lot 1 and Lots 3 to 6, Block 18, Plan 785 3515 –1 storey or 5.8 m (19.0 ft.)
	All other buildings – 10.75 m (35.3 ft.);
	Accessory – 4.6 m (15.1 ft.)

b. Other uses - as required by the Development Authority.

c. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.4. R4 - RESIDENTIAL DISTRICT

1. Purpose:

To General Purpose of this District is to establish a District in which land is used for a variety of low to medium density residential developments with a mixture of housing types and residential accommodation, with each unit having separate direct access at grade and at the same time control, regulate, and encourage the development or re-development of residential uses that are compatible with both the neighbourhood and the immediate site.

2. Permitted Uses:

- a. Duplexes;
- b. Triplexes;
- c. Home Occupations – Minor;
- d. Home Office;
- e. Building and uses accessory to permitted uses.

3. Discretionary Uses:

- a. One Family Dwellings;
- b. Bed and Breakfast;
- c. Boarding Houses;
- d. Child Day Cares;
- e. Child Day Homes;
- f. Group Care Facilities;
- g. Home Occupations – Major;
- h. Modular Units;
- i. Other uses which, in the opinion of the Development Authority are similar to the above mentioned permitted and discretionary uses;
- j. Building and uses accessory to discretionary uses.

4. Regulations:

a. Relating to Duplexes

Minimum Lot Area	“Up and down” units - 575.0 m ² (6189.2 ft ²), provided the combined gross floor area does not exceed 186.0 m ² (2002.1 ft ²)
	“Side by side” or “Semi detached” units - 668.0 m ² (7190.3 ft ²)
Minimum Front Yard	6.0 m (19.7 ft.)
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling - 10.75 m (35.3 ft.)
	Accessory - 4.6 m (15.1 ft.)

b. Relating to Triplexes

Minimum Lot Area	“Up and down” units - 862.0 m ² (9283.0 ft ²), provided the combined gross floor area does not exceed 279.0 m ² (3003.0 ft ²)
	“Side by side” or “Semi detached” units - 1002.0 m ² (10,785.0 ft ²)
Minimum Front Yard	6.0 m (19.7 ft.)
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling - 10.75 m (35.3 ft.)
	Accessory - 4.6 m (15.1 ft.)

c. Other uses as required by the Development Authority.

d. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.5. R5 - RESIDENTIAL DISTRICT

1. Purpose:

To General Purpose of this District is to establish a District in which land is used for medium-density urban multiple residential lifestyle, primarily as fourplex or row housing, with each unit having separate direct access to grade and at the same time control, regulate, and encourage the development or re-development of residential uses that are compatible with both the neighbourhood and the immediate site.

2. Permitted Uses:

- a. Fourplexes;
- b. Row Housing;
- c. Stacked Row Housing;
- d. Home Occupations – Minor;
- e. Home Office;
- f. Building and uses accessory to permitted uses

3. Discretionary Uses:

- a. One Family Dwellings;
- b. Duplexes;
- c. Triplexes;
- d. Bed and Breakfast;
- e. Boarding Houses;
- f. Child Day Cares;
- g. Child Day Homes;
- h. Group Care Facilities;
- i. Home Occupations – Major;
- j. Modular Units;
- k. Public or Quasi-public buildings required to serve the immediate area;
- l. Public Utilities required to serve the immediate area;
- m. Other uses which, in the opinion of the Development Authority are similar to the above mentioned permitted and discretionary uses;
- n. Building and uses accessory to discretionary uses.

4. Regulations:

a. Relating to Fourplexes

Minimum Lot Area	798.0 m ² (8589.6 ft ²)	
Minimum Front Yard	6.0 m (19.7 ft.)	
Minimum Rear Yard	7.5 m (24.6 ft.)	
Minimum Side Yard	2.5 m (8.2 ft.)	
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway	
Maximum Density and Minimum Floor Area	Minimum Floor Area	Minimum Lot Area
Bachelor	32.5 m ² (349.8 ft ²)	74.0 m ² (796.5 ft ²)
One Bedroom	46.4 m ² (499.4 ft ²)	97.5 m ² (1049.5 ft ²)
Two Bedroom	55.5 m ² (597.4 ft ²)	134.7 m ² (1449.9 ft ²)
Three or more Bedrooms	65.0 m ² (699.7 ft ²)	134.7 m ² (1449.9 ft ²)
Maximum Lot Coverage	40%	
Maximum Building Height	Dwelling - 10.75 m (35.3 ft.) or 3 storeys, whichever is shorter	
	Accessory - 4.6 m (15.1 ft.)	

i. Amenity Area:

A Fourplex development shall have a balcony or a landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the development. The required amenity area shall be the sum of the following:

- a. For each bachelor or one bedroom dwelling unit - 18.5 m² (199.1 ft²)
- b. For each two bedroom dwelling unit - 27.8 m² (299.2 ft²)
- c. For each three or more bedroom dwelling unit - 55.5 m² (597.4 ft²)

Parking areas shall not be considered as part of or contributing to any amenity area.

b. Relating to Row Housing

Minimum Lot Area	185.0 m ² (1991.3 ft ²) for each internal dwelling unit
	278.0 m ² (2992.4 ft ²) for each end dwelling unit abutting a road or highway on the side.
	232.0 m ² (2497.2 ft ²) for each end dwelling unit not abutting a road or highway on the side
Minimum Lot Width	6.0 m (19.8 ft.) for each internal dwelling unit
	9.0 m (29.5 ft.) for each end dwelling unit abutting a road or highway on the side
	7.5 m (24.6 ft.) for each end dwelling unit not abutting a road or highway on the side
Minimum Front Yard	6.0 m (19.7 ft.)
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	1.5 m (4.9 ft.)
	Corner lot - 3.0 m (9.8 ft.) abutting road or highway
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling - 10.75 m (35.3 ft.) or 3 storeys, whichever is shorter
	Accessory - 4.6 m (15.1 ft.)

ii. Outdoor Living Area

Each dwelling unit shall have an outdoor living area with a minimum depth of 7.5 m (24.6 ft.) adjacent to it. A minimum of 4.5 m (14.6 ft.) of this depth must be designed for the exclusive use of the occupants of the dwelling unit. This may be achieved by the provision of fences, screening or landscaping, with the details of this matter to be at the discretion of the Development Authority.

iii. Arrangements and Spacing of Dwelling Units:

The principal entry for every dwelling unit must be separate and be directly accessible to ground level. The arrangement and spacing of dwellings is subject to the approval of the Development Authority.

c. Relating to Stacked Row Housing:

Minimum Lot Area	798.0 m ² (8589.6 ft ²)	
Minimum Front Yard	6.0 m (19.7 ft.)	
Minimum Rear Yard	7.5 m (24.6 ft.)	
Minimum Side Yard	4.0 m (13.12 ft)	
Maximum Density and Minimum Floor Area	Minimum Floor Area	Minimum Lot Area
Bachelor	32.5 m ² (349.8 ft ²)	74.0 m ² (796.5 ft ²)
One Bedroom	46.4 m ² (499.4 ft ²)	97.5 m ² (1049.5 ft ²)
Two Bedroom	55.5 m ² (597.4 ft ²)	134.7 m ² (1449.9 ft ²)
Three or more Bedrooms	65.0 m ² (699.7 ft ²)	134.7 m ² (1449.9 ft ²)
Maximum Lot Coverage	50%	
Maximum Building Height	Dwelling - 10.75 m (35.3 ft.) or 2 storeys, whichever is shorter Accessory - 4.6 m (15.1 ft.)	

i. Amenity Area:

A Stacked Row Housing development shall have a balcony or a landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the development. The required amenity area shall be the sum of the following:

- a. For each bachelor or one bedroom dwelling unit - 18.5 m² (199.1 ft²)
- b. For each two bedroom dwelling unit - 27.8 m² (299.2 ft²)
- c. For each three or more bedroom dwelling unit - 55.5 m² (597.4 ft²)

Parking areas shall not be considered as part of or contributing to any amenity area.

d. All other uses - as required by the Development Authority.

e. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.6. R6 - RESIDENTIAL DISTRICT

1. Purpose:

To General Purpose of this District is to establish a District in which land will provide for a high-density urban multiple residential lifestyle, primarily as apartment/condominium housing with each unit using a common point of entry at grade.

2. Permitted Uses:

- a. Apartments/Condominiums;
- b. Home Occupations – Minor;
- c. Home Office;
- d. Building and uses accessory to permitted uses.

3. Discretionary Uses:

- a. One Family Dwellings;
- b. Row Housing;
- c. Fourplexes;
- d. Triplexes;
- e. Duplexes;
- f. Bed and Breakfast;
- g. Boarding Houses;
- h. Child Day Cares;
- i. Child Day Homes;
- j. Group Care Facilities;
- k. Home Occupations – Major;
- l. Modular Units;
- m. Public or Quasi-public buildings required to serve the immediate area;
- n. Public Utilities required to serve the immediate area;
- o. Other uses which, in the opinion of the Development Authority are similar to the above mentioned permitted and discretionary uses;
- p. Building and uses accessory to discretionary uses.

4. Regulations:

a. Relating to Apartments/Condominiums:

Minimum Lot Area	798.0 m ² (8589.6 ft ²)	
Minimum Front Yard	6.0 m (19.7 ft.)	
Minimum Rear Yard	7.5 m (24.6 ft.)	
Minimum Side Yard	4.0 m (13.12 ft)	
Maximum Density and Minimum Floor Area	Minimum Floor Area	Minimum Lot Area
Bachelor	32.5 m ² (349.8 ft ²)	74.0 m ² (796.5 ft ²)
One Bedroom	46.4 m ² (499.4 ft ²)	97.5 m ² (1049.5 ft ²)
Two Bedroom	55.5 m ² (597.4 ft ²)	134.7 m ² (1449.9 ft ²)
Three or more Bedrooms	65.0 m ² (699.7 ft ²)	134.7 m ² (1449.9 ft ²)
Maximum Lot Coverage	50%	
Maximum Building Height	Dwelling - 18.3 m (60 ft.) or 5 storeys, whichever is shorter Accessory - 4.6 m (15.1 ft.)	

i. Amenity Area:

An Apartment/Condominium Development shall have a balcony or a landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the development. The required amenity area shall be the sum of the following:

- a. For each bachelor or one bedroom dwelling unit - 18.5 m² (199.1 ft²)
- b. For each two bedroom dwelling unit - 27.8 m² (299.2 ft²)
- c. For each three or more bedroom dwelling unit - 55.5 m² (597.4 ft²)

Parking areas shall not be considered as part of or contributing to any amenity area.

- b. All other uses - as required by the Development Authority.
- c. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

5. Special Bonus Considerations:

- a. The Development Authority may consider applications for development permits that do not comply exactly with the requirements of the Bylaw if:
 - i. additional facilities are provided that would improve the amenities of the area; and
 - ii. the development conforms to the use prescribed for that land or building.
- b. The bonus features to be considered may include but are not limited to the following:
 - i. underground parking;
 - ii. extra recreation space;
 - iii. recreation equipment;
 - iv. facilities for handicapped people;
 - v. improved landscaping.

6.7. RMH1 - RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

1. Purpose:

The General Purpose of this District is to permit development of manufactured home subdivisions, in which each unit is located on a separately registered parcel of land.

2. Permitted Uses:

- a. Manufactured Modular Home Units;
- b. Mobile Home Units;
- c. Home Occupations – Minor;
- d. Home Office;
- e. Public Parks and Playgrounds;
- f. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Child Day Cares;
- b. Child Day Homes;
- c. Home Occupations – Major;
- d. Public Or Quasi-public buildings required to serve the immediate area;
- e. Public Utilities required to serve the immediate area;
- f. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- g. Buildings and uses accessory to discretionary uses.

4. Regulations:

Minimum Lot Area	408.0 m ² (4391.7 ft ²)
Minimum Front Yard	4.5 m (14.8 ft.) or as required by the Development Authority
Minimum Rear Yard	4.5 m (14.8 ft.) or as required by the Development Authority
Minimum Side Yard	1.5 m (4.9 ft.)
Minimum Floor Area	46.5 m ² (500.5 ft ²), excluding attached porches
Maximum Lot Coverage	40%
Maximum Building Height	Dwelling – 6.10 m (20.0 ft.)
	Accessory - 4.6 m (15.1 ft.)

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.8. CB - CENTRAL BUSINESS DISTRICT

1. Purpose:

The General Purpose of this District is to permit/promote medium to high-density commercial development that will conserve, and where possible, promote the unique character of the historic area of downtown Vermilion.

2. Permitted Uses:

- a. Alcohol Sales;
- b. Banks;
- c. Cannabis Sales;
- d. Home Office;
- e. Household Appliance Sales;
- f. Offices;
- g. Personal Service Shops;
- h. Restaurants;
- i. Retail Stores
- j. If the floor space area used is not greater than 372.0 m² (4004.2 ft²), the manufacturing or treatment of products essential to the retail business conducted on the premises, for example: a bakery or a manufacture of candy, confectionery, ice cream or jam.

3. Discretionary Uses:

- a. Apartments;
- b. Clinics;
- c. Clubs or Lodges;
- d. Dance Halls;
- e. Dance Studios;
- f. Drinking and Eating Establishments;
- g. Funeral Services;
- h. Gas Bars (with underground tanks only);
- i. Hotels or Motels;
- j. Music Studios;
- k. Parking Lots;
- l. Photographic Studios;
- m. Public or Quasi-public buildings and uses;
- n. Public Utilities;
- o. Shopping Centres;
- p. Theatres;
- q. If the floor space area used is not greater than 372.0 m² (4004.2 ft²), the manufacturing or treatment of products essential to the retail business conducted on the premises, for example: a dyeing or cleaning plant or establishment;
- r. Accessory dwelling units in a building used for any of the above mentioned permitted or discretionary uses;
- s. Other commercial uses which, in the opinion of the Development Authority, are appropriate;
- t. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	167.0 m ² (1797.6 ft ²).
Minimum Lot Width	4.5 m (14.8 ft.)
Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform to existing development
Minimum Rear Yard	6.0 m (19.7 ft.), or as required by the Development Authority
Minimum Side Yard	None, if the subject lot is bordered on both sides by land classified C1 or CB or as required by the Development Authority
Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

5. Special Considerations:

- a. Where shopping centres or groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking, specific commercial uses and, if possible, the Vermilion Downtown Historic Area Guidelines.

6. Existing Use Special Considerations:

- a. Existing uses not in conformance with the above stated permitted uses may not alter or expand their existing facility. Regular maintenance and upkeep is permitted. Establishment of a new or replacement of an existing non-permitted or non-conforming use is not allowed.
- b. Any building façade, including all signs, awnings and lighting, alteration, maintenance, repair and/or additions respecting buildings within this District are encouraged to conform to the Vermilion Downtown Historic Area Guidelines.

6.9. C1 - COMMERCIAL DISTRICT

1. Purpose:

The General Purpose of this District is to permit commercial development appropriate for the Central Business District of the municipality and involving fairly high-density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

2. Permitted Uses:

- a. Alcohol Sales;
- b. Banks;
- c. Cannabis Sales;
- d. Coin Laundries;
- e. Home Office;
- f. Household Appliance Sales;
- g. Offices;
- h. Personal Service Shops;
- i. Restaurants;
- j. Retail Stores;
- k. If the floor space area used is not greater than 372.0 m² (4004.2 ft²), the manufacturing or treatment of products essential to the retail business conducted on the premises, for example: a bakery or a manufacture of candy, confectionery, ice cream or jam.

3. Discretionary Uses:

- a. Apartments;
- b. Auto and Light Truck Sales;
- c. Bowling Alleys;
- d. Clinics;
- e. Clubs or Lodges;
- f. Dance Studios;
- g. Child Day Cares;
- h. Drinking and Eating Establishments;
- i. Funeral Parlours;
- j. Hotels;
- k. Music Studios;
- l. Parking Lots;
- m. Photographic Studios;
- n. Public or Quasi-public buildings and uses;
- o. Public utilities;
- p. Service Stations and Gas Bars (with underground tanks only) for Automobiles and Light Trucks;
- q. Shopping Centres;
- r. Theatres;
- s. If the floor space area used is not greater than 372.0 m² (4004.2 ft²), the manufacturing or treatment of products essential to the retail business conducted on the premises i.e.: a dyeing or cleaning plant or establishment;
- t. Accessory dwelling units in a building used for any of the above mentioned permitted or discretionary uses;
- u. Other commercial uses which, in the opinion of the Development Authority are appropriate;
- v. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	167.0 m ² (1797.6 ft ²).
Minimum Lot Width	4.5 m (14.8 ft.)
Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform to existing development
Minimum Rear Yard	6.0 m (19.7 ft.), or as required by the Development Authority
Minimum Side Yard	None, if the subject lot is bordered on both sides by land classified C1 or CB or as required by the Development Authority
Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

5. Special Considerations:

- a. Where shopping centres or groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking and specific commercial uses.

6. Special Bonus Considerations:

- a. The Development Authority may consider special applications that do not comply with the requirements of the Bylaw if:
 - i. additional facilities are provided that would improve the amenities of the area; and
 - ii. the development conforms to the use prescribed for that land or building.

6.10. C2 - COMMERCIAL DISTRICT

1. Purpose:

The General Purpose of this District is to permit commercial development of a secondary nature, involving contractor/workshop type uses, and at the discretion of the Development Authority, more land extensive uses.

2. Permitted Uses:

- a. Contractor Services - including but not limited to:
 - i. building construction, cabinet making, electrical, plumbing, heating, painting, welding, landscaping, pipefitting, upholstery, metal working, gas fitting, collision repair, decorating and pipe fitting;
- b. Home Office.

3. Discretionary Uses

- a. Alcohol Sales;
- b. Apartments;
- c. Automobile Garages;
- d. Cannabis Sales;
- e. Dance Studios;
- f. Frozen Food Lockers;
- g. Funeral Services;
- h. Garden Centres;
- i. Motels;
- j. Music Studios;
- k. Photographic Studios;
- l. Public Or Quasi-public buildings and uses;
- m. Public Utilities;
- n. Service Stations and Gas Bars (storage tanks must be underground if adjacent to a residential district);
- o. Storage and/or sales of:
 - i. Automobiles and light trucks;
 - ii. Building supplies;
 - iii. Farm machinery;
 - iv. Lumber;
- p. Veterinary clinics;
- q. Wholesale Warehouses;
- r. Other commercial uses which, in the opinion of the Development Authority, are appropriate;
- s. Renovations, additions, accessory uses and building to existing dwellings on Lots 9, 10, 11, 15 & 16, Block 34, Plan 4097 S;
- t. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	167.0 m ² (1797.6 ft ²).
Minimum Lot Width	4.5 m (14.8 ft.)
Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform to existing development
Minimum Rear Yard	6.0 m (19.7 ft.), or as required by the Development Authority
Minimum Side Yard	None, if the subject lot is bordered on both sides by land classified CB, C1 or C2 or as required by the Development Authority
Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.11. C3 - HIGHWAY COMMERCIAL DISTRICT

1. Purpose:

The General Purpose of this District is to permit commercial uses, which will serve the travelling public.

2. Permitted Uses:

- a. Hotels;
- b. Motels;
- c. Service Stations and Gas Bars;
- d. Restaurants;
- e. Drive-Through Business.

3. Discretionary Uses:

- a. Alcohol Sales;
- b. Amusement Establishment – Outdoor;
- c. Cannabis Sales;
- d. Car Washes;
- e. Curio Shops;
- f. Gaming Establishment
- g. Handicraft Shops;
- h. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- i. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	334.0 m ² (3595.1 ft ²)
Minimum Lot Width	9.0 m (29.5 ft.)
Minimum Front Yard	6.0 m (19.7 ft.), or as required by the Development Authority
Minimum Rear Yard	6.0 m (19.7 ft.), or as required by the Development Authority
Minimum Side Yard	1.5 m (4.9 ft.), or as required by the Development Authority
Maximum Lot Coverage	40%
Maximum Building Height	14.0 m (45.9 ft.), unless otherwise determined by the Development Authority

- a. Access to all developments within this District shall be by service road or by similar standard for controlling turning traffic, such as one-way roads and lanes, to the satisfaction of the Development Authority. The number of accesses provided to a road or highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation and Utilities (if necessary).
- b. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.12. C4 - SHOPPING CENTRE DISTRICT

1. Purpose:

The General Purpose of this District is to regulate the development of shopping centres containing a broad mix of retail, service, and office uses serving the community and region.

2. Permitted Uses:

- a. Alcohol Sales;
- b. Amusement Establishment – Indoor;
- c. Banks;
- d. Cannabis Sales;
- e. Clinics;
- f. Dance Studios;
- g. Drinking and Eating Establishments;
- h. Entertainment Establishments;
- i. Music Studios;
- j. Offices;
- k. Personal Service Shops;
- l. Photographic Studios;
- m. Recreation Establishments;
- n. Restaurants;
- o. Retail Stores;
- p. Shopping Centres.

3. Discretionary Uses:

- a. Car Washes;
- b. Public or Quasi-public buildings and uses;
- c. Public Utilities;
- d. Service Stations and Gas Bars;
- e. Veterinary Clinics;
- f. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- g. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations

Minimum Lot Area	0.4 ha (.99 ac.)
Maximum Lot Area	2.05 ha (5.07 ac.)
Minimum Yards	3.0 m (9.8 ft.), which must be landscaped to the satisfaction of the Development Authority
Maximum Lot Coverage	50%

- a. Minimum Off-street Parking shall be 5.5 spaces/93.0 m² (5.5 per 1001.4 ft²) of gross leasable floor area.
- b. Off-street loading requirement - as required by the Development Authority.
- c. Outdoor storage areas must be screened to the satisfaction of the Development Authority.
- d. All roof and surface drainage shall be contained on-site and directed to a storm sewer.
- e. All on-site lighting shall be located, oriented and shielded so as to prevent the direct illumination of any neighbouring dwellings.
- f. Future shopping centres will have access only onto arterial roads.
- g. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.13. C5 - NEIGHBOURHOOD COMMERCIAL DISTRICT

1. Purpose:

The General Purpose of this District is to designate areas for small neighbourhood stores providing convenience goods and services to local residents providing the developer can demonstrate that the adjacent community supports the proposal.

2. Permitted Uses:

- a. Confectionaries;
- b. Coffee Shop/Tea House/Café.

3. Discretionary Uses:

- a. Public Utilities;
- b. Personal Service Shops;
- c. Retail Stores;
- d. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted uses;
- e. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	550 m ² (5920.34 ft ²)
Maximum Lot Area	0.6 ha (1.48 ac.)
Minimum Front Yard	9.0 m (29.5 ft.)
Minimum Rear Yard	9.0 m (29.5 ft.)
Minimum Side Yard	3.0 m (9.8 ft.)
Maximum Floor Area	The total floor area of any one store shall not exceed 280.0 m ² (3013.8 ft ²)

- a. No development shall commence until the Development Authority has approved a landscaping plan for the site.
- b. Required landscaped yards:
 - i. a minimum landscaped yard of 3.0 m (9.8 ft) shall be required where a site abuts a public roadway, other than a Lane.
 - ii. a minimum landscaped yard of 3.0 m (9.8 ft) shall be required where the rear or side lot line of the site abuts the lot line of a site in a Residential District.

All required landscaped yards must be grass-covered and trees shall be planted to meet the following requirement:

- a. One (1) tree for each 25 m² (269 ft²) and one (1) shrub for each 15 m² (161 ft²) of required yard space abutting a road or lane.
- b. One (1) tree for each 20 m² (215 ft²) and one (1) shrub for each 10 m² (108 ft²) of required yard space abutting an adjacent residential property.
- c. All accesses/egresses, curb crossings and drainage must be outlined on a grading plan and approved by the Director of Infrastructure and Planning Services Engineering & Public Works.
- d. Free-standing signs shall not exceed the height of the building.
- e. Areas adjacent to residential shall also provide a solid fence, to the satisfaction of the Development Authority, for screening that is consistent with the character and quality of the design and materials of the principal building and shall be no higher than:
 - i. 1.83 m (6.0 ft) for the portion of a fence that does not extend beyond the foremost portion of the building abutting the front yard, nor beyond the foremost portion of the building where it abuts a side yard abutting a public road other than a lane; and
 - ii. 0.92 m (3.02 ft) for the portion of a fence that does extend beyond the foremost portion or portions of the building on the site.
- f. Outdoor storage areas are not permitted.
- g. All garbage containers shall be screened using a solid fence, to the satisfaction of the Development Authority, that is no more than 1.83 m (6.0 ft) in height.
- h. All roof and surface drainage shall be outlined on the grading plan and shall be contained on-site and directed to a storm sewer.
- i. All on-site lighting shall be located, oriented and shielded so as to prevent the direct illumination of any neighbouring dwellings.
- j. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.14. IL - LIGHT INDUSTRIAL DISTRICT

1. Purpose:

The General Purpose of this District is to provide an area that will facilitate services or businesses in a wide range of light industrial uses that are compatible with each other and do not adversely affect surrounding non-industrial land uses. Uses and operations within this District shall not cause or permit any objectionable or dangerous conditions that are apparent outside the building(s) which house such operations. Objectionable features include (but are not limited to) noise, vibration, smoke, dust, and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.

2. Permitted Uses:

- a. Light Manufacturing and Fabrication;
- b. Servicing Establishments;
- c. Warehousing, storage, and distribution of raw materials, processed or manufactured goods;
- d. Workshops;
- e. Heavy/Agricultural Equipment Sales and Service

3. Discretionary Uses:

- a. Automobile Garages;
- b. Cannabis Production Facility;
- c. Commercial Dog Kennels;
- d. Dance Studios;
- e. Frozen Food Lockers;
- f. Funeral Services;
- g. Gaming Establishment
- h. Garden Centres;
- i. Heavy Truck and Equipment Storage;
- j. Hotels or Motels;
- k. Municipal uses that are not restrictive and are compatible with an industrial area;
- l. Music Studios;
- m. Photographic Studios;
- n. Public Or Quasi-public buildings & uses;
- o. Public Utilities;
- p. Recreational uses that are not restrictive and are compatible with an industrial area;
- q. Service Stations and Gas Bars, which may include bulk fuel storage;
- r. Storage and/or Sales of:
 - i. Automobiles and Light Trucks;
 - ii. Building Supplies;
 - iii. Farm Machinery;
 - iv. Lumber;
- s. Veterinary Clinics;
- t. Wholesale Warehouses;
- u. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- v. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	as required by the Development Authority
Minimum Front Yard	9.0 m (29.5 ft.)
Minimum Rear Yard	9.0 m (29.5 ft.), or as required by the Development Authority
Minimum Side Yard	as required by the Development Authority
Maximum Lot Coverage	60%
Maximum Building Height	45.8 m (150.3 ft.)

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.15. IMH - MEDIUM/HEAVY INDUSTRIAL DISTRICT

1. Purpose:

The General Purpose of this District is to provide an area that will facilitate medium to high density industrial development including but not limited to manufacturing, processing, fabricating and distribution services including large scale or specialized operations whose external effects are likely to be felt to some degree by surrounding Districts. Those uses with established functions in the economy but having a well-known nuisance potential are to be permitted only within this district. This zone will be located so that it does not interfere with the safety, use, amenity or enjoyment of any surrounding Districts.

2. Permitted Uses:

- a. Heavy/Agricultural Equipment Sales, Service and/or Storage;
- b. Manufacturing, processing, assembly, distribution and fabrication services or retail outlets;
- c. Servicing Establishments;
- d. Warehousing; storage, and distribution of raw materials, processed or manufactured goods;
- e. Workshops.

3. Discretionary Uses:

- a. Adult Entertainment Establishment;
- b. Bulk Fuel Sales and Storage;
- c. Cannabis Production Facility;
- d. Commercial Dog Kennels;
- e. Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas, noise or vibration;
- f. Municipal uses that are not restrictive and are compatible with an industrial area;
- g. Recreational uses that are not restrictive and are compatible with an industrial area
- h. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- i. Buildings and uses accessory to permitted and discretionary uses.

4. Regulations:

Minimum Lot Area	as required by the Development Authority
Minimum Front Yard	9.0 m (29.5 ft.)
Minimum Rear Yard	9.0 m (29.5 ft.), or as required by the Development Authority
Minimum Side Yard	as required by the Development Authority
Maximum Lot Coverage	60%
Maximum Building Height	45.8 m (150.3 ft.)

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.16. P - COMMUNITY DISTRICT

1. Purpose:

The General Purpose of this District is to permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

2. Permitted Uses:

- a. Public Park, Playgrounds, Recreation Areas, and other similar public or quasi-public buildings and uses;
- b. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Cemeteries;
- b. Public Utilities;
- c. Recreation Facility;
- d. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- e. Buildings and uses accessory to discretionary uses.

4. Regulations:
 - a. All regulations shall be as required by the Development Authority.
 - b. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.17. I - INSTITUTIONAL DISTRICT

1. Purpose:

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

2. Permitted Uses:

- a. Places of Worship;
- b. Community Halls;
- c. Federal, Provincial and Municipal buildings and uses;
- d. Hospitals and Nursing Homes;
- e. Public Use;
- f. Schools;
- g. Senior Citizens Homes and similar buildings;
- h. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Amusement Establishment – Indoor;
- b. Amusement Establishment – Outdoor;
- c. Cemeteries;
- d. Clubs or Lodges;
- e. Child Day Cares;
- f. Heliports;
- g. Public or Quasi-public buildings and uses;
- h. Public Utilities;
- i. Recreational Facility;
- j. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- k. Buildings and uses accessory to discretionary uses.

4. Regulations:

- a. All regulations shall be as required by the Development Authority.
- b. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.18. UR - URBAN RESERVE DISTRICT

1. Purpose:

The General Purpose of this District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

2. Permitted Uses:

- a. One Family Dwellings on existing parcels only;
- b. Farming and cultivation of land, but not including such agricultural uses as feed lots, hog barns, poultry farms and fur farms;
- c. Buildings and uses accessory to permitted uses.

3. Discretionary Uses:

- a. Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically re-plotting or developing the area in the future;
- b. Public or Quasi-public buildings and uses;
- c. Public Utilities;
- d. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses;
- e. Buildings and uses accessory to discretionary uses.

4. Regulations:
 - a. No development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.
 - b. Relating to One Family Dwellings:
 - i. Minimum yard dimensions shall be as required by the Development Authority.
 - c. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.19. DC - DIRECT CONTROL DISTRICT

1. Purpose:

The General Purpose of this District is to make available a District where the potential for various uses has required that flexibility be used in deciding the appropriate land use. In addition, this District would permit the application of conditions unavailable under the existing Districts and beyond the limits of the discretionary powers of the Development Authority. This District is not intended to be used in substitution of any standard Land Use District which could be used to regulate development and achieve the same result.

2. Permitted Uses and Discretionary Uses:

- a. All land use applications will be evaluated on their merits by the Council, who will establish the appropriate development standards.

3. Regulations:

- a. Notwithstanding any of the regulations and restrictions outlined in this Land Use District, any development proposed for this Land Use District, either permitted or discretionary, that falls within the Airport Vicinity Overlay District will follow the regulations laid out in the Airport Vicinity Overlay District.

6.20. DC2 - DIRECT CONTROL DISTRICT

1. Purpose:

The General Purpose of this District is to establish a Direct Control District to accommodate a high density multiple family development consisting of a Condominium and to establish site development regulations to ensure compatibility with the surrounding development.

2. Area Application:

- a. This area shall apply to Lots 21, 22, and 23, Block 2, Plan 6647S (now known as Condominium Plan 022 4427) encompassing an area of 1,672.2 m² (ft²) as indicated on the plan attached to this Land Use Bylaw.

3. Permitted Uses:

- a. Condominiums;
- b. Home Office.

4. Discretionary Uses:

- a. Single Family Residential as provided in Residential District R-2;
- b. Home Occupations – Minor.

5. Regulations:

- a. Parkade Entrance on 51st Street.
- b. Off-street parking should be paved and the parking requirements will be 1.25 stalls/unit which would require five (5) stalls from the south east corner of the building to the west property line.
- c. Repair or replacement of curbs, sidewalks to meet the Town specifications. Construction of a sidewalk to meet Town specifications on the east side adjacent to 51st Street.
- d. Front yard setback 6 m.
- e. Rear yard setback 3 m.
- f. Side yard setback - minimum of 6 m. If land area may accommodate 40% of building height, or 15% of the lot width whichever is greater.
- g. Maximum height to building peak from grade 15.5 m.
- h. Minimum landscaped area - 10% of the lot area. Landscaping shall consist of boulevard trees, shrubs, or hedges, and sidewalks.
- i. Amenity Area:
 - i. A condominium development shall have a balcony or landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the condominium. The required amenity area shall be the sum of the following:
 - a. for each bachelor or one bedroom dwelling unit - 18.5 m²
 - b. (199.1 ft²);
 - c. for each two bedroom dwelling unit - 27.8 m² (299.2 ft²);
 - d. for each three or more bedroom dwelling unit - 55.5 m² (597.4 ft²).
- j. Lot coverage not to exceed 42%.
- k. Maximum units 18 with a minimum floor area of 700 ft² each.
- l. Exterior building finishes shall consist of brick or other texture masonry materials and cedar or other appropriate siding materials of durable quality, attractive in appearance, and used either separately or in combination.
- m. Roof shall be sloped and of residential character and finished with cedar shakes, asphalt shingles or clay tiles.
- n. External storage of goods and materials will not be permitted.
- o. Exterior finishing materials shall be limited to muted tones with strong colours limited to use as accents.
- p. Garbage collection area shall be screened to the satisfaction of the Development Authority.
- q. The building shall have a sprinkler system installed and a stand pipe system with outside fire department connections in accordance with the Alberta Building Code.
- r. Development Permits:
 - ii. The Development Authority shall consider and decide upon all Development Permit applications.

6.21. DC4 - DIRECT CONTROL DISTRICT

1. Purpose:

The General Purpose of this District is to establish a Direct Control District to accommodate a medium-density duplex development and to establish site development regulations ensure compatibility with the surrounding neighbourhood.

2. Area Application:

- a. This area shall apply to Lots 12C to 12H, Block 46, Plan 112 1287.

3. Permitted Uses:

- a. Duplexes;
- b. Home Office.

4. Discretionary Uses:

- a. Accessory Buildings;
- b. Home Occupations – Minor.

5. Regulations:

- a. Maximum of three (3) duplexes (6 units) with a maximum floor area of 1410 ft² each.
- b. Front yard setback 6.1m (20 ft.).
- c. Rear yard setback 6.57 m (21.6 ft.).
- d. End units - side yard setback a minimum of 1.5 m (5 ft.) on east and west side yards. Minimum separating distance between units 2.44 m (8 ft.) (or a minimum side yard setback of 1.22 m (4 ft) from each unit to a dividing property line)
- e. Height to building peak from grade 6.4 m (21 ft.).
- f. Lot coverage not to exceed 35%.
- g. Front landscaping shall be completed within eighteen (18) months following completion of construction.
- h. Exterior building finishes shall be limited to muted/natural tones with s strong colours limited to use as accents. Finishing materials shall consist of brick (or other textured masonry materials), stucco, vinyl siding or other appropriate siding materials acceptable to the Development Authority.
- i. Two (2) hard-surfaced off-street parking spaces shall be provided for each unit for a total of twelve (12) off-street parking spaces.
- j. Development Permits:
 - i. The Development Authority shall consider and decide upon all Development Permit applications

6.22. AVO - AIRPORT VICINITY OVERLAY DISTRICT

1. Purpose:

The General Purpose of this District is to ensure appropriate uses in the vicinity of the Vermilion Airport.

2. District Boundaries:

- a. This District overlays all of the land designated on Map 1 and identified as follows:

SW Section 4	Twp. 51-R6-W4
S1/2 Section 5	Twp. 51-R6-W4
N1/2 Section 32	Twp. 50-R6-W4
SE Section 32	Twp. 50-R6-W4
Section 33	Twp. 50-R6-W4
S1/2 Section 34	Twp. 50-R6-W4
NE Section 28	Twp. 50-R6-W4
N1/2 Section 27	Twp. 50-R6-W4
Pt SE Section 27	Twp. 50-R6-W4

3. Permitted Uses:

- a. Those uses outlined in the specific land use District applying to the subject lands. However, if these land uses create conflicts such that they attract birds, create electrical disturbance, or create dust or smoke they may be refused.

4. Discretionary Uses:

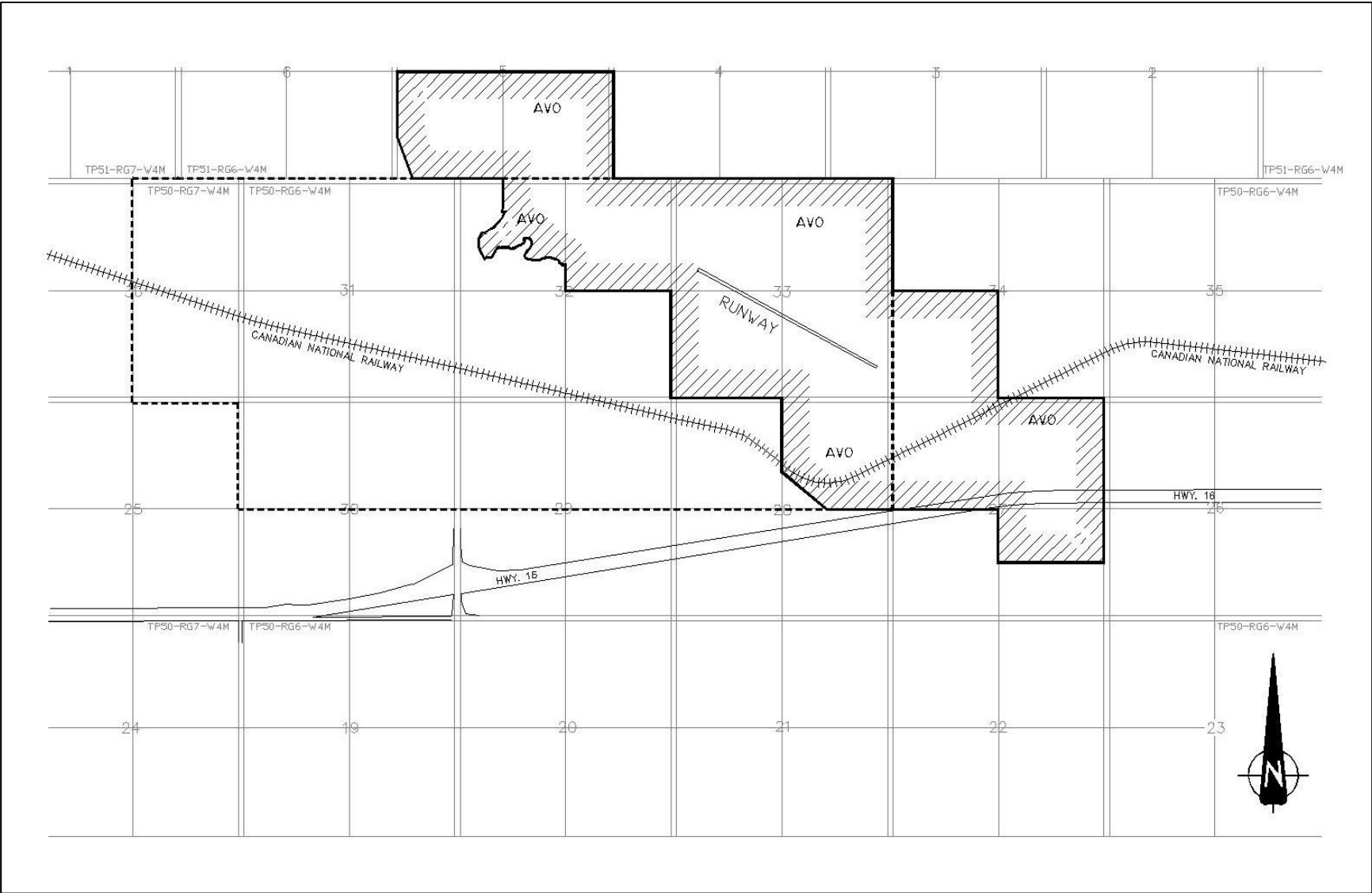
- a. Those uses outlined in the specific land use District applying to the subject lands. However, if these land uses create conflicts such that they attract birds, create electrical disturbance, or create dust or smoke they may be refused.

5. Regulations:

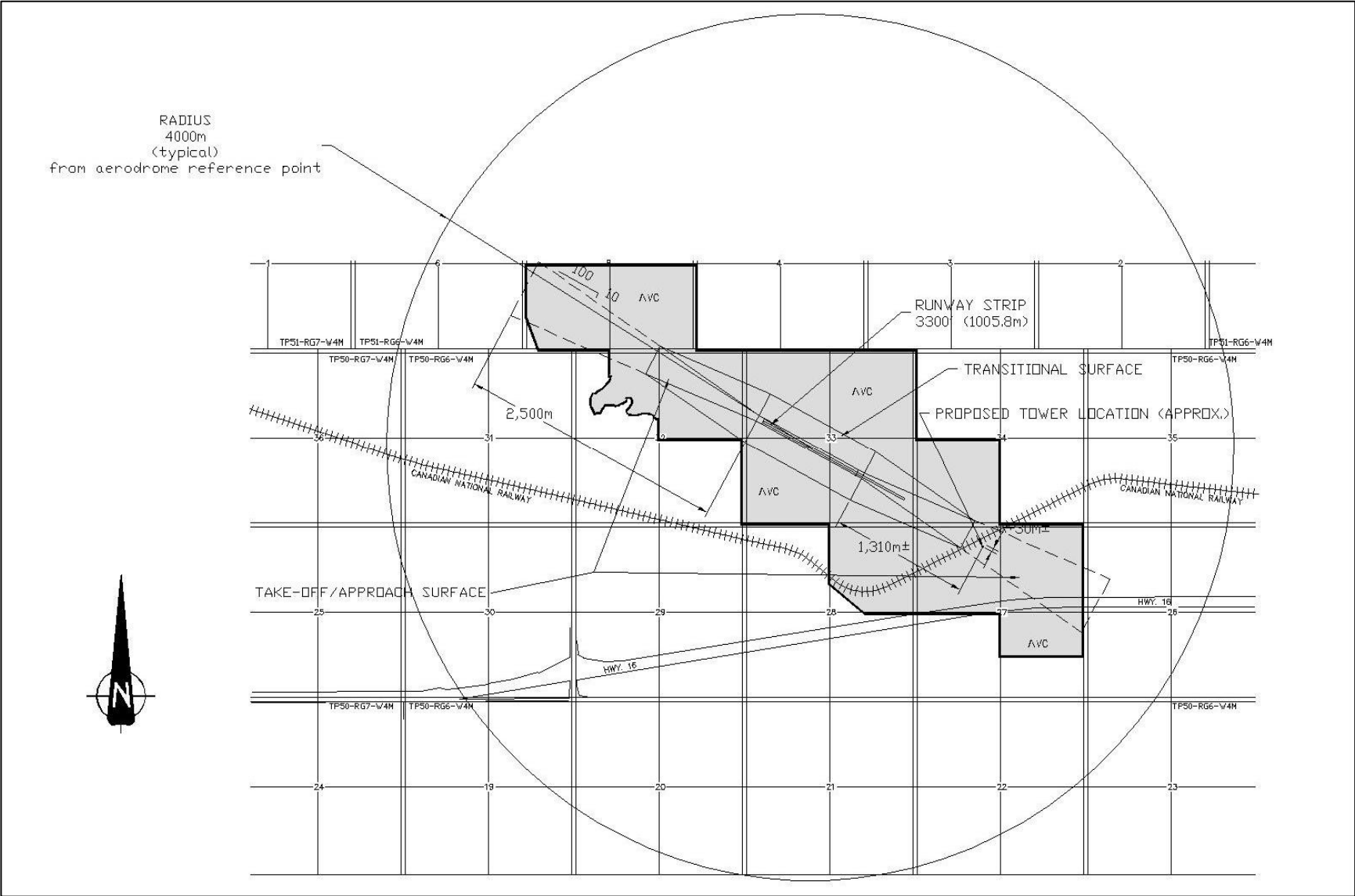
- a. No development may take place unless a development permit has been issued, with the exception of the following:
 - i. The carrying out of works of maintenance or repair to any building if those works do not include structural alterations or major works of renovation;
 - ii. A building referred to in this Subsection that is used for the purpose for which construction was commenced;
 - iii. The erection or construction of gates, fences, walls or other means of enclosure less than 1.8 m high;
 - iv. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this *Land Use Bylaw*;
 - v. The maintenance and repair of public works, services and utilities carried out or on behalf of federal, provincial or municipal public authorities on land, which is publicly owned or controlled.
- b. The Development Authority and/or the Subdivision and Development Appeal Board may attach conditions to a development permit, in accordance with this *Land Use Bylaw*, as long as they do not conflict with this District.
- c. The Development Authority shall review all development permits for their potential at attracting birds, creating dust and smoke, or electronic interference with aviation related installations and determines if the impacts are significant and should preclude the approval of the development.
- d. Minimum lot area – as determined by the individual land use district.
- e. Minimum lot width – as determined by the individual land use district.
- f. Minimum yards – as determined by the individual land use district.
- g. Minimum set backs – as determined by the individual land use district.
- h. Minimum site coverage – as determined by the individual land use district.
- i. Location of shelter belts and trees must consider the height restrictions adjacent to the airport and the Development Authority may request a signed agreement with the landowner, placing a caveat on the title (in the case of subdivision) to maintain the trees at an acceptable height.
- j. Height limitations – development shall not exceed the height of any of the following surfaces, as illustrated on Maps 2 and 3:
 - i. Take-off/approach surface. These are the surfaces abutting and extending out from each end of the basic runway strip. In each case the surface is an imaginary inclined plane, starting at the end of the basic strip, diverging outward on each side as it rises, at a rate of 15% measured from the respective projected side of the basic strip, and ends at its intersection with the outer surface.
 - ii. Transition surface. This area is associated with each side of the basic strip. It is an imaginary surface consisting of an inclined plane that commences and abuts the sides of the basic strip. It rises at a slope ratio of 1:7 from an elevation at the centre point of the runway and ends at its intersection with the outer surface and the take-off/approach surfaces.
- k. Outer surface – the outer surface is considered a recommended practice guideline by Transport Canada, a referral to Transport Canada is required when a development proposal is deemed to contravene the outer surface.

SCHEDULE B – PART SIX – DISTRICTS

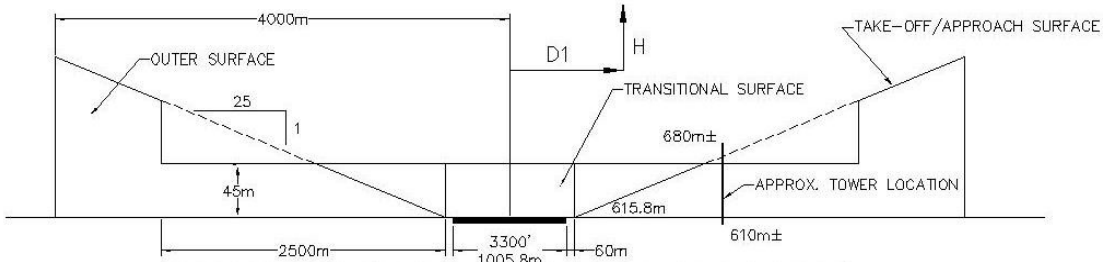
- i. The Outer Surface. This is an imaginary plane established at a constant level of 45 m above the airport zoning reference point elevation and extending 4 kilometres from the centre point of the runway.
- l. If the development is a railway, the highest point of the development shall be deemed to be 6.0 m higher than the actual height of the rails.
- m. If the development is a highway or a public roadway, the highest point shall be deemed to be 4.5 m higher than the actual part of the highway or public roadway on which vehicles travel.
- n. The elevation of the airport, to which all heights will be compared, is the airport reference point, measured at 615.6 m above sea level.
- o. Developments exceeding the height restrictions, outlined in Subsection j and illustrated on Map 2, may be approved if additional conditions are applied to the development permit including posting of notice in the Canada Flight Supplement, notification of NavCan and installation of hazard lights on the highest point of the structure.
- p. Uses particularly sensitive to noise should not be approved in close proximity to the airport.
- q. Where housing is approved in close proximity to the airport, construction shall conform to the exterior acoustic insulation requirements of the current *Alberta Building Code*. Where this condition is considered appropriate, the Development Authority shall indicate as such on the development permit.
- r. Approval of development shall be at the discretion of the Development Authority. The impact of the proposed development on the operations of the airport, and the impact of the airport operations on the proposed development shall be the primary considerations of the Development Authority.



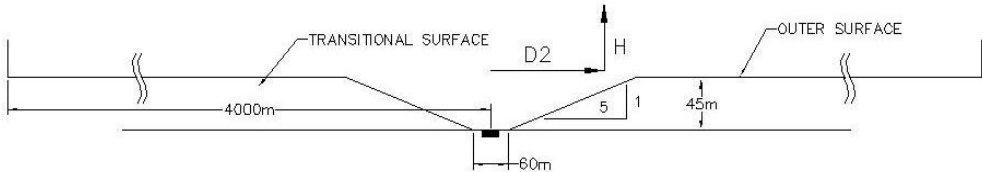
Airport Vicinity Overlay District
For illustrative purposes only (not drawn to scale)



Airport Height Restriction Area
For illustrative purposes only (not drawn to scale)



SECTION A-A (SCALE HOR 1:15,000, VER 1:1,500)



SECTION B-B (SCALE HOR 1:3,000, VER 1:1,500)

Note:

D1 and D2 are measured from the center point of the runway.

D1 (m)	H (m)
< 563	0
< 638	Confirm
< 713	3
< 788	6
< 863	9
< 938	12
< 1013	15
< 1088	18
< 1163	21
< 1238	24
< 1313	27
< 1388	30
< 1463	33
< 1538	36
< 1613	39
< 1688	42
> 1688	45

D2 (m)	H (m)
< 30	0
< 45	Confirm
< 60	3
< 75	6
< 90	9
< 105	12
< 120	15
< 135	18
< 150	21
< 165	24
< 180	27
< 195	30
< 210	33
< 225	36
< 240	39
< 255	42
> 255	45

Airport Height Restriction Table
For illustrative purposes only (not drawn to scale)

6.23. MHO - MANUFACTURED HOME OVERLAY DISTRICT

1. Purpose:

The General Purpose of this District is to ensure aesthetically appealing development of residential manufactured home lots. Architectural Controls help to develop and protect a sense of integrity within a development, as well as aid in the maintenance of property values and neighbourhood aesthetics.

2. Dwelling Type/Aesthetics

- a. Manufactured home units must be manufactured within five (5) years of the date of the Development Permit Application. Proof of manufacture date must be provided as a supporting document at the time of the Development Permit Application.

6.24. SGDC - SOUTH GATEWAY DIRECT CONTROL DISTRICT

1. Purpose

The General Purpose of this District is intended specifically to provide for land use(s), subdivision(s) and development(s) in accordance with and as specified in the *South 41 Gateway Area Structure Plan (ASP)*, being *Bylaw #2-2009*, and any amendments thereto. The SGDC District applies only to those lands designated Highway Commercial or Highway Commercial – Business Industrial/Commercial in the South 41 Gateway ASP Future Road/Block Layout (shown below) or in Appendix One of the *South 41 Gateway ASP* and will be assigned to these lands when the Town considers it appropriate to do so, a prerequisite of which being the submission of subdivision and/or development permit applications deemed by the Town to be in their complete form and consistent with this Plan.

The purpose of the South 41 Gateway ASP is to establish the future road and block layout, land uses and related provisions, servicing concepts and highway access management for these lands. The vision is to create a well designed and attractive full-service highway commercial area providing for a wide range of highway/tourist-oriented developments. Lots adjacent to Highway 41 will be expected to exhibit a high visual standard of development and landscaping to maintain a positive visual image at the Town's southern gateway.

This land use district, in tandem with the statutory plan(s) on which it is based, provides the ways and means necessary to ensure that the future use, subdivision and development of the subject lands occurs in a planned manner and that the processing of subsequent subdivision and development permit applications can be carried out with efficiency and clarity. Council, at their discretion, who may delegate their discretion to the Development Authority, may allow for the uses, subdivision and development provided for these lands within the South 41 Gateway ASP.

2. Definitions:

For the purposes of this land use district, and notwithstanding any provisions to the contrary elsewhere in this *Land Use Bylaw*, the following definitions shall apply:

“Accessory Building” means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and which is located on the same parcel of land.

“Accessory Use” means a use customarily incidental and subordinate to the principal use or building and which is located on the same parcel of land with such principal use or building.

“Convenience Store” means a development used for the retail sale of goods required by the neighbourhood residents or employees or the travelling public on a day-to-day basis.

“Drive-through Business” means an establishment which services customers travelling in motor vehicles driven onto the parcel where such business is carried on, where the customer normally remains in the vehicle for service.

“Food and Beverage Establishment, Major” means development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one (1) or more of the following features: the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the on-premise catering of food to large groups; and, facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for one hundred (100) or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities.

“Food and Beverage Establishment, Minor” means development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the parcel. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services. This use class does not include drive-in food services or major eating and drinking establishments.

“Personal Service Establishment” means a development used for the provision of personal services to an individual which are related to the cleaning and repair of personal effects or of the care and appearance of the body. Typical uses include but are not limited to the following: hairdressers, shoe repair, dress makers, laundry cleaning facility and jeweler.

“Public Use” means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include the following and similar uses as, public schools, parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, swimming pools and other indoor and outdoor recreational activities.

“Public Utility” means a public utility as defined in the Act.

“Public Utility Building” means a building to house a public utility, its offices or equipment.

“Quasi-Public Use” means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include private schools excluding large commercial schools, private indoor and outdoor recreational facilities, private hospitals, private clubs or lodges, private cemeteries, private galleries/museums/libraries.

“Recreation Establishment” means a facility located within an enclosed building for purposes of sporting, athletic, exercise and related activities as well as any facilities used or intended to be used in whole or in part for entertainment or amusement purposes such as concerts, theatre, dances, bingos and similar functions.

“Recreation Vehicle” means a vehicle that is solely for the personal use and enjoyment of the individual and may include recreation homes, all terrain vehicles, holiday trailers and campers, dirt bikes and motorized boats.

“Retail Establishment” means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationery, etc.

“Service Station” means an establishment used for the sale of gasoline, propane or other automotive fuels; and may include as an accessory use the sale of lubricating oils or other automotive fluids or accessories for motor vehicles, servicing and minor repair of motor vehicles, and a towing service dispatch point.

“Surveillance Suite” means a single detached dwelling or modular home on a perimeter foundation, as elsewhere defined in this Land Use Bylaw, with or without a basement, used solely to accommodate a person or persons comprising a household, or employee, whose official function is to provide surveillance, maintenance and/or security for a development or developments provided for in the land use Districts in which such surveillance suites are listed either as a permitted or discretionary use. The single detached dwelling or modular home on a perimeter foundation as defined herein shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located.

“Transportation Facilities” means the use of land or buildings for public transportation related activities.

3. Applies to the lands designated Highway Commercial on the South 41 Gateway ASP Future Road/Block Layout of the South 41 Gateway ASP, being Bylaw #2-2009 and amendments thereto.

a. Permitted Uses

- i. Convenience Store;
- ii. Drive-Through Business;
- iii. Gas Bar/Service Station;
- iv. Hotel and Motel;
- v. Major or Minor Food and Beverage Establishment;
- vi. Personal Service Establishment forming part of a Hotel or Motel;
- vii. Public Use;
- viii. Public Utility;
- ix. Souvenir Shop;
- x. Travel Information Centre;
- xi. Accessory Building.

b. Discretionary Uses:

- i. Alcohol Sales
- ii. Amusement Establishment – Indoor
- iii. Amusement Establishment – Outdoor
- iv. Bulk Fuel Storage and Distribution;
- v. Bus Depot;
- vi. Cannabis Sales;
- vii. Car Wash Establishment;
- viii. Cereal Crop or Forage Production;
- ix. Gaming Establishment
- x. Public Utility Building;
- xi. Retail Establishment;
- xii. Surveillance Suite;
- xiii. Accessory use;
- xiv. Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use District and the Area Structure Plan upon which it is based.

4. Applies to the lands designated Highway Commercial – Business Industrial/Commercial on the South 41 Gateway ASP Future Road/Block Layout of the South 41 Gateway ASP, being Bylaw #2-2009 and amendments thereto.

a. Permitted Uses

- i. Car Wash Establishment;
- ii. Convenience Store;
- iii. Drive-Through Business;
- iv. Gas Bar/Service Station;
- v. Hotel and Motel;
- vi. Major or Minor Food and Beverage Establishment;
- vii. Personal Service Establishment forming part of a Hotel or Motel;
- viii. Public Use;
- ix. Public Utility;
- x. Souvenir Shop;
- xi. Transportation Facilities;

- xii. Travel Information Centre;
- xiii. Accessory Building.

b. Discretionary Uses:

- i. Alcohol Sales;
- ii. Bulk Fuel Storage and Distribution;
- iii. Bus Depot;
- iv. Cannabis Sales;
- v. Cereal Crop or Forage Production.
- vi. Equipment Sales, Service, Rental
- vii. Mobile Home Sales and Service;
- viii. Public Utility Building;
- ix. Quasi-public Use;
- x. Recreational Establishment;
- xi. Retail Establishment;
- xii. Surveillance Suite;
- xiii. Vehicle or Recreational Equipment Sales and Service;
- xiv. Accessory Use;
- xv. Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use District and the Area Structure Plan upon which it is based.

5. Regulations:

a. Minimum Site Area

Unless otherwise prescribed in this Land Use Bylaw, the minimum site area shall be 1,000.0 m² (10,750.0 ft²). The minimum site area may be reduced at the discretion of the Subdivision or Development Authority, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this Land Use Bylaw.

b. Site Coverage

Unless specifically prescribed or otherwise affected by provisions in this Land Use Bylaw, all developments shall not exceed 0.5 times the site area provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Authority.

c. Minimum Setback Requirements

Unless otherwise prescribed in this Land Use Bylaw, the minimum front, side and rear yard setbacks for all uses prescribed in this land use District shall be at the discretion of the Development Authority who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent buildings, the safe and efficient movement of pedestrians and motor vehicles, parking requirements and the appearance, character and function of Highway 41.

d. Building Height

The height of a building shall be at the discretion of the Development Authority who shall take the following into account in determining height:

- i. The topography of the parcel upon which the building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the building.
- ii. The height of a building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the surrounding area.
- iii. The fire safety provisions of the *Alberta Safety Codes Act* and regulations thereto, as may be amended from time to time, and the capacity and availability of fire fighting equipment and personnel.

e. Design, Character and Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally, of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall all be to the satisfaction of the Development Authority, so there is conformity with adjacent buildings, and adequate protection afforded to the amenities of adjacent properties. As a condition of a development permit, the Development Authority may require a letter of guarantee or an irrevocable letter of credit in order to secure compliance with any requirements imposed.

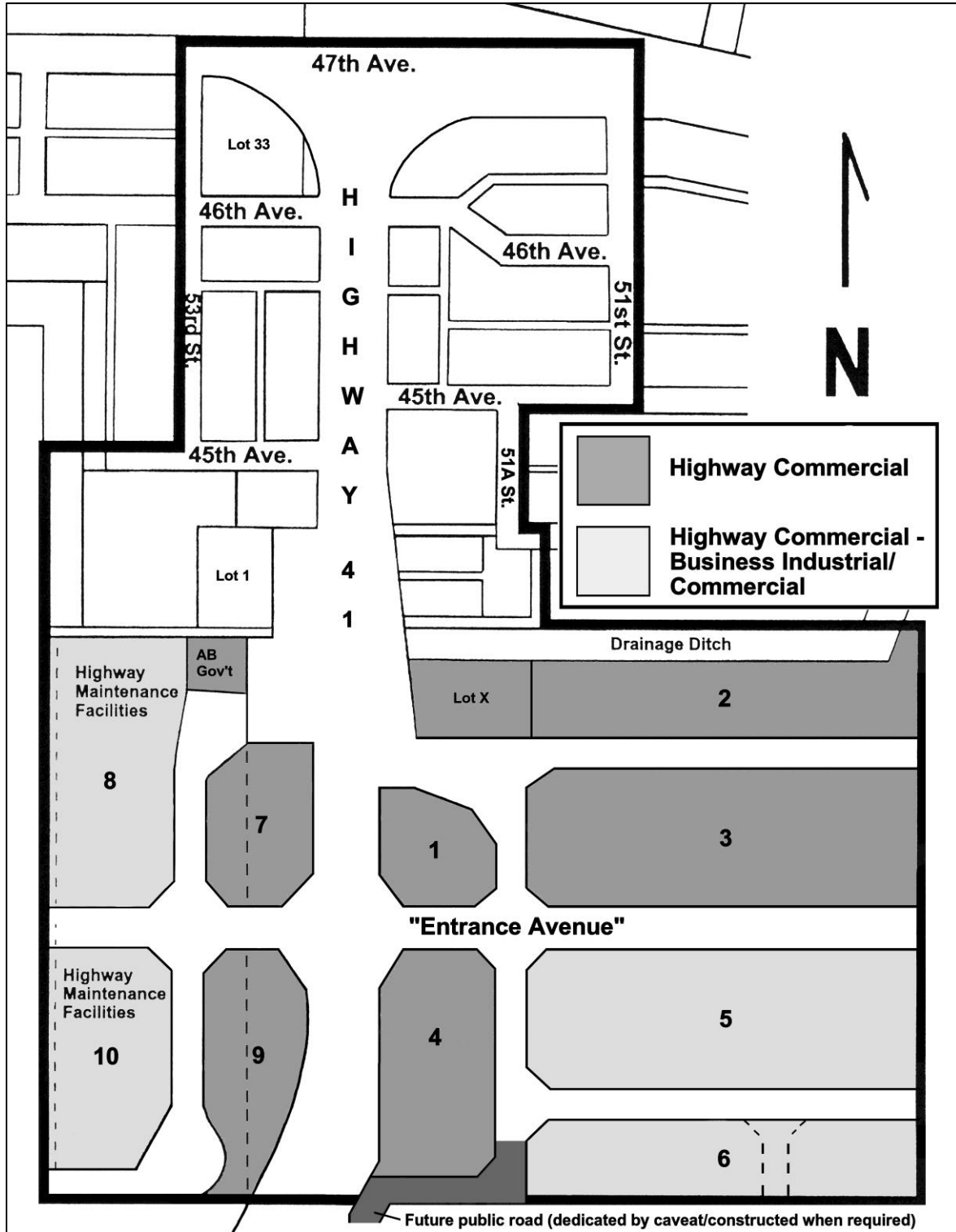
f. Other Provisions

- i. No activity may be undertaken that would, in the opinion of the Development Authority, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

- ii. To determine if the subject land is suitable for and can physically support/sustain the proposed use or development in question, the Development Authority may require, before accepting an application as complete, any geotechnical analysis or any other engineering, environmental or technical assessment/information it considers necessary to properly evaluate the application. The Development Authority will ensure that the analysis/assessment/information they require is prepared/substantiated by qualified persons licensed to practice in the Province of Alberta.
- iii. To the level of detail determined by the Development Authority, applicants shall fully disclose the precise nature and extent of the proposed use, subdivision and/or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this land use district.
- iv. Upon receipt of a completed application, the Development Authority may, prior to making a decision, refer the application to any municipal department or any other external agency for comment and may require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to any existing/proposed building or other improvement that is the subject of the application.
- v. The Development Authority may:
 - a. as a condition of approval, require that the applicant enter into a development agreement with the Town pursuant to the *Municipal Government Act*. To ensure compliance with the conditions in the agreement, the Town may be protected by caveat registered in favour of the Town;
 - b. as a condition of approval, require financial guarantees, in a form and an amount acceptable to the Town, from the applicant to secure performance of any of the conditions of the approval; and/or
 - c. revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, disposal of sewage and road access, or any of them.
- vi. In the case of new construction, the Development Authority shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and any other relevant provisions of the Bylaw.
- vii. The Development Authority may stipulate the times of the day or week during which an approved use or development may operate as well as the length of time its approval remains in effect.
- viii. As a condition of approval, the Development Authority may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- ix. The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the proposed use is of a temporary nature.
- x. If at any time, in the opinion of Development Authority, any of the provisions of this land use District have not been complied with, the Development Authority may utilize the enforcement mechanisms available under the *Municipal Government Act*.

SCHEDULE B – PART SIX – DISTRICTS

- xi. Unless contrary to any provisions of this land use District or the South 41 Gateway ASP to which this land use District is tied, or if this land use District or the South 41 Gateway ASP to which this District is tied already specifies provisions, in which case, this land use District and the South 41 Gateway ASP to which this District is tied shall prevail, all other provisions in this Land Use Bylaw shall apply.
- xii. Should any provision of this Land Use Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.



South 41 Gateway ASP – Future Land Use Concept Plan – Southern Portion
 For illustrative purposes only (not drawn to scale)

SCHEDULE C – VIOLATION PENALTIES

1.1. SPECIFIED PENALTIES FOR OFFENCES UNDER THE LAND USE BYLAW

Description of Offence	1 st Offence	2 nd Offence	3 rd of Subsequent Offence
Schedule C - Displaying a sign without a required permit	\$250.00	\$500.00	\$1000.00
Schedule C - Displaying a sign in contravention of this Land Use Bylaw	\$250.00	\$500.00	\$1000.00
Schedule C - Displaying a Sign in contravention of the conditions of a development permit	\$250.00	\$500.00	\$1000.00
Part Three - Commence development without a permit	\$500.00	\$1000.00	\$2000.00
Schedule B - Parking a heavy vehicle in any part of any residential yard.	\$250.00	\$500.00	\$1000.00
Part Three - Failure to comply with the conditions of a development permit	\$500.00	\$1000.00	\$2000.00

1.2. IMPOUNDING AND STORAGE CHARGES

Item	Authorized Charge
Impounding of signs	\$50.00 per sign
Storage of signs: less than or equal to 1.5 m ² (16.1 ft ²)	\$3.00 per sign per day
Storage of signs: greater than 1.5 m ² (16.1 ft ²)	\$5.00 per sign per day