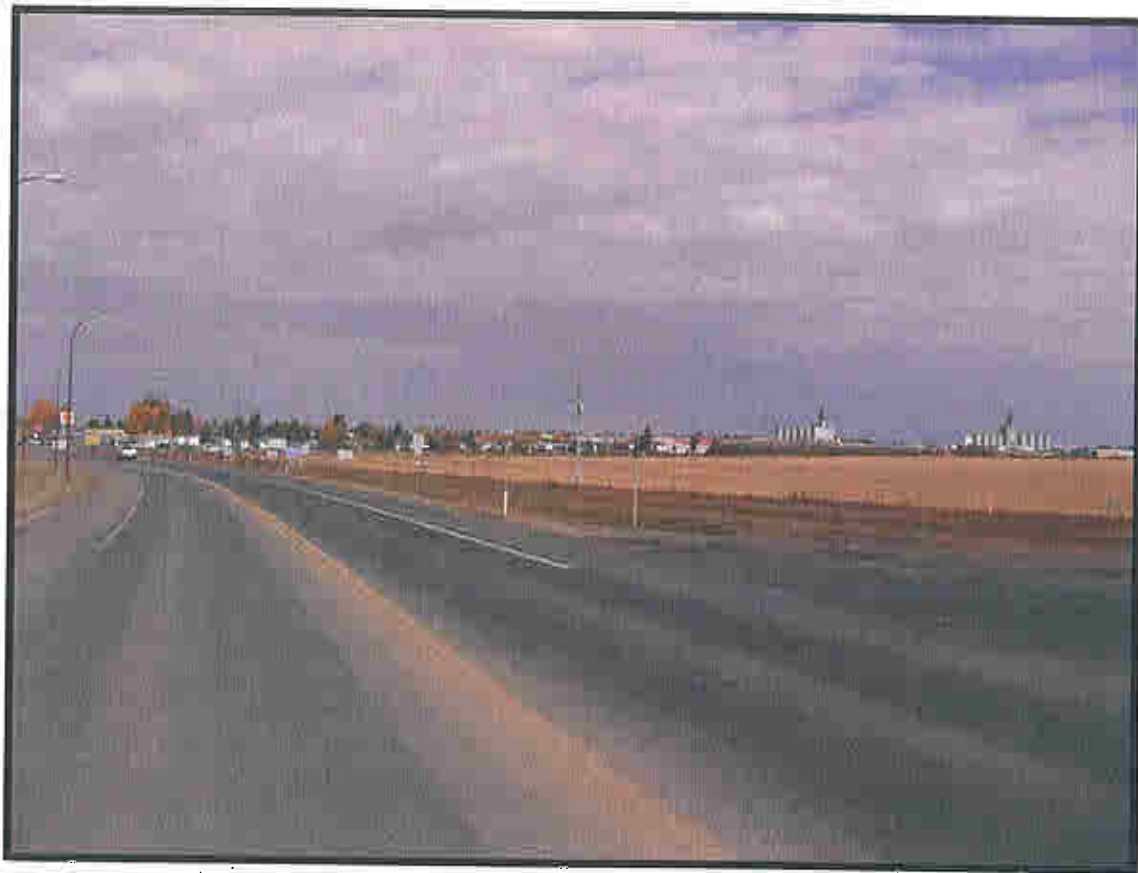


# **SOUTH 41 GATEWAY Area Structure Plan**



## **Town of Vermilion (Bylaw 2-2009)**

May 19<sup>th</sup>, 2009

**BY-LAW 2-2009  
OF THE  
TOWN OF VERMILION  
(hereinafter referred to as the "Municipality")  
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW TO ADOPT THE  
SOUTH 41 GATEWAY AREA STRUCTURE PLAN**

**WHEREAS**, the Council of the Town of Vermilion deems it necessary to adopt, in accordance with Sections 633 and 636 of the Municipal Government Act, the South 41 Gateway Area Structure Plan, being By-Law #2-2009, to specify policy and regulatory direction for the lands at the southern entrance or "gateway" to the Town of Vermilion along Highway 41.

**AND WHEREAS** The Council of Town of Vermilion deems it advisable to adopt the South 41 Gateway Area Structure Plan in accordance with Schedule "A" attached and forming part of By-Law #2-2009, to refine and further specify the general policy direction applicable to this area in the Town of Vermilion Municipal Development Plan, being By-Law #3-2004, and amendments thereto;

**AND WHEREAS** The Council of Town of Vermilion deems it advisable to adopt the South 41 Gateway Area Structure Plan, being By-Law #2-2009, so that it clearly and effectively serves as a basis for required amendments to the Town of Vermilion Land Use Bylaw, being By-Law #1-2006, and amendments thereto, including the insertion and subsequent application of a specifically tailored direct control land use district, being the SGDC – South Gateway Direct Control District, tied directly to the provisions of the South 41 Gateway Area Structure Plan.

**AND WHEREAS** it is Council's intention to pass the By-Law and to hold a Public Meeting will be published in the Vermilion Standard on April 9 and 17, 2009.

**AND WHEREAS** a Public Meeting will be held on April 21, 2009 at the Town Hall and all persons and groups who wished to make a presentation to Council was heard.

**NOW THEREFORE** Under the authority of the Municipal Government Act, the Council of Town of Vermilion, in the Province of Alberta, duly assembled enacts as follows:

1. That By-Law #2-2009, being the South 41 Gateway Area Structure Plan, be adopted.
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 17 DAY OF  
March, A.D. 2009

Bruce Mansuet <sup>2</sup> Robb  
Mayor Town Manager

READ A SECOND TIME IN COUNCIL THIS 19 DAY OF  
May, A.D. 2009

Bruce Mansuet Robb  
Mayor Town Manager

READ A THIRD TIME IN COUNCIL THIS 19 DAY OF  
May, A.D. 2009

Bruce Mansuet Robb  
Mayor Town Manager

Endorsed this 4 day of JUNE, 2009 by Alberta  
Transportation for the purposes of the Municipal Government At  
Subdivision and Development Regulation, and amendments thereto.

[Signature]  
Alberta Transportation

**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
1. INTRODUCTION	1
2. PLAN AREA CHARACTERISTICS	2
3. FUTURE ROAD/BLOCK LAYOUT AND GENERALIZED FUTURE LAND USE CONCEPT	4
4. SERVICING AND UTILITIES	6
5. ROADS	6
6. HIGHWAY 41 – ACCESS MANAGEMENT	7
7. FORCE AND EFFECT	8

<b><u>FIGURES</u></b>	<b><u>PAGE</u></b>
FIGURE 1 – PLAN AREA AND CONTEXT	1
FIGURE 2 – SITE DRAINAGE – Southern Portion of the Plan	4
<b><u>FIGURE 3</u></b> – FUTURE ROAD/BLOCK LAYOUT AND GENERALIZED FUTURE LAND USE CONCEPT	9
<b><u>FIGURE 4</u></b> – ACCESS MANAGEMENT FOR HIGHWAY 41	10
<b><u>FIGURES 4A – 4D</u></b> – OPTIONS FOR ACCESS TO LOT 1	11 & 12

**APPENDICES**

APPENDIX ONE: <b><u>Figure 3</u></b> - South 41 Gateway ASP Future Road/Block Layout and Generalized Future Land Use Concept – Southern Portion of Plan <b><u>Alternative for Blocks 4, 5 &amp; 6</u></b> <b><u>Figure 4</u></b> - Highway 41 South 41 Gateway ASP Access Management for Highway 41 <b><u>Showing Alternative for Blocks 4, 5 &amp; 6</u></b>	16
APPENDIX TWO: SGDC - South Gateway Direct Control Land Use District	19
APPENDIX THREE: Servicing Analysis Conducted by Focus Intec, 2001	28

## 1. INTRODUCTION

### a) Plan Purpose

The South 41 Gateway Area Structure Plan (ASP) serves two important functions. The first is to establish future road/block layout, land use and servicing concepts for an approx. 24.25 hectare (~60.0 acres) area at the southern entrance to the Town of Vermilion spanning Highway 41. The second is to address ultimate four-laning and access management in relation to Highway 41 from the first intersection north of the Highway 41/16 interchange to 47<sup>th</sup> Avenue (old Hwy. 16). – see Figure 1 below.



Figure 1 – Plan Area and Context

b) Vision

Over the life-span of this ASP, a period of approximately 25 years, the vision is to create a well designed and attractive full-service highway commercial node along Highway 41 at the southern entrance to the Town of Vermilion providing for a wide range of highway/tourist-oriented developments. In behind the highway/tourist-oriented uses most dependent on the access and exposure afforded by the highway frontage, business industrial/commercial uses could be located to take advantage of the proximity to Highway 41. The area will be fully serviced with paved roads. 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.

c) Municipal Policy/Regulatory Context

The proposed vision and future land uses in the South 41 Gateway ASP are consistent with the Vermilion Intermunicipal Development Plan (IDP) as well as the Town of Vermilion Municipal Development Plan (MDP).

For the lands east and west of Highway 41 designated for highway/tourist oriented uses and for business industrial/commercial uses at the southern end of the Plan, this ASP proposes a specifically tailored direct control land use district to be simultaneously adopted in the Town's Land Use Bylaw. All other lands within the Plan area north to 47<sup>th</sup> Avenue, which are being included for the purpose of addressing ultimate four-laning and access management in relation to Highway 41 from the Highway 41/16 interchange to 47<sup>th</sup> Avenue, will retain the land use districting currently assigned to them in the Town's Land Use Bylaw.

d) Provincial Policy/Regulatory Context

It is important that the lands within this Plan area are carefully planned vis a vis Highway 41 and that the Plan is adopted by Alberta Transportation pursuant to Section 14 of the Municipal Government Act Subdivision and Development Regulation. Furthermore, the work done in this ASP to address access in relation to Highway 41 will be very useful in preparation for future larger-scale intermunicipal initiatives. With access to Highway 16 limited over time, having access to Highway 41 in this specific area well managed and planned out will contribute significantly to the Vermilion region showing it is serious about and ready for investment.

**2. PLAN AREA CHARACTERISTICS**

a) Location and Description

As briefly described earlier, the South 41 Gateway ASP comprises lands at the southern entrance to the Town of Vermilion spanning both the east and west sides

of Highway 41 from the first intersection north of the Highway 41/16 interchange (located approx. 400 m south of the Plan) north to 47<sup>th</sup> Avenue (old Hwy. 16). At the southern end, the Plan's eastern boundary is approximately 400 m (~1,315 ft) east of and parallel with Highway 41. The existing highway maintenance facilities are located at the Plan's western boundary. Moving northward from the east-west drainage ditches that bisect the northern and southern halves of the Plan area, the eastern boundary runs along 51A Street over to 51<sup>st</sup> Street north to 47<sup>th</sup> Avenue. Moving north from the bulk fuel sales operation and recently approved multi-family development, the western boundary runs along 53<sup>rd</sup> Street north to 47<sup>th</sup> Avenue. Once again, the Plan area is illustrated in Figure 1 on Page 1.

The southern half of the Plan area covers approximately 16.0 hectares (~39.5 acres) east of Highway 41 and approximately 8.25 hectares (~20.0 acres) west of the Highway 41. There are two titled areas east of Highway 41, both of which are vacant and developable. The larger of the two titled areas is currently farmed.

Though both existing titles on the west side of Highway 41 in the southern part of the Plan are developed, there is also redevelopment/infill potential. This potential is due in part to the large size of the lot containing the existing highway maintenance facilities but also because of the possibility that a portion of the existing highway right-of-way could be considered surplus and available for development.

The southern portion of the Plan area drains naturally to the north into the existing drainage ditches that run due east-west. These drainage ditches convey the water due west and then generally north and west to the Vermilion River (see Figure 2 on Page 4). There are no apparent physical constraints to developing, redeveloping/infilling any of the aforementioned lands. There are no water bodies within any portion of the Plan area.

b) Land Ownership

Within the southern half of the Plan, three of the four existing titled areas are privately owned with the fourth owned by the Government of Alberta (Alberta Sustainable Resource Development). The largest, undeveloped lot on the east side (currently being farmed) has been the subject of sale negotiations for several years.

As mentioned earlier, the northern half of the Plan is being included for the purpose of addressing ultimate four-laning and access management in relation to Highway 41 from the Highway 41/16 interchange to 47<sup>th</sup> Avenue. For these purposes, it is sufficient to simply note that there are numerous titled areas within the northern half of the Plan, the vast majority of which being privately owned.



**Figure 2 – Site Drainage – Southern Portion of Plan**

3. **FUTURE ROAD/BLOCK LAYOUT AND GENERALIZED FUTURE LAND USE CONCEPT** (Note: Section 3. refers to the southern half of the Plan)

a) Overview

The Future Road and Block Layout for the southern portion of the Plan, which is depicted in Figure 3 on Page 9, signifies a major shift in approach with respect to managing access in relation to Highway 41. Instead of a system of parallel service roads immediately adjacent to Highway 41, which has been the access management scheme in place for many years, the Layout utilizes back-of-lot service roads for the blocks immediately adjacent to Highway 41. These back-of-lot service roads as well as all other internal roads within the southern portion of the Plan connect with and ultimately intersect Highway 41 at one, new all-directions (Type IV ultimate design) intersection at "Entrance Avenue". This single Highway 41 intersection will provide for critically important east-west arterial access both in the immediate term and over the long run. Ultimately, the existing most southerly Highway 41 intersection as well as the existing service road intersection further north (located at Lot X) will be closed upon installation of the new Entrance Avenue intersection.



In the southern portion of the plan, six blocks of land are provided east of Highway 41 and four blocks on the west side. Figure 3 on Page 9 sets aside all lands fronting the Highway for highway commercial use. Appendix One contains Figure 3 showing an alternative for Blocks 4, 5 and 6 which provides for slightly more business industrial uses should the need arise. Blocks 7 and 9 are made possible by shifting from fronting to back-of-lot service roads (potentially freeing up existing Highway ROW) and because the most easterly portion of the lot containing the highway maintenance facilities is comparatively undeveloped. Though they contain the highway maintenance facilities, there is both infill and eventual redevelopment potential within Blocks 8 and 10 by taking advantage of the back-of-lot service road connection as well as Entrance Avenue bisecting the current block.

All of the aforementioned blocks of land within the South 41 Gateway ASP are designated in accordance with the Vermilion IDP as Figure 3 indicates. It is crucial to recognize that this strip of Highway 41 is the last available stretch of highway frontage on the south end of the Town. Its strategic location as a southern gateway to the Town of Vermilion cannot be overstated.

As such, and in accordance with the Plan's vision articulated on Page 2, the area is being allocated to commensurate land uses which the specifically tailored direct control land use district will entrench in the Town's Land Use Bylaw. Once again, a node along Highway 41 will provide for a wide range of highway/tourist-oriented developments. In behind the highway/tourist-oriented uses most dependent on the access and exposure afforded by the highway frontage, business industrial/commercial uses could be located to take advantage of the proximity to Highway 41.

b) Municipal Reserve

Any municipal reserve owing for the lands within this ASP will be taken either in the form of cash-in-lieu of reserve land or deferred by way of deferred reserve caveat. No municipal reserve land is proposed within the Plan area.

c) Sequence of Development

As is normally the case, development sequence will be dependent on the logical extension of municipal services, fiscal realities, market demand and landowner willingness. The block numbers assigned to the land east of Highway 41 in Figure 3 roughly approximate staging sequence. Blocks could be subdivided and brought on stream either in groups or one at a time. Since the lands west of Highway 41 will be subject to redevelopment/infill and, in part at least, be dependent on the disposal of existing highway ROW, staging is expected to be later which is why these blocks bear the highest block numbers. This does not, however, mean that these blocks cannot be redeveloped or infilled earlier in the life of this Plan.

Note that only blocks are indicated in this ASP. Once the block has been created, ultimate lot configuration and sizing could be quickly and easily determined to suit market need upon subsequent subdivision.

d) Highway Design Policies

Development adjacent to Highway 41, especially at this South Gateway location, is expected to exhibit a high standard of appearance to further the image of the Town. It is recommended that, in addition to the land use district provisions of the Land Use Bylaw that will apply to the southern half of this Plan, the Town should develop Highway Corridor Design Policies to be consistently applied to all development adjacent to Highway 41. These policies should clearly state the Town's requirements for the appearance, screening, landscaping and siting of development along the highway interface.

4. **SERVICING AND UTILITIES** (Note: Section 4. refers to the southern half of the Plan)

In 2001, the Town commissioned Focus Intec to undertake servicing analysis for the area that comprises the southern half of this Plan area. They examined and provided cost estimates for water distribution as well as sanitary and storm sewerage. Though the road and block layout in the Focus servicing analysis differs from that shown in Figure 3 on Page 9, and the cost estimates would need updating, the servicing analysis of 2001 remains sound and relevant for the purposes of this ASP. The underlying assumptions and servicing fundamentals (e.g. land use, densities, location of trunk extensions, direction of flows, size of pipes, outlet for stormwater, etc. etc.) are still applicable with only the layout of facilities needing adjustment to match the new internal road and block design. The Town could either extrapolate from the Focus Intec servicing analysis or they may wish to have the analysis quickly revisited in light of the road and block layout provided in this ASP. The Focus Intec servicing analysis is attached in Appendix Three for information but does not form part of this ASP.

All franchised utilities will be underground and utility easements will be established where necessary at the time of subdivision. Any existing utility ROW's significantly hindering future subdivision/development will be encouraged to be relocated.

5. **ROADS** (Note: Section 5. refers to the southern half of the Plan)

a) Traffic Impact Assessment (TIA)

This ASP acknowledges that, at some point, a Traffic Impact Assessment (TIA) will be required as part of subsequent subdivision and development within the southern half of this Plan area. It is further understood that any TIA conducted must be to the satisfaction of the Town as well as Alberta Transportation.

b) Internal Road System

All new roads provided within this ASP will be paved to Town standards.

c) Pedestrian Movement

Given this ASP's vision and proposed uses, it is important that the safe and efficient movement of pedestrians is accounted for in the design and development of the Plan area. It is important to remember that it is no longer just about roads: pedestrian (non-motorized) trails and sidewalks also need attention.

**6. HIGHWAY 41 – ACCESS MANAGEMENT** (Note: Section 6., Figure 4 and Figures 4A – 4D have been developed in consultation with Alberta Transportation)

The lands within this ASP need to be carefully planned in relation to Highway 41 and it is highly desirable that the Plan be adopted by Alberta Transportation. The access management indicated in Figure 4 and Figures 4A - 4D on Pages 10 through 12 is intended to ensure that everything continues to work well long into the future.

Figure 4 assumes a continuation of the service road system currently in place along the east side of the Highway. In fact this system continues intact further eastward along 47<sup>th</sup> Avenue (old Hwy. 16). Thus, to tamper with this system in one location would have ramifications elsewhere. In contrast, only a partial service road system exists on the west side and completing that system moving northward to 47<sup>th</sup> Avenue is hampered by 1½ blocks of existing residential development.

Figure 4 indicates two all-turns intersections, ultimately, with Highway 41: one at 47<sup>th</sup> Avenue and the other at "Entrance Avenue". A Type IV intersection will be the ultimate design required at Entrance Avenue. The southern end of the service road along the east side of the Highway will deflect to the southeast around the southern edge of Lot X and then head due south to form the first back-of-lot service road behind Block 1. This new back-of-lot service road will intersect with Entrance Avenue in a location providing adequate stacking distance back from the Type IV intersection with Highway 41. Eventually, the intersections with Highway 41 at 46<sup>th</sup> and 45<sup>th</sup> Avenues will be limited to right turns only and the existing service road intersection south of Lot X and the southerly Highway 41 intersection will ultimately be closed. The public road to be dedicated by caveat, as Figures 3 and 4 on Pages 9 and 10 show, will need to be built upon closure of the southerly intersection or could be built at the initiative of the owner/developer of the property to the south. The same would apply in the case of Figures 3 and 4 as shown in Appendix One.

Figure 4 also indicates the ultimate closure of three accesses to Highway 41 on the west side: the two service road accesses to Lot 1 (the Husky site) and the lane access between 46<sup>th</sup> & 45<sup>th</sup> Avenues. Figure 4 shows a mitigation plan for the lane access closure while Figures 4A - 4D offer four of the available options/opportunities to address ultimate closure of the Highway 41 service road accesses servicing Lot 1.

The implementation of this access management will be determined by Alberta Transportation dependent on traffic volumes, turning movements, the completion of four-laning, construction of a centre median, funding resources, and so on.

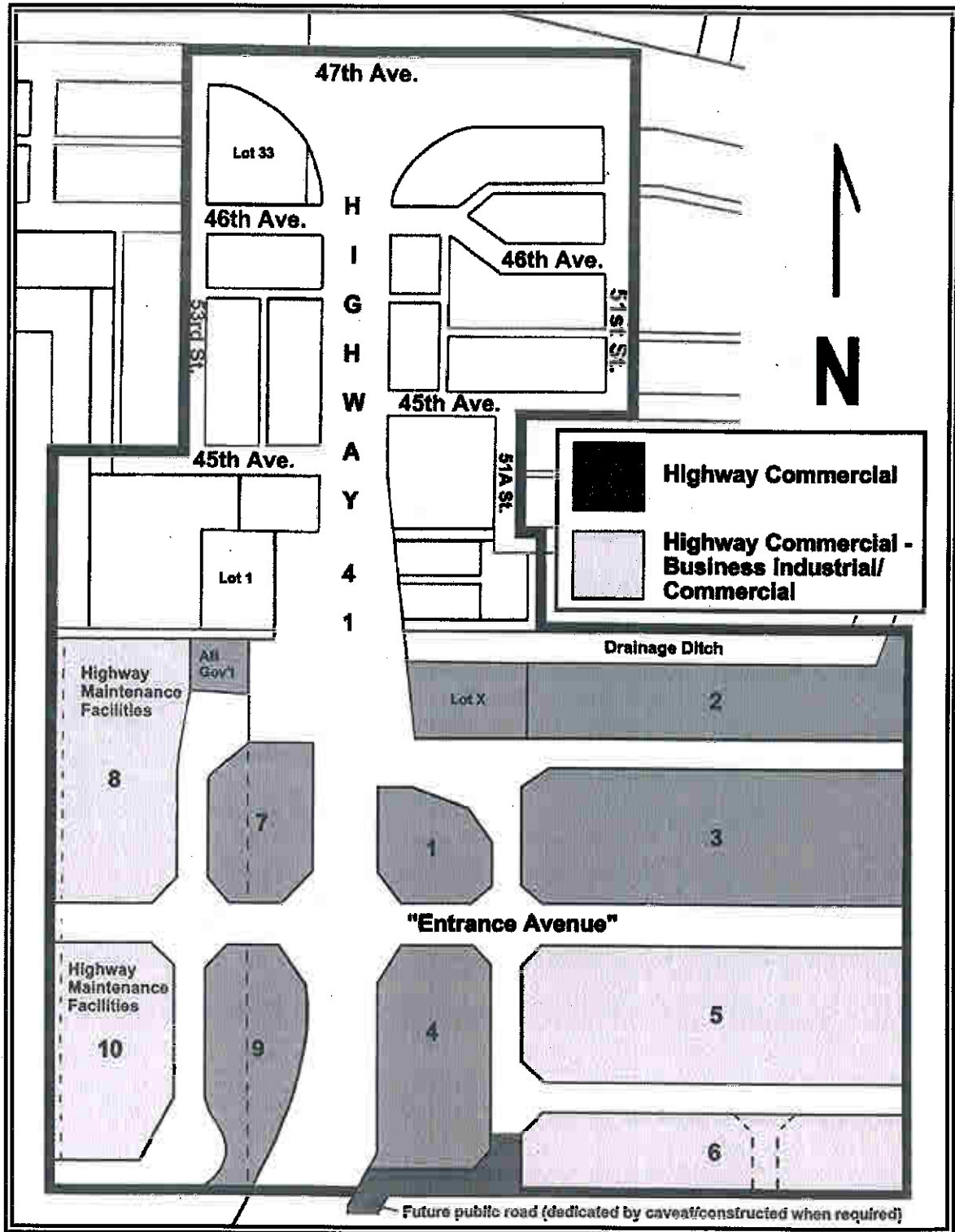
Lot 33, located in the northwest corner of the Plan area, is surrounded by developed roads on all sides. Locating access to this parcel directly onto 47<sup>th</sup> Avenue or Highway 41 would not be in accordance with accepted access management standards. Fortunately, this parcel also has developed roads to the west and south. Thus, Figure 4 shows future access to Lot 33 being from 53<sup>rd</sup> Street and 46<sup>th</sup> Avenue. For reference only, Figure 4 also indicates future access to the existing hotel property on the east side of Highway 41 located opposite 45<sup>th</sup> Avenue. An alternative access is shown south of the existing service road access in the event the existing access is ever removed.

Lastly, north of the Plan area, Highway 41 currently consists of two travel lanes north and two south. A short distance south of 47<sup>th</sup> Avenue and for the remainder of the Plan area, Highway 41 converges back to a single travel lane north and south. This ASP provides for sufficient ROW to accommodate completion of the four-laning.

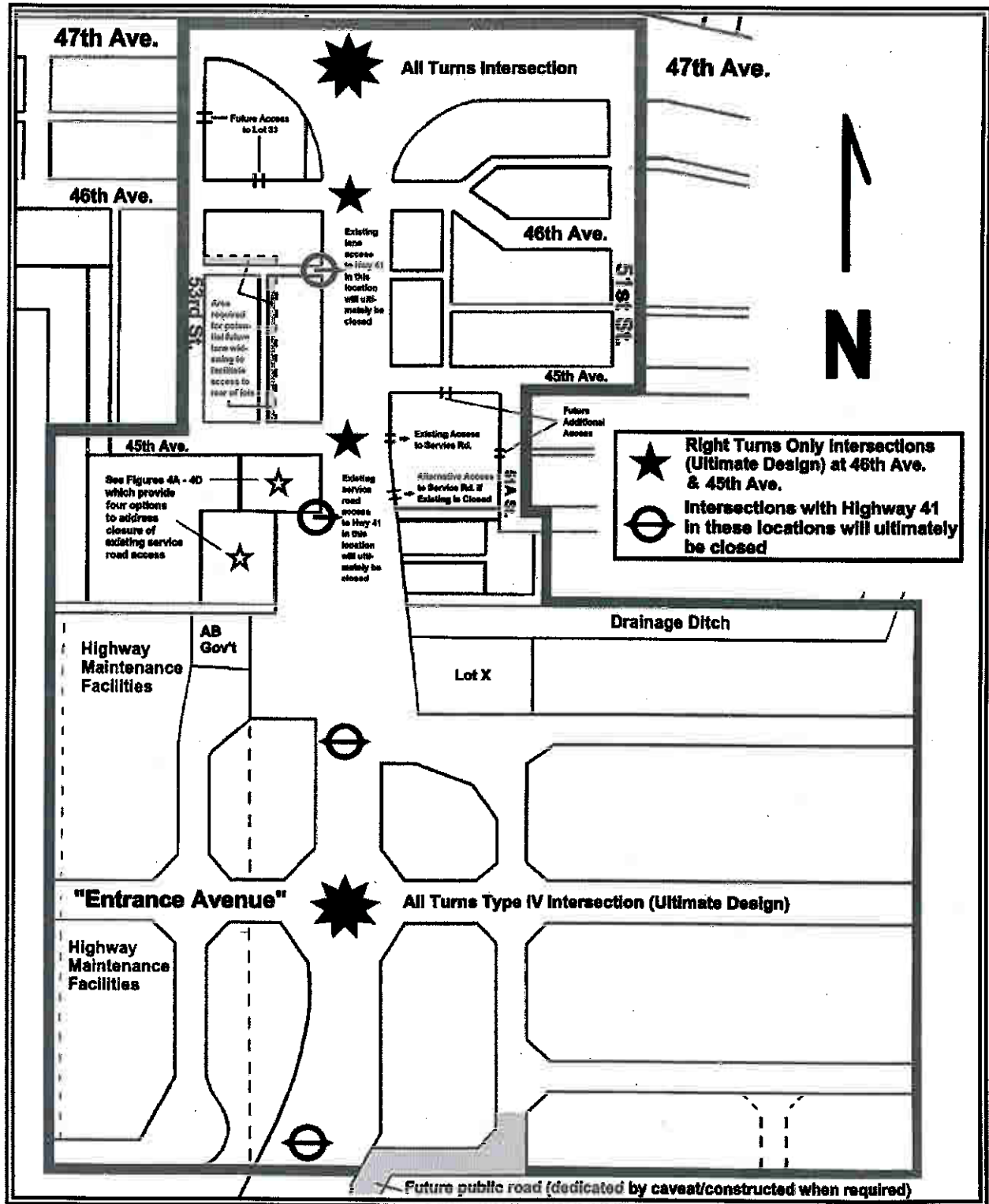
## **7. FORCE AND EFFECT**

The South 41 Gateway ASP is intended to refine existing general policy direction and land use designations assigned to these lands within the Vermilion IDP and the Town of Vermilion MDP, guide/confirm the assignment and implementation of land use districts to the lands within the Town of Vermilion Land Use Bylaw as well as establish a sound framework for future decisions on land use, subdivision, servicing and development permits. It must be noted that in making future decisions concerning the use, subdivision and development of the lands within this ASP, the Town will need to remain mindful of and monitor the capacities of both on and off-site services and make any necessary adjustments to uses, densities and lots sizes within this ASP accordingly.

**Policy 1** The Town shall ensure that all future land use, subdivision, development, amendment and servicing decisions made regarding lands within the South 41 Gateway Area Structure Plan (ASP) comply with the provisions contained in this ASP including Figures 3 and 4 on Pages 9 and 10 or in Appendix One. Should such a decision require or amount to a major deviation from or relaxation/variation of the provisions of this ASP, an amendment to this ASP shall be required. Decisions that would result in or amount to a minor deviation from or relaxation/variation of the provisions of this ASP may be considered without an amendment to this ASP where the owner/developer can demonstrate to the satisfaction of the Town that the deviation, relaxation or variation does not substantively alter the intent, force or effect of the provisions of this ASP.



**Figure 3 – South 41 Gateway ASP Future Road/Block Layout and Generalized Future Land Use Concept - Southern Portion of Plan**



**Figure 4 – Highway 41 South 41 Gateway ASP  
Access Management for Highway 41**

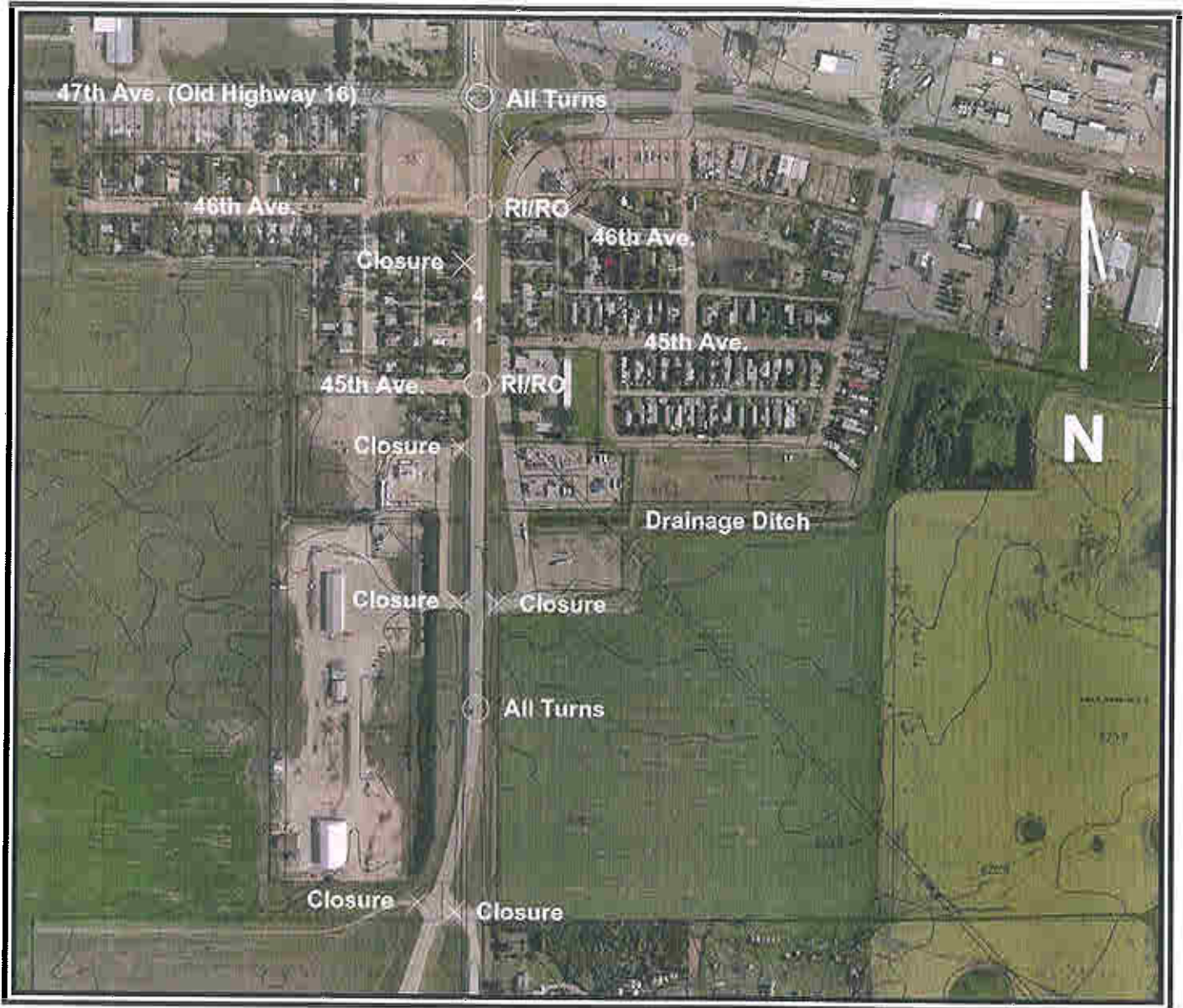


Highway 41 South 41 Gateway ASP Air Photo Base

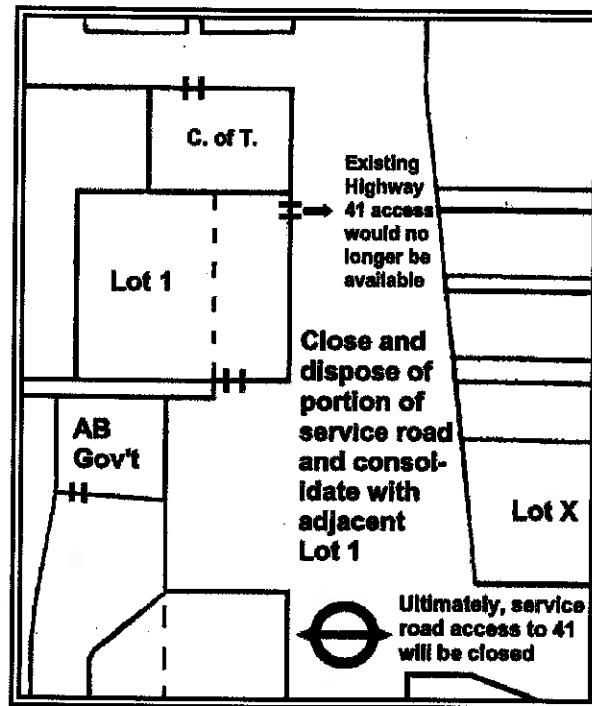


**Highway 41 South 41 Gateway ASP  
Access Management for Highway 41**

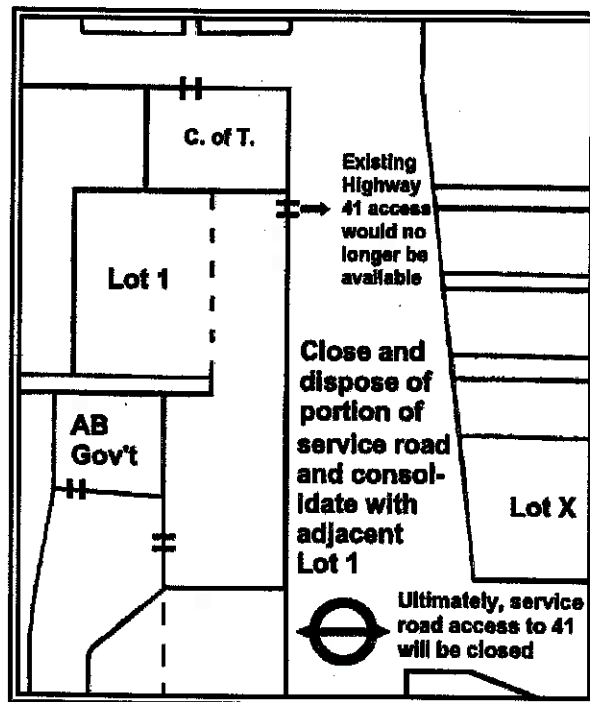




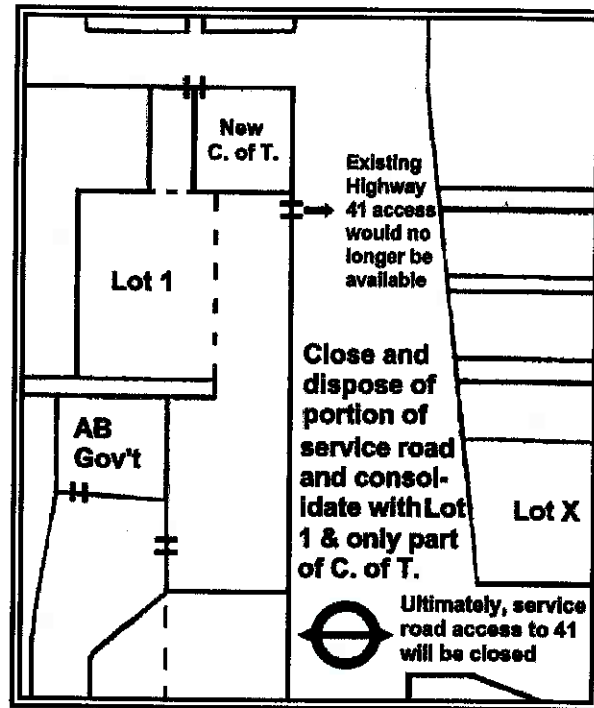
**Highway 41 South 41 Gateway ASP  
Access Management for Highway 41**



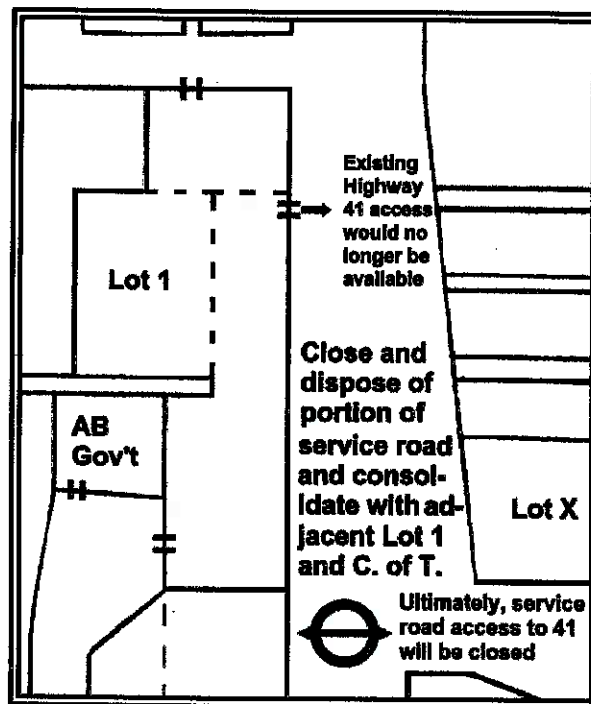
**Figure 4A – Option 1 (results in one access - shared)**



**Figure 4B – Option 2 (results in one access)**



**Figure 4C – Option 3 (maintains two accesses)**



**Figure 4D – Option 4 (maintains two accesses)**

**Policy 2** It is intended that this ASP, its concepts and provisions are used in tandem with the relevant provisions of the Vermilion IDP as well as the Town of Vermilion MDP and Land Use Bylaw, particularly in guiding the exercise of discretion in rendering decisions on subdivision and development permit applications. This ASP will be used to guide any required amendments to the provisions or land use designations or districts in the IDP, MDP or Land Use Bylaw.

**Policy 3** The exercise of discretion and variance related to any matter or decision rendered with respect to this ASP as well as the amendment of this ASP shall be guided by the following principles:

- (a) The exercise of variance or discretion in deciding an application or an amendment to this ASP must be both reasonable and defensible within the letter and spirit of this ASP as well as widely accepted planning principles.
- (b) If a requirement or provision of this ASP is to be deviated from or if an amendment is to be made, it is essential that those exercising the discretion or deciding upon variance or making the amendment clearly understand the rationale behind the requirement or provision they are being asked to vary or amend.
- (c) Discretion, variance and amendment shall only be considered if it can be demonstrated that the discretion, variance or amendment being considered will, at a minimum, not jeopardize the policies of this ASP and, at best, better serve them.
- (d) Any variance or discretion exercised or any amendment made shall be fully documented so that the reasons and rationale for the variance or discretion exercised or the amendment are accurately recorded and clearly understood.

**Policy 4** Should an owner/developer make repeated applications to amend this ASP once it is in effect, the Town may undertake or require that the owner/developer undertake an overall review of this ASP instead of continuing to entertain individual, isolated amendment applications so that the implications of the revisions to this ASP can be considered and evaluated, at a minimum, in the context of the entire ASP area and, if warranted, beyond this ASP area.

**Policy 5** With respect to all new development or any redevelopment in proximity to Highway 41 within this ASP, the Town will ensure an elevated standard both with respect to landscaping standards and architectural appearance and achieve this through the various mechanisms at their disposal including, as examples, the use of an overlay district and/or restrictive

covenant. This will be addressed at the time of subdivision. Pedestrian connectivity shall also be addressed prior to any decisions being made at the subdivision level.

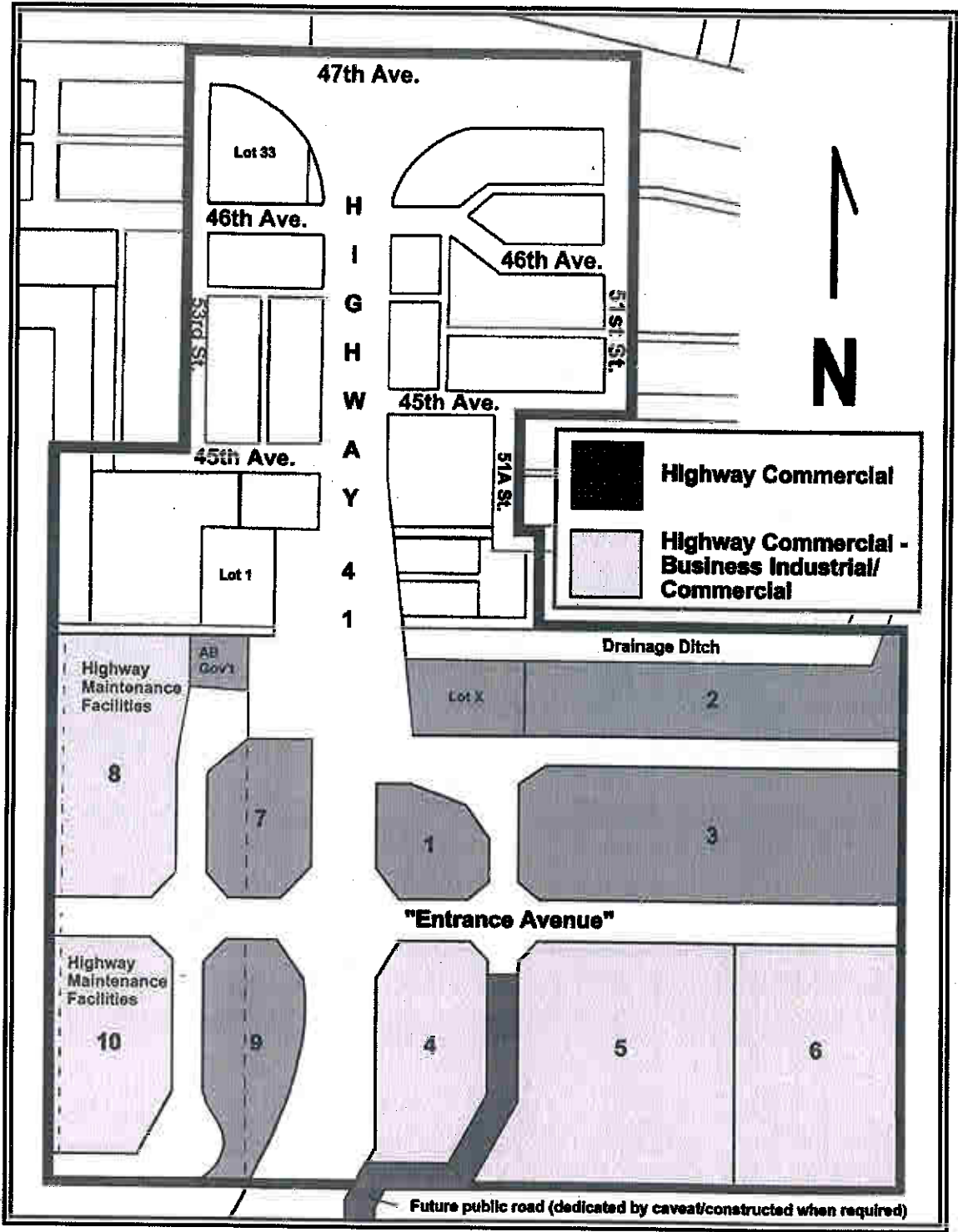
- Policy 6** For the purposes of Section 638 of the Municipal Government Act, notwithstanding anything to the contrary, the provisions of the South 41 Gateway Area Structure Plan, being Bylaw No. 2-2009 and any amendments thereto, serve to refine, articulate, specify and otherwise constitute the provisions of the Town of Vermilion MDP as it applies to the lands within the South 41 Gateway Area Structure Plan.
- Policy 7** In tandem with the adoption of this ASP, the specifically tailored direct control land use district attached in Appendix Two and forming part of this ASP, being the SGDC – South Gateway Direct Control District, shall be inserted into the Land Use Bylaw. The SGDC – South Gateway Direct Control District further specifies land uses, site development standards, landscaping requirements, architectural controls, pedestrian connectivity and any other matters the Council considers necessary. The SGDC - District will be assigned to the lands designated Highway Commercial or Highway Commercial – Business Industrial/Commercial in Figure 3 on Page 9 or in Appendix One 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.
- Policy 8** All site preparation, public utilities, public roads, pedestrian walkways and any other public facilities/improvements shall be professionally engineered and constructed to the satisfaction of the Town in accordance with the Town's standards.
- Policy 9** Subdivision and development permit applications shall comply with the Stormwater Management Guidelines for the Province of Alberta 1999, prepared by Alberta Environment. There shall be no change between pre and post-development off-site flows except where the application conforms to an approved stormwater management plan approved in conjunction with the Town.
- Policy 10** Subdivision and development permit applicants shall be responsible for making all necessary arrangements regarding the disposal/management of stormwater off-site and providing to/for the Town all required documentation, permission, approvals and/or other forms of authorization from all relevant agencies having jurisdiction in relation thereto.

- Policy 11** As a condition of subdivision or development approval pursuant to this ASP, the applicant/owner/developer shall be required, at their sole expense, to prepare a Traffic Impact Assessment (TIA), the timing and scope of which as determined by the Town and Alberta Transportation. The TIA prepared shall be to the satisfaction of the Town as well as Alberta Transportation.
- Policy 12** Any engineering, requirements or improvements identified in or resulting from the TIA approved by the Town and Alberta Transportation, or any other engineering, requirement or improvement specified by Alberta Transportation in relation to Highway 41 as a result of or that is attributable to the development of this ASP area must be undertaken to the satisfaction of Alberta Transportation, in consultation with the Town, at the sole cost of the developer.
- Policy 13** The Town shall pursue whatever actions are deemed appropriate or necessary to secure compliance with the provisions of this ASP.
- Policy 14** The Town may require owner(s)/developer(s) to enter into an agreement with the Town as a condition of an approved subdivision or development permit application pursuant to the Municipal Government Act.
- Policy 15** The Town may require caveats, performance bonds, letters of credit, restrictive covenants or any other available mechanisms to secure performance of any requirement stipulated in the provisions of this ASP.
- Policy 16** Any amendments to the Town of Vermilion MDP or Land Use Bylaw required as a result of the adoption of the this ASP will be undertaken by the Town.
- Policy 17** The Town will monitor the South 41 Gateway ASP on an on-going basis. Notwithstanding, this ASP will be reviewed within five years of being adopted (by 2014).

**Appendix One  
(forms part of this ASP)**

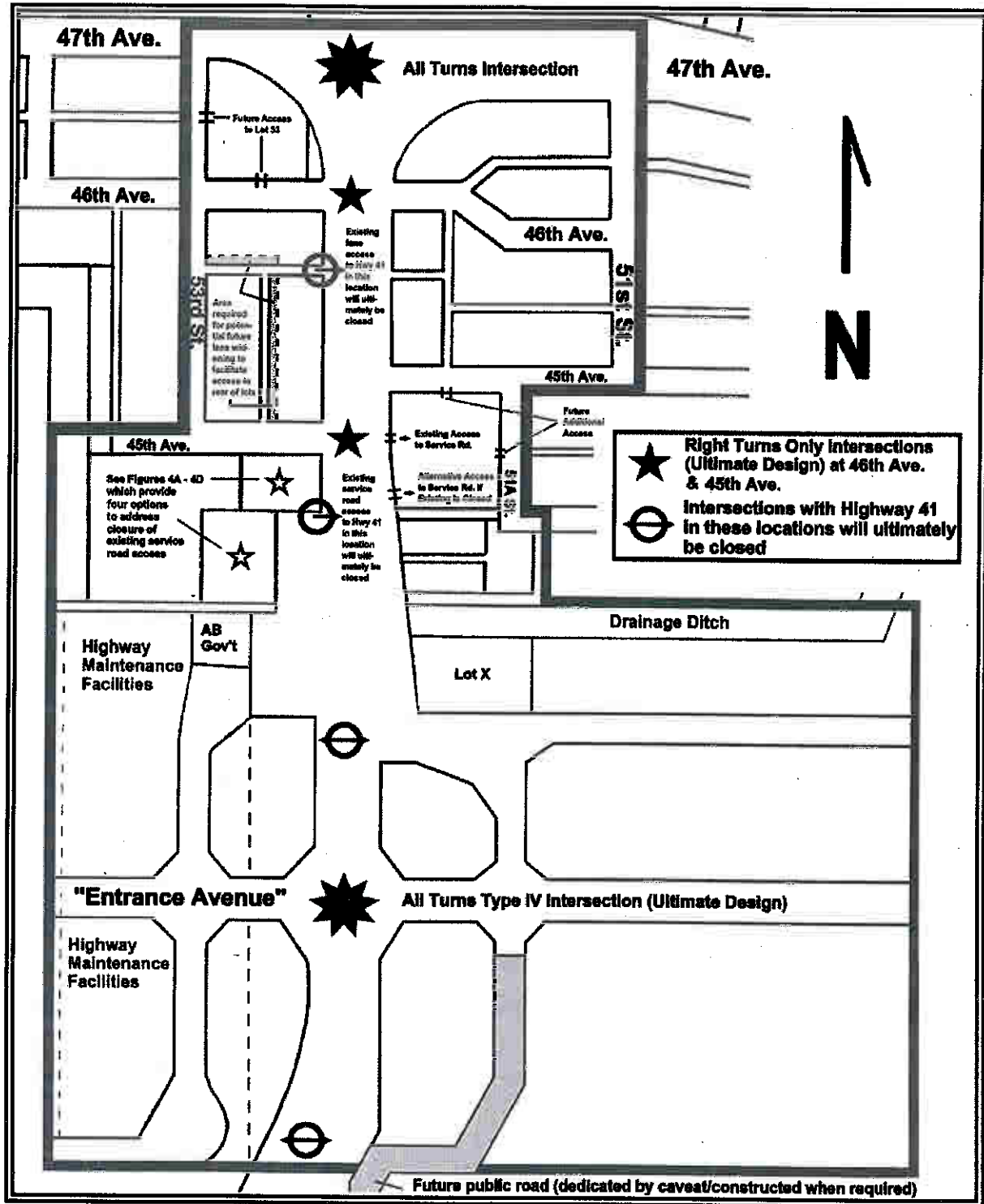
**Figure 3 - South 41 Gateway ASP Future Road/Block Layout and  
Generalized Future Land Use Concept – Southern Portion of Plan  
Alternative for Blocks 4, 5 & 6**

**Figure 4 – Highway 41 South 41 Gateway ASP  
Access Management for Highway 41  
Showing Alternative for Blocks 4, 5 & 6**



**Figure 3 – South 41 Gateway ASP Future Road/Block Layout and Generalized Future Land Use Concept - Southern Portion of Plan Alternative for Blocks 4, 5 & 6**





**Figure 4 – Highway 41 South 41 Gateway ASP  
Access Management for Highway 41  
Showing Alternative for Blocks 4, 5 & 6**

**Appendix Two  
(forms part of this ASP)**

**SGDC - South Gateway Direct Control Land Use District**

## 25. SGDC SOUTH GATEWAY DIRECT CONTROL DISTRICT

### (1) General Purpose and Intent

This land use 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, being Bylaw No. 2-2009, and any amendments thereto. The SGDC District applies only to those lands designated Highway Commercial or Highway Commercial – Business Industrial/Commercial in Figure 3 either on Page 9 or in Appendix One of the South 41 Gateway Area Structure Plan (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 Area Structure Plan (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 Area Structure Plan.

### (2) Definitions

For the purposes of this land use district, and notwithstanding any provisions to the contrary elsewhere in the Town of Vermilion 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 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 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 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) Section 25(3) applies to the lands designated Highway Commercial on Figure 3 of the South 41 Gateway Area Structure Plan, being Bylaw 2-2009, and amendments thereto.

Permitted Uses

Hotel and motel.  
Major or minor food and beverage establishment.  
Gas bar/service station.  
Travel information centre.  
Drive-through business.  
Convenience store.  
Souvenir shop.  
Personal service establishment forming part of a hotel or motel.  
Public use.  
Public utility.  
Accessory building.

Discretionary Uses

Bulk fuel storage and distribution.  
Bus depot.  
Retail establishment with retail floor space not exceeding 190.0 m<sup>2</sup> (2,045.0 ft<sup>2</sup>).  
Car wash establishment.  
Public utility building.  
Accessory use.  
Surveillance suite.  
Cereal crop or forage production.  
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) Section 25(4) applies to the lands designated Highway Commercial – Business Industrial/Commercial on Figure 3 of the South 41 Gateway Area Structure Plan, being Bylaw 2-2009, and amendments thereto.

Permitted Uses

Hotel and motel.  
Major or minor food and beverage establishment.  
Gas bar/service station.  
Travel information centre.  
Car wash establishment.  
Drive-through business.  
Convenience store.  
Souvenir shop.  
Personal service establishment forming part of a hotel or motel.  
Public use.  
Public utility.  
Accessory building.  
Transportation facilities.

Discretionary Uses

Bulk fuel storage and distribution.  
Retail establishment with retail floor space not exceeding 190.0 m<sup>2</sup> (2,045.0 ft<sup>2</sup>).  
Bus depot.  
Recreational establishment.  
Equipment sales, service, rental.  
Mobile home sales and service.  
Vehicle or recreational equipment sales and service.  
Quasi-public use.  
Public utility building.  
Accessory use.  
Surveillance suite.  
Cereal crop or forage production.

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) Minimum Site Area

Unless otherwise prescribed in this Bylaw, the minimum site area shall be 1,000.0 m<sup>2</sup> (10,750.0 ft<sup>2</sup>). 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 Bylaw.

(6) Site Coverage

Unless specifically prescribed or otherwise affected by provisions in this 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.

(7) Minimum Setback Requirements

Unless otherwise prescribed in this 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.

(8) 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:

- (a) 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.

- (b) 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.
- (c) 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.

(9) 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.

(10) Other Provisions

- (a) 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.
- (b) 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.
- (c) 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.



- (d) 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.
- (e) The Development Authority may:
  - i) 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;
  - ii) 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,
  - iii) 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.
- (f) 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.
- (g) 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.
- (h) 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.

- (i) 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.
- (j) 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.
- (k) Unless contrary to any provisions of this land use district or the South 41 Gateway Area Structure Plan to which this land use district is tied, or if this land use district or the South 41 Gateway Area Structure Plan to which this district is tied already specifies provisions, in which case, this land use district and the South 41 Gateway Area Structure Plan to which this district is tied shall prevail, all other provisions in the Land Use Bylaw shall apply.

**Appendix Three**  
**(attached for information only)**

**Servicing Analysis Conducted by Focus Intec, 2001**