

TOWN OF VIKING

LAND USE BYLAW

BYLAW NO. 2012-640

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BYLAW NO. _____

LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Town of Viking duly assembled, hereby enacts as follows:

PART 1.0 – GENERAL

1.1 Title

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

1.2 Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town to achieve the orderly and economic development of land, and for that purpose amongst other matters:

- (1) to divide the Town into districts;
- (2) to 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 Interpretation

In this Bylaw:

- (1) “**abut**” or “**abutting**” means immediately contiguous or physically touching, and, when used with respect to a lot, means that the lot physically touches upon another lot, and shares a property line or boundary line with it;
- (2) “**accessory building**” means a temporary or a permanent building which is separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land. Accessory buildings include private garages, portable garages, or sheds;

- (3) **“accessory use”** means a use customarily incidental and subordinate to the principal use or building and is located on the same parcel of land as the principal use or building;
- (4) **“Act”** means the Municipal Government Act, R.S.A. 2000, as amended, and any Regulations made pursuant thereto;
- (5) **“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 Bylaw as adjacent for the purpose of satisfying Section 3.4(5)(a) of this Bylaw; **(See Figure 1)**

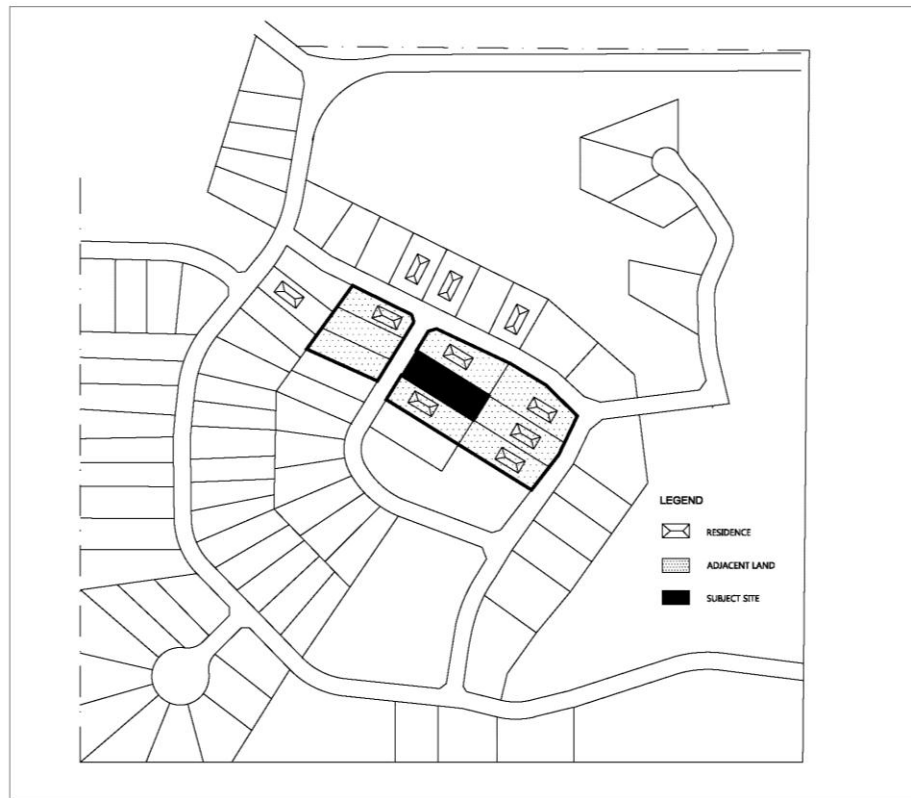


Figure 1: Adjacent Land Example in an Urban Area

- (6) **“adult entertainment establishment”** means an establishment which provides live entertainment for its patrons, which includes the display of nudity;
- (7) **“adult use”** means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which

either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sq f, whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;

- (8) “**agricultural operation**” means an agricultural operation as defined in the Agricultural Operations Practices Act;
- (9) “**agriculture, extensive**” means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 32.4 ha (80 ac.) or more), but not including intensive agriculture or confined feeding operations;
- (10) “**agricultural industry**” means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
- (11) “**agriculture, intensive**” " means a agricultural operation raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but does not include confined feeding operations;
- (12) "**alcohol retail sales**" means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods;
- (13) “**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;
- (14) “**amenity area, communal**” means an amenity area which shall be provided subject to the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all of the residents within the building and/or development. Communal amenity areas may be located indoor or outdoor as required by the Development Authority;
- (15) “**amenity area, indoor**” means an amenity area which shall be provided subject to the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of residents within the building and/or development. Indoor amenity areas may include communal lounges, workout facilities, indoor swimming pools or other similar uses;

- (16) “**amenity area, private outdoor**” means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, ‘parking lots, aisles or access driveways;
- (17) “**amusement establishment, indoor**” means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Major amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
- (18) “**amusement establishment, outdoor**” means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- (19) “**animal hospital**” means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- (20) “**apartment**” means a dwelling containing three (3) or more dwelling units, but shall not mean ground-oriented multiple unit dwellings (row housing), or foupplexes;
- (21) “**apiary**” means a place in which a colony or colonies of bees are kept, as a stand or shed for beehives or a bee house containing a number of beehives.
- (22) “**area of a sign**” means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;
- (23) “**arterial street**” or “**arterial road**” means a roadway used primarily for through traffic;
- (24) “**auctioneering establishment**” means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;

- (25) **“automotive and equipment repair shop”** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;
- (26) **“automotive and minor recreational vehicles sales/rentals establishment”** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, but do not include dealerships for the sale of trucks with a gross vehicle weight rating greater than 4000.0 kg (8818.5 lbs.), or the sale of recreational vehicles with either a gross vehicle weight rating greater than 6000.0 kg (13,227.7 lbs.) or a length greater than 13.7 m (45.0 ft.);
- (27) **“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;
- (28) **“bed and breakfast establishment”** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
- (29) **“boarding and lodging house”** means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding and lodging houses may include student co-operative housing, lodges for senior citizens, but not group homes;
- (30) **“building”** means anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- (31) **“building area”** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- (32) **“building height”** means the vertical distance between building grade and the highest point of a building; excluding an elevator housing, a mechanical skylight, ventilating fan, chimney, steeple, fire wall, parapet wall, flagpole or similar device not structurally essential to the building (see **Figure 2**);

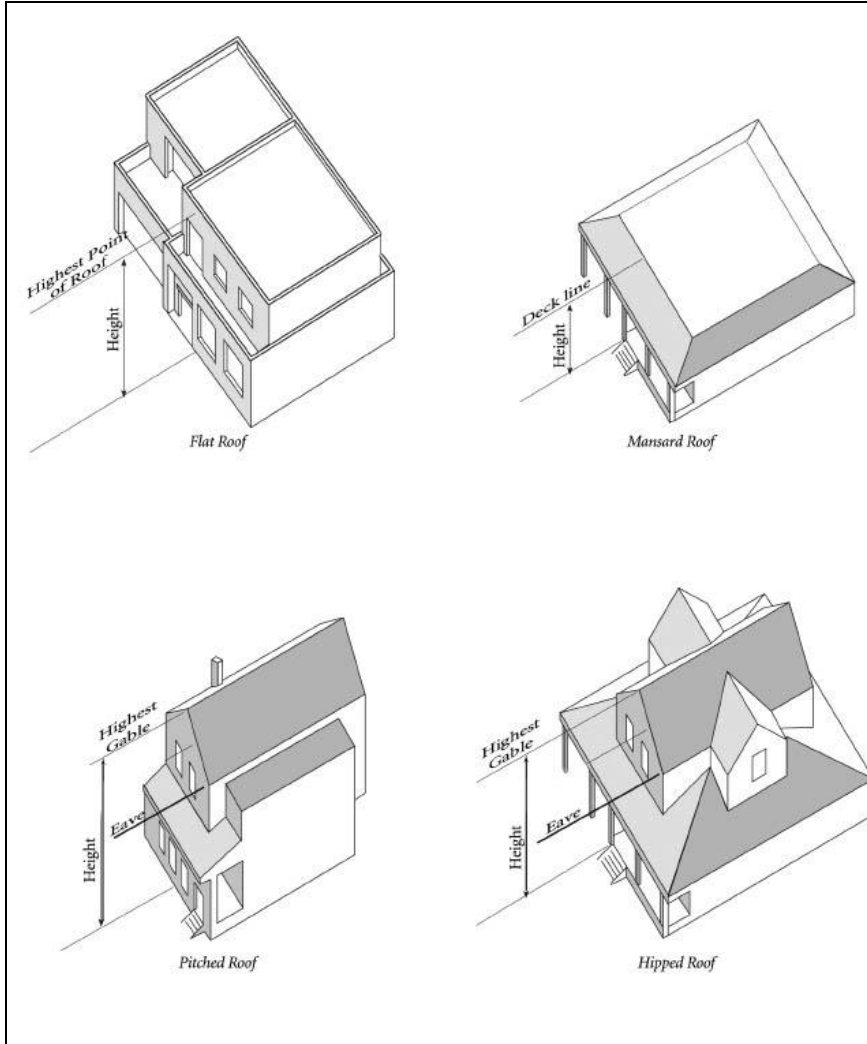


Figure 2: Building Height

- (33) “**bus depot**” means an extensive combination of bus stops in one location. A bus depot may include a structure where buses stop to pick up and drop off passengers. Bus depots are normally larger than a bus stop, which is usually simply a place on the sidewalk, where buses can stop. A bus depot may be intended as a terminal station for a number of routes, or as a transfer station where the routes continue;
- (34) “**business frontage**” means
- (a) any side of a lot or building which abuts a road, or
 - (b) in the case of individual business or tenants within a building, any business which has separate access to a road;

- (35) “**business park**” means an area designed to accommodate businesses and light industry, with large numbers of companies all grouped together, usually on the outskirts of a town;
- (36) “**business support services establishment**” means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- (37) “**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 (see **Figure 3**);



Figure 3: Canopy Sign

- (38) “**cantilever**” means the projection of habitable or liveable space outside the foundation. Cantilevers include any floor space that a person can enter, such as closets, cantilevered room space and bay windows;
- (39) “**carport**” means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (40) “**cemetery**” means a development for the entombment of the deceased, which may include the following accessory developments: crematories, cineraria, columbaria, and mausoleums. Cemeteries may include memorial parks, burial grounds and gardens of remembrance;

- (41) “**chattel**” means a movable item of personal property;
- (42) “**collector road/street**” means a roadway used primarily for collecting traffic from local streets and channelling it to arterial streets;
- (43) “**commercial use**” means all retail and associated uses allowed in the commercial districts;
- (44) “**communication tower facility**” means a structure that is intended for transmitting or receiving television, radio, internet or telephone communications;
- (45) “**community recreation service**” means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents’ organization;
- (46) “**confined feeding operation**” means a confined feeding operation as defined in the Agricultural Operation Practices Act;
- (47) “**convenience retail store**” means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 275.0 sq. m (2,960.0 sq. ft.). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter. If the sale of gasoline is involved, such development must also be approved as gas bars;
- (48) “**corner lot**” means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are perpendicular or nearly perpendicular to each other where abutting the lot, but does not include a double fronting lot (see **Figure 4**);

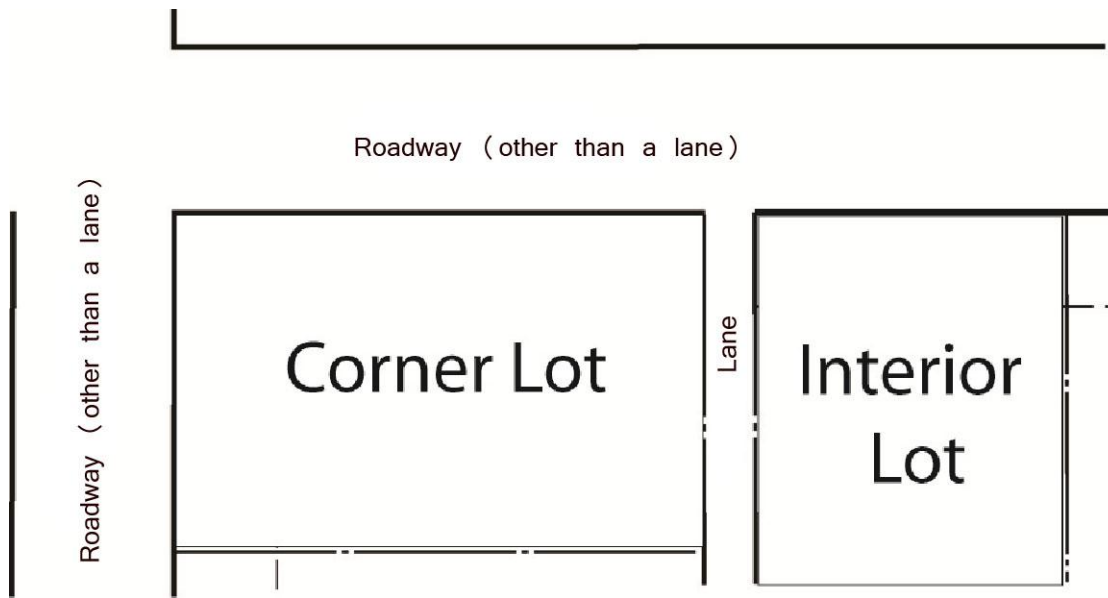


Figure 4: Corner Lot

- (49) “**corner site**” means a part of a lot adjacent to two (2) separate roads or highways, or a combination of them, or adjacent to a single road, lane or highway that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or highway right-of-way boundary lines and a straight line joining points on the road or highway lane right-of-way boundary line a certain specified distance from their intersection (see **Figure 5**);

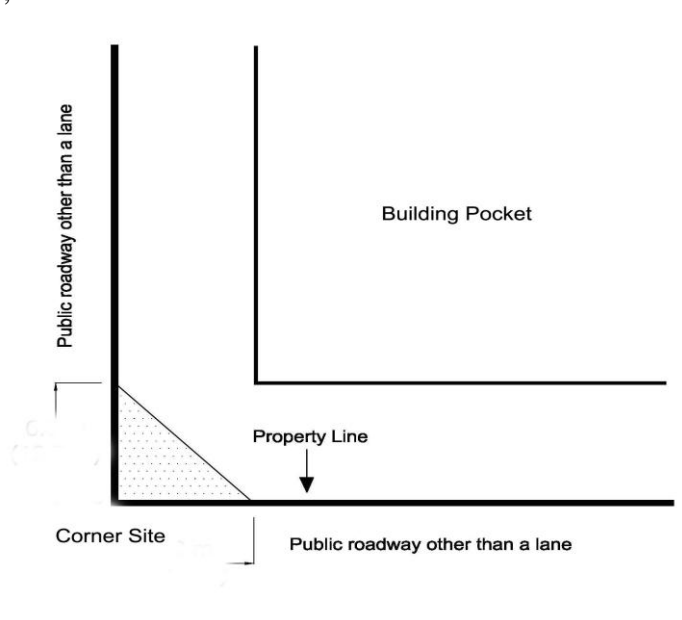


Figure 5: Corner Site

- (50) “**Council**” means the Council of the Town of Viking;

- (51) “**coverage**” means the combined area of all buildings or structures on a parcel of land as a percentage of the “lot” area, measured at the level of the lowest storey above grade, including all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections;
- (52) “**cultural facility**” means a building used for programs or activities involving the arts or other endeavours that encourage refinement or development of the mind;
- (53) “**curb cut**” means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a lot;
- (54) “**day care facility**” means a provincially licensed child care facility operated from a building other than a residence, excepting where a one family dwelling has been converted to a day care in which a dwelling unit or a basement suite might be located on a separate level of the dwelling. A day care shall supply supervision of a minimum of seven (7) children and a maximum of 80 children. A minimum outside play space is required, to be calculated at 4.5 sq. m x ½ the capacity (e.g., a capacity of 20 children would require 45.0 sq. m of play area (4.5 sq. m x 20/2). Day care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programmes which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (55) “**day home**” means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (56) “**deck**” means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Alberta Building Code. A deck shall not have walls higher than 1.2 m (3.9 ft.) or a roof;
- (57) “**density**” means a measure of the average number of persons or dwelling units per unit of area;
- (58) “**developer**” means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (59) “**development**” means:
- (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or

- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building and includes:
 - (i) any increase in the number of households occupying and living in any building or on any lot, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any lot, including any increase in the number of dwelling units in a building or on a lot; or
 - (e) the placing of refuse or waste material on any land; or
 - (f) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
 - (g) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
 - (h) the demolition or removal of a building; or
 - (i) the placement of an already constructed or a partially constructed building on a parcel of land; or
 - (j) the use of land for the parking of trailers, portable dwellings of any form, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way;
 - (k) the clearing of vegetation; or
 - (l) the removal of topsoil.
- (60) **“Development Authority”** means the Development Authority established by the municipality’s Development Authority Bylaw and appointed by Council;
- (61) **“Development Authority Officer”** means the Development Authority Officer established by the municipality’s Development Authority Bylaw and appointed by Council;
- (62) **“development permit”** means a document issued pursuant to this Bylaw authorizing a development;
- (63) **“discontinued”** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
- (64) **“discretionary use”** means the use of land or a building provided for in this 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;

- (65) “**domestic pet**” means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but do not include livestock;
- (66) “**double fronting lot**” means a lot which abuts two roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see **Figure 6**);

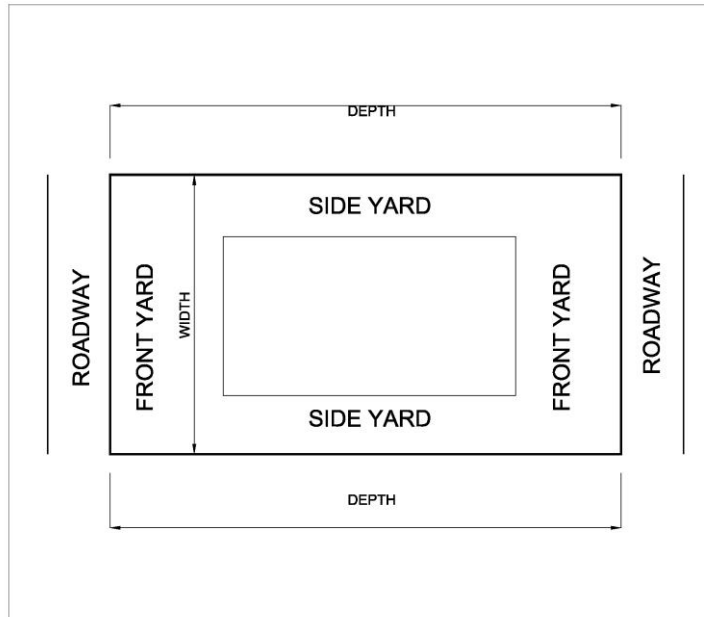


Figure 6: Double Fronting Lot

- (67) “**drinking establishment**” means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site are open to the public and where liquor is the primary source of business;
- (68) “**drive-in business**” means 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. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (69) “**drive-in restaurant**” means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;

- (70) **“duplex, up-down”** means a dwelling unit that shares a common wall with another dwelling unit, one above the other, with each dwelling unit having a separate entrance;
- (71) **“duplex, side-by-side”** means a dwelling that contains two dwelling units, each of which abuts or shares one side wall with another dwelling unit, whether or not the other dwelling is on a separate lot, and where the remaining sides of the dwelling are surrounded by open areas or property lines;
- (72) **“dwelling”** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. Dwellings include: single detached dwellings, duplexes, ground-oriented multiple unit dwellings (row housing), apartments, modular homes, and manufactured homes, but do not include recreational vehicles or park models (see **Figures 7-11**);

Examples of dwelling types

Row housing or Ground-oriented multiple unit dwelling means: a dwelling that is comprised of individual dwelling units, each of which abuts another dwelling unit on the side, except for the two dwelling units on the end of the row. The end dwelling units of a row of such dwelling units are considered side-by-side duplexes if they each have a side yard.

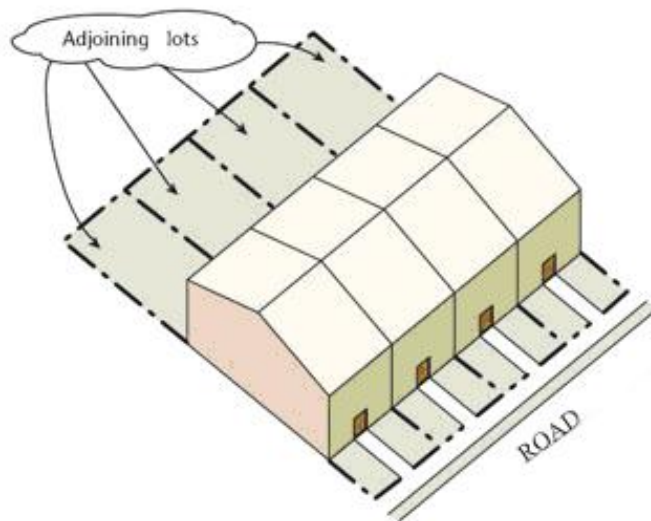


Figure 7: Row Housing

"Single detached dwelling" means a dwelling consisting of one dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, with the pieces being transported to the lot for assembly on-site. A single detached dwelling shall not

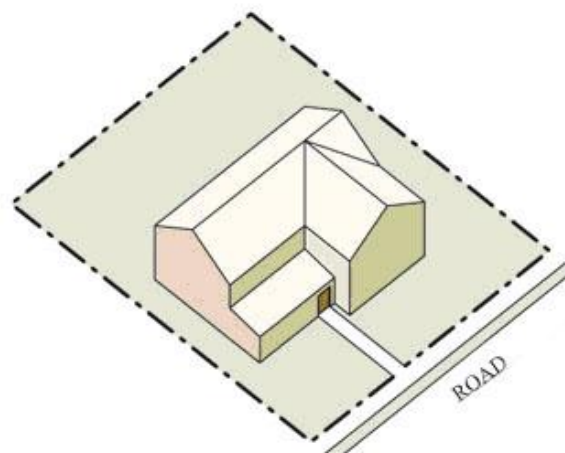


Figure 8: Single Detached Dwelling

include a dwelling that would be considered to be a manufactured home.

A **Duplex, side-by-side** is a dwelling that contains two dwelling units. The dwelling units abut or share one side wall and the remaining sides of the dwelling are adjacent to open areas or property lines. The dwelling units may be on individual lots, or the entire dwelling may be on one lot.

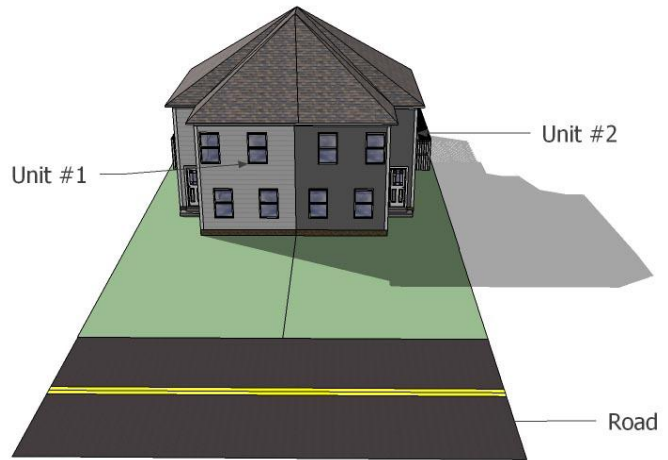


Figure 9: Duplex, side-by-side

A **Duplex, up-down** is a dwelling that contains two dwelling units, with one dwelling unit located above the other dwelling unit. Each dwelling unit will have a separate entrance.

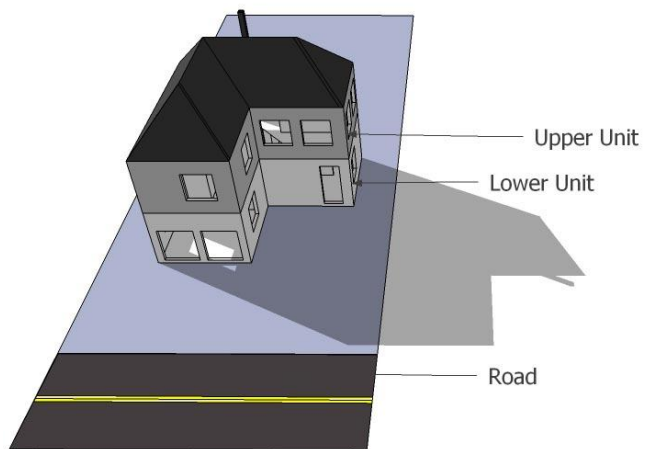


Figure 10: Duplex, up-down

A **zero lot line dwelling** is a dwelling, usually a single detached dwelling, that abuts one side lot line of its lot, but does not abut any other dwelling on an adjoining lot.

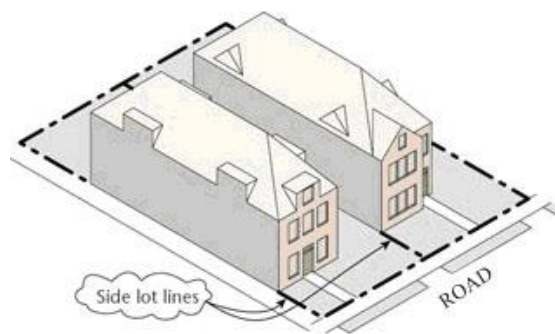


Figure 11: Zero Lot Line Dwelling

- (73) “**dwelling unit**” means a complete dwelling, a self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking, living 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 one (1) ~~or~~ household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;
- (74) “**eating and drinking establishment**” means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the lot, or off the lot, which is not a drive-in restaurant. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;
- (75) “**entertainment establishment**” means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. An adult entertainment establishment is not considered an entertainment establishment for the purposes of this bylaw;
- (76) “**equipment rental establishment**” means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;
- (77) “**equipment rental establishment, heavy**” means a development where tools, appliances, recreation craft, office machines, furniture, heavy construction equipment, or similar items are rented and serviced. Heavy equipment rental establishments include developments where motor vehicles or industrial equipment are rented or serviced;
- (78) “**excavation**” means any breaking of ground, except common household gardening and ground care;
- (79) “**exhibition and convention facility**” means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;

- (80) “**extended medical treatment facility**” means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, health care centres and detoxification centres;
- (81) “**exterior wall**” means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);
- (82) “**farm equipment sales and service**” means a lot, building or structure where the business of selling, renting, leasing or servicing of new or used farm equipment and machinery, or both, is conducted and may include the display, storage and sale of such equipment; the servicing and repair of such equipment; the storage, display and sale, renting or leasing of related accessories and products; and, offices, show rooms and sales rooms.
- (83) “**fence**” means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (84) “**fleet service**” means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6613.9 lbs.);
- (85) “**floor area**” means the total area of all floors 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, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all basement suites and all dwelling units in an apartment shall be included in the calculation of floor area;
- (86) “**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;
- (87) “**fourplex**” means a dwelling containing four (4) dwelling units arranged such that each of the units is located both beside another unit, sharing a common wall (as in a duplex), and either above or below another unit;
- (88) “**front line**” means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line. In the case of a double

fronting lot, both boundary lines adjacent to the roads shall be considered front lines;

- (89) “**front yard**” means a yard extending across the full width of a lot from the front line to the nearest wall of the principal building situated on the lot, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve;
- (90) “**frontage**” means the length of the front line. On double fronting lots, all front lines shall be considered frontage;
- (91) “**funeral service**” means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services include funeral homes and undertaking establishments;
- (92) “**garage**” means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles and includes a carport;
- (93) “**garage suite**” means a self-contained dwelling located above a rear detached garage which is accessory to a single family dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the rear detached garage, either from a common indoor landing or directly from the exterior of the structure;
- (94) “**garden suite**” means a temporary, portable detached dwelling unit, located on a lot containing an existing single family dwelling;
- (95) “**gas bar**” means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- (96) “**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;
- (97) “**general contractor service**” means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- (98) “**general retail establishment**” means a general retail store development where groceries, beverages, household goods, furniture, appliances, home improvement

supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments includes convenience retail stores but does not include warehouse sales, or developments where gasoline, new or used motor vehicles, alcohol, heavy agricultural and/or industrial equipment are sold or rented;

- (99) **“government service”** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- (100) **“grade”** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (101) **“greenhouse and plant nursery”** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;
- (102) **“gross floor area”** means the total area of all floors which are fully enclosed 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. For the purposes of this definition, all roofed areas with no walls and all walled areas with no roof shall NOT be included in the calculation of gross floor areas;
- (103) **“gross leasable area”** means the floor area of a building, plus the floor area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators;
- (104) **“gross leasable floor area”** means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;
- (105) **“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 covered porches and verandas, but excluding open decks, patios, 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;

- (106) **“ground-oriented multiple unit dwelling”**, also known as **“row housing”** means a dwelling or a number of dwellings, each of which consists of at least three (3) dwelling units, with each unit having direct access at grade to the outside, but shall not mean "apartment";
- (107) **“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. Group care facilities include supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but not major institutional care facilities such as hospitals or group homes;
- (108) **“group home”** means a development consisting of the use of a dwelling as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social, or behavioral problems and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance or supervision. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include drug or alcohol addiction treatment centres;
- (109) **“guest house”** means a building which is used for human habitation, has not more than one kitchen and is occupied by the owner and in which persons are accommodated on a temporary basis;
- (110) **“half storey”** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- (111) **“hardsurfacing”** means a durable ground surface constructed of cast-in-place concrete, brick, concrete paving blocks, turfstone, stone, asphalt, or similar materials (not including gravel and clay);
- (112) **“hazard lands”** means lands which are or may be inappropriate for urban development by reason of having inherent or natural environmental hazards such as susceptibility to flood or erosion, poor drainage, organic soils, steep slopes or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage or loss of life;
- (113) **“health service”** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic, and dental offices, health clinics and counselling services;

- (114) **“highway”** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act;
- (115) **"highway commercial use"** means a development serving the travelling public which relies on a highly visible location in proximity to a highway or a major traffic thoroughfare. Highway commercial uses include restaurants, services stations, gas bars, convenience retail stores, hotels, and motels;
- (116) **“home occupation, major”** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in Section 8.12 of this Bylaw. A major home occupation may have up to one (1) employee, other than those residing in the dwelling unit working on site at any time. A major home occupation may also have more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, dressmaking, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring. The distinctions between major home occupations and minor home occupations are more fully described in **Section 8.12** of this Bylaw;
- (117) **“home occupation, minor”** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in **Section 8.12** of this Bylaw. A minor home occupation will have no employees, other than those residing in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation. The distinctions between minor home occupations and major home occupations are more fully described in **Section 8.12** of this Bylaw;
- (118) **“hotel”** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include minor and major eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and minor alcohol sales, but shall not include any establishment where there is a dance floor larger than 5.0 sq. m (55.0 sq. ft.) unless specifically approved by the Development Authority;

- (119) **“household”** means:
- (a) a person; or
 - (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption; or
 - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption;

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;

- (120) **“household repair service”** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;

- (121) **“ industrial use, heavy”** means a development which would be considered to be a light industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy Industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, and alfalfa processing plants or large-scale outdoor storage that is unsightly or visually offensive Heavy industrial uses do not include heavy petro-chemical industry;

- (122) **“industrial use, light”** means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power.

For further clarification it means where:

- (a) raw materials are processed, and/or
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- (e) materials, goods and equipment are stored and/or transhipped, and/or

- (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
- (g) personnel are trained in general industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. General industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. 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 general 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 doors.

- (123) **“industrial use, medium”** means a development which would be considered to be a light industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in significant quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses may include rendering plants, and alfalfa processing plants;
- (124) **“industrial vehicle and equipment sales/rentals establishment”** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;
- (125) **“in-law suite”** means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) persons. The floor area of the attached in-law suite shall not exceed 30 percent of the existing living area of the primary residence;

- (126) **“institutional use”** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region. Institutional uses include public and private schools, hospitals, nursing homes, senior citizen lodges, detoxification centres, and remand and correction centres;
- (127) **“internal lot”** means a lot which is bordered by only one (1) road or highway;
- (128) **“kennel”** means any building in which more than four (4) dogs are maintained, boarded, bred, trained, cared for, or kept on the lot on which the kennel is located and the animals are kept or cared for;
- (129) **“landfill”** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;
- (130) **“landscaping”** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (131) **“lane”** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 7.6 m (25.0 ft.) in width, or an alley as defined in the Traffic Safety Act, as amended;
- (132) **“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.;
- (133) **“libraries and cultural exhibits”** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits include libraries, archives, museums, and art galleries;
- (134) **“light industrial use”** please refer to “industrial use, light”
- (135) **“limited contractor service”** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- (136) **“liquor store”** means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as

soft drinks and snack foods;

- (137) **“livestock”** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- (138) **“living area”** means the developed area within a dwelling often measured by exterior walls but does not include basement, garage or carport, patio, or atrium
- (139) **“lot”** means:
- (a) a quarter section, or
 - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
 - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

For the purposes of this Bylaw, a unit on a Bare Land Condominium as defined in the Condominium Property Act shall be considered to be a lot.

- (140) **“lot area”** means the total area of a lot;
- (141) **“lot boundaries”** means the boundaries of a lot which enclose the lot at its perimeter;
- (142) **“lot coverage”** means the sum of the ground floor areas of all buildings on a lot;
- (143) **“lot depth”** means the average horizontal distance between the front and rear lines of a lot measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- (144) **“lot width”** unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the lot 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;
- (145) **“main building”** means a building in which is conducted the main or principle use of the parcel of land on which it is erected;
- (146) **“maintenance”** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will

change the habitable floor area of any dwelling unit or the internal volume of any building;

- (147) “**manufactured home**” means a dwelling that conforms to the Canadian Standards Association Z-240 Series certified standards in place at the time of manufacture, that is designed to normally be transported in its entirety 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 a single dwelling unit. This definition shall not include a dwelling that would be considered to be a single family dwelling or a modular home if the roof pitch were equal to or greater than 1:4, if the depth of eaves were equal to or greater than 45.6 cm (1.5 ft.), or if the ratio of depth vs. width (or width vs. depth) of the building, less any appurtenances constructed as attachments thereto, were less than 2.5:1. If the roof pitch is less than 1:4, if the eaves is less than 30.4 cm (1.0 ft.), or if the ratio noted above is more than 3:1, the building shall be considered to be a manufactured home.
- (148) “**manufactured home park**” means any lot on which two (2) or more occupied manufactured homes 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. Manufactured home parks must comply with relevant government regulations governing manufactured home parks, and shall include any accessory use or accessory building intended for the maintenance of the park and/or as an amenity area;
- (149) “**manufactured home subdivision**” means an area which is subdivided by a registered plan into individual lots;
- (150) “**manure storage facility**” means a manure storage facility as defined in the Agricultural Operation Practices Act;
- (151) “**may**” is an operative word meaning a choice is available with no particular direction or guidance intended;
- (152) “**minor repair shop**” means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
- (153) “**mixed use**” means a development that combines residential, commercial, and/or office uses into one development or building. For example, a mixed-use building could have several floors. On the bottom floor, the space could be dedicated to retail or offices while the upper floors could be dedicated to residential uses;
- (154) “**modular home**” means a dwelling conforming to the Canadian Standards Association A-277 Series certified standards in place at the time of manufacture, that is designed to be transported to the building site in a single piece or in pieces and assembled on-site on top of a site-constructed basement or foundation but

does not include a dwelling that would be considered to be a manufactured home;

- (155) “**motel**” means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include minor or major alcohol sales, or an establishment where there is a dance floor;
- (156) “**multi-use development**” means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.
- (157) “**municipality**” means the Town of Viking;
- (158) “**natural area**” means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition.
- (159) “**natural resource extraction industry**” means an industry engaged in the extraction of natural resources such as clay, sand, gravel and natural gas, and which may include the processing of these through primary treatment into a raw marketable form;
- (160) “**neighbourhood convenience store**” – means a retail store where those goods required by area residents or employees on a day-to-day basis are the predominant product offered for sale. Typical uses include small food stores, drug stores and variety stores selling confections, tobacco, groceries, beverages, pharmaceutical and personal care items and/or printed matter;
- (161) “**non-conforming building**” means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (162) “**non-conforming use**” means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and

- (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (163) “**nuisance**” means any act or deed, or omission, or thing, which is or could reasonably be expected to be troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Town of Viking municipal office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;
- (164) “**obnoxious**” means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosion hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- (165) “**occupancy**” means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- (166) “**occupant**” means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resided thereon or conducts a business thereon;
- (167) “**off-grid**” refers to a stand-alone power generating system not connected to or in any way dependent on the utility grid;
- (168) “**off-site sign**” means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- (169) “**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;
- (170) “**offensive**” or “**objectionable**” 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 explosion 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 become hazardous or injurious as regards 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, building or structure;

- (171) “**office use**” means a development primarily used for the provision of professional, management, administrative, consulting or financial services, but does not include health services. Uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, and similar office support services; banks, credit unions, loan offices and similar financial services, and the offices of governments or government agencies;
- (172) “**outdoor storage**” means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- (173) “**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, the person shown as the owner of a parcel of land on the municipality's assessment roll prepared under the Act;
- (174) “**parcel of land**” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (175) “**parking lot**” or “**parking area**” means the area set aside for the parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits 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;
- (176) “**parking space**” means an area set aside for the parking of one (1) vehicle;
- (177) “**park model**” means a temporary or recreational unit. There are currently two (2) types of park models which are recognized by the Industry. They are:
- (a) **Park Model Trailer 102** is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities.

This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 sq. m (400 sq. ft.). It conforms to the **CSA Z-240** Standard for recreational vehicles.

- (b) **Park Model Recreational Unit** is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances.

It has a gross floor area, including lofts, not exceeding 50.0 sq. m (approximately 540.0 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.

All Park Model units require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). They conform to the **CSA Z-241** Standard for recreational vehicles;

- (178) "**parking area**" means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits 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;
- (179) "**parking space**" means an area set aside for the parking of one (1) vehicle;
- (180) "**patio**" means any developed surface adjacent to a building on a lot which is less than 0.6 m (2.0 ft.) above ground level;
- (181) "**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 all of the regulations of this Bylaw are satisfied and all of the considerations and requirements of the Development Authority are or will be met;
- (182) "**personal service shop**" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- (183) "**place of worship**" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

- (184) “**post secondary school**” means a school that provides tertiary education. Post secondary is the educational level following the completion of a school providing a secondary education, such as a high school, secondary school or university-preparatory school. Post secondary schools include schools which provide undergraduate and postgraduate education;
- (185) “**principal building**” means a building in which is conducted the principal use of the lot on which it is erected;
- (186) “**principal use**” means the primary purpose or purposes for which a building or lot is used;
- (187) “**private club**” means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
- (188) “**project**” when used as a noun means a development comprising one or more buildings or uses;
- (189) “**protective and emergency service**” means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include: ambulance service, police stations, detention centres, fire stations, and ancillary training facilities;
- (190) “**public education facility**” 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. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities;
- (191) “**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 public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds,

water features, baseball diamonds, football fields, soccer pitches, outdoor skating rinks, “skate” parks and similar outdoor sports fields;

- (192) “**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. However, public uses shall not include office uses, protective and emergency services, and major and minor utility services;
- (193) “**public utility**” means a public utility, as defined in the Act;
- (194) “**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;
- (195) “**public or quasi-public use**” means a development which is used by the public for the purposes of assembly, instruction, or culture, or providing government services directly to the public. It includes government buildings, places of worship, community halls, and recreation facilities which are owned or operated in conjunction with the municipality. Buildings containing public or quasi-public uses may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a building containing public or quasi-public uses may be used as an entertainment establishment;
- (196) “**rear line**” means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
- (197) “**rear yard**” means a yard extending across the full width of a lot from the rear line to the nearest exterior wall of the principal building situated on the lot, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve;
- (198) “**recreation, active**” means a mix of uses in a neighborhood park that includes the following facilities or facility types: athletic fields, building or structures for recreational activities, concession, community garden, courses or courts, children's play area, dog play area, or a bike path;
- (199) “**recreation, passive**” means a mix of uses in a neighborhood park, undeveloped land or minimally improved lands which includes the following: landscaped area, natural area, non-landscaped green space, stairway, decorative fountain, picnic area, water body, or trail without recreational staffing which does not significantly impact natural, cultural or agricultural values;
- (200) “**recreational facility**” means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;

- (201) **“recreational trailer park”** means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle;
- (202) **“recreational use”** means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, swimming, picnicking, community halls, skating and curling rinks, drop-in centres, and sports grounds, and similar uses, and may include a refreshment stand incidental to the primary use;
- (203) **“recreational vehicle”** means a vehicle type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor power or is mounted or drawn by another vehicle, and shall also include vehicles used for recreation such as trikes, ski-doo's, and boats;
- (204) **"recreational vehicle campground"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for more than four (4) consecutive days and not more than 20 days in a year;
- (205) **"recreational vehicle campground, seasonal"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for a minimum of four (4) consecutive days and normally for no longer than an entire season;
- (206) **“recreational vehicle campground, workcamp”** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time.
- (207) **“recreational vehicle storage”** means a commercial development which provides fenced or indoor, secure, onsite storage of more than three (3) recreational vehicles such as R.V.'s boats and ATV's.
- (208) **“recycling depot”** means a development where bottles, cans, newspapers, cardboard, plastics and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- (209) **“re-located building”** means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured or modular homes;

- (210) **“renovation”** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (211) **“rentable unit”** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- (212) **“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;
- (213) **“roof”** means the top of any enclosure, above or within the vertical walls of a building;
- (214) **"rowhousing"** means a dwelling that is comprised of individual dwelling units, each of which abuts another dwelling unit on the side, except for the two dwelling units on the end of the row. The end dwelling units of a row of such dwelling units are considered side-by-side duplexes if they each have a side yard.
- (215) **“sea can”** means a pre-built metal container or structure originally designed and/or constructed for the purpose of cargo storage (**see Figure 12**);



Figure 12: Sea Can

- (216) **"secondary commercial"** means a general commercial use, which is subordinate in nature to the main use of parcel. A secondary commercial use is not limited to uses, which are similar to the main use of the parcel;
- (217) **“secondary suite”** means a subordinate self-contained dwelling unit, located within a single detached house which has separate cooking, sleeping and bathing facilities. Secondary suites must have a separate entrance from the single detached house, either from a common indoor landing or directly from the exterior of the house. They include the conversion of basement space to a dwelling unit, or the addition of new floor space to an existing single detached house to create an additional dwelling unit. Secondary suites do not include housing that was initially designed for two or more dwellings such as duplex housing, apartment housing, or boarding and lodging housing. Garden suites, garage suites and in-laws suites are not considered secondary suites;

- (218) **“self-service storage facility”** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer’s goods or wares. The maximum height of lockers shall be 3.0 m (9.8 ft.). Self-service storage facilities do not include any outdoor storage;
- (219) **“seniors citizens apartment building”** means apartment style housing specifically designed to meet the needs of senior citizens. Senior citizens apartments include both age inclusive and age exclusive retirement communities which offer a broad variety of activities to residents as well as independent living communities where adult residents maintain an independent lifestyle. Some independent living communities include subsidized housing that offers rental assistance from the federal government;
- (220) **“senior citizens home”** means a facility for the care of older persons who do not require hospitalization and who cannot be cared for at home. Senior citizens homes include supportive living and continuing care facilities;
- (221) **“service station”** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops;
- (222) **“setback”** means the minimum horizontal distance between a lot boundary and the nearest point on the exterior wall of a building on the lot (see **Figure 13** and **Figure 14** for illustrations of setbacks from a roadway);

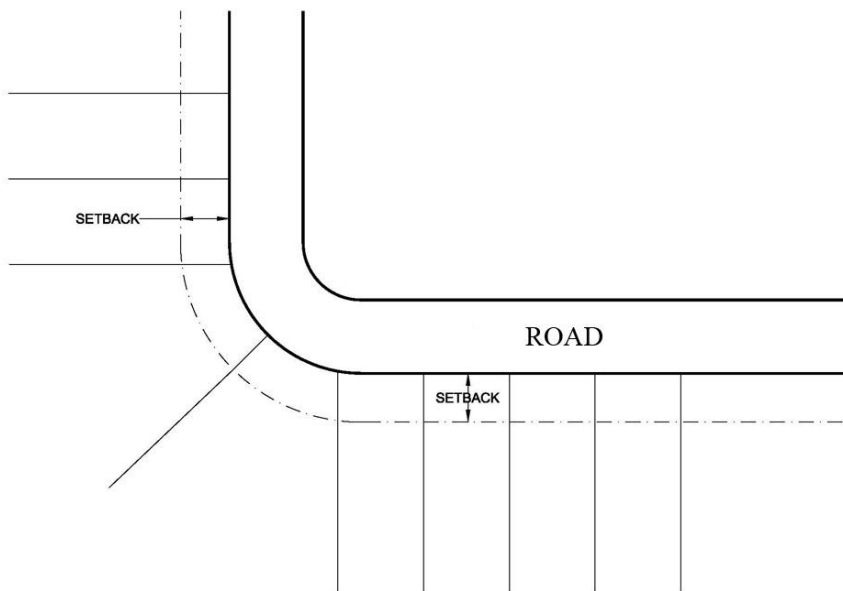


Figure 13: Setback Example A

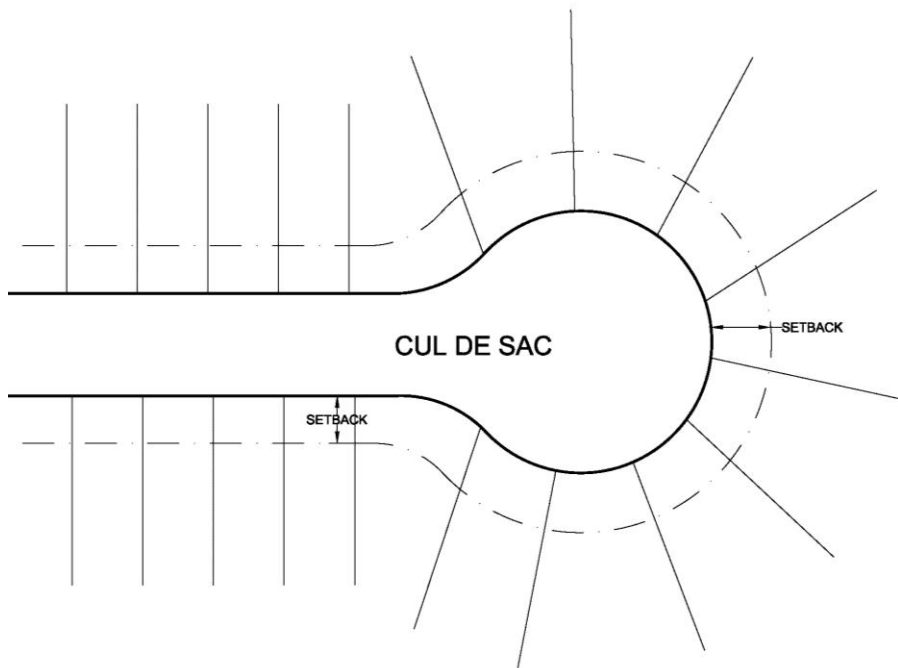


Figure 14: Setback Example B

- (223) “**shall**” is an operative word, which means the action is obligatory;
- (224) “**shopping centre**” means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit and located on one or more lots;
- (225) “**should**” means that in order to achieve local goals and objectives it is strongly advised that action be taken;
- (226) “**show home**” means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;
- (227) “**side line**” means the boundary line of a lot lying between a front line and a rear line of the lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (228) “**side yard**” means a yard extending from the side line to the nearest exterior wall of the principal building situated on the lot, and lying between the front and rear yards on the lot, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve;

- (229) “**sidewalk café**” means a temporary outdoor area located and maintained on the sidewalk of a commercial street by an adjoining restaurant for the sale of food and beverages;
- (230) “**sign**” means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or to attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs may include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a highway or road;
- (231) “**sign, canopy**” means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (see **Figure 15**);

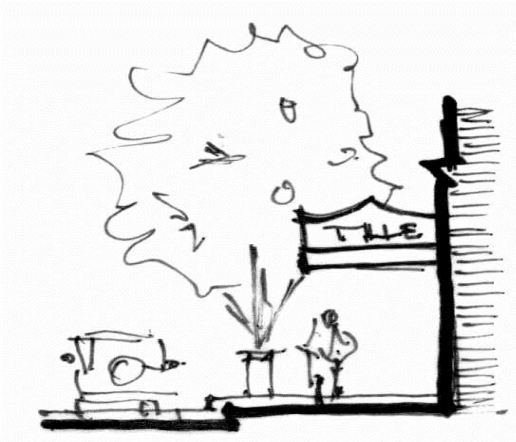


Figure 15: Canopy Sign

- (232) “**sign, fascia**” means a sign attached to or placed flat and parallel against an exterior vertical surface of a building, and projects no more than 0.3 m (0.98 ft.) from the surface of the building, and does not project above the roof or parapet (see **Figure 16**);

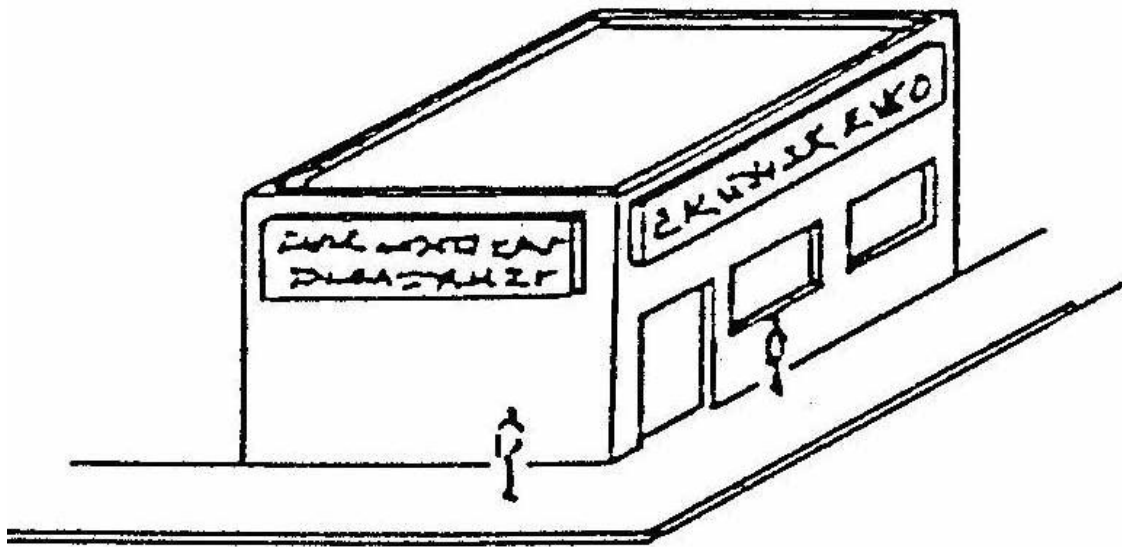


Figure 16: Fascia Sign

- (233) “**sign, freestanding**” means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see **Figure 17**);

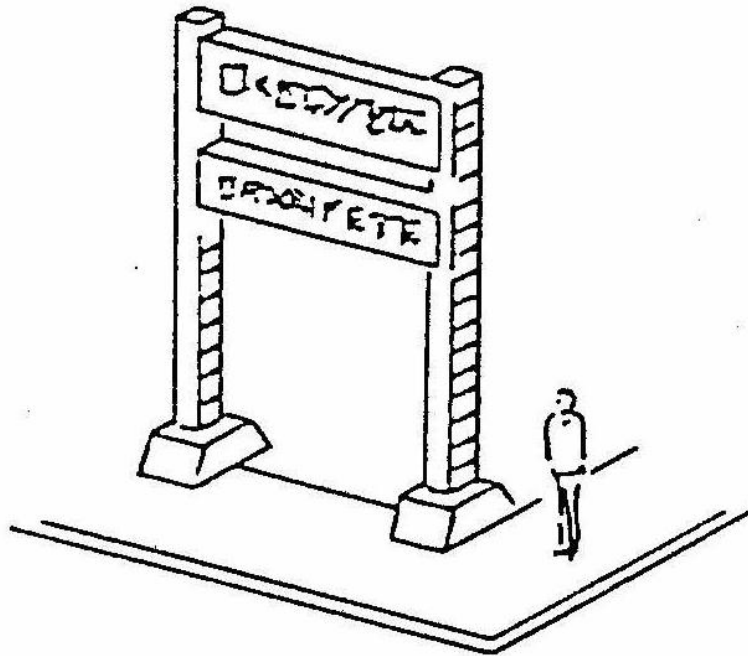


Figure 17: Freestanding Sign

- (234) “**sign, inflatable**” means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions (see **Figure 18**);



Figure 18: Inflatable Sign

- (235) **“sign, off site”** means a sign that advertises goods, products, services or facilities not available on the lot where the sign is located, and which may also direct persons to another location;
- (236) **“sign, projecting”** means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1.0 ft.) from the face of the building or structure. This does not include a sign attached to the ground (see **Figure 19**);

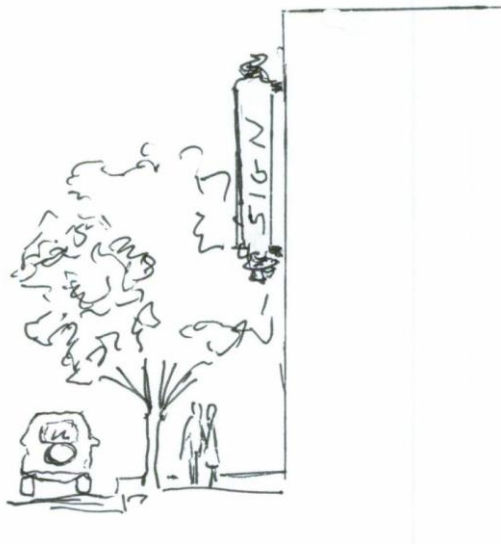


Figure 19: Projecting Sign

- (237) **“sign, roof”** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see **Figure 20**);

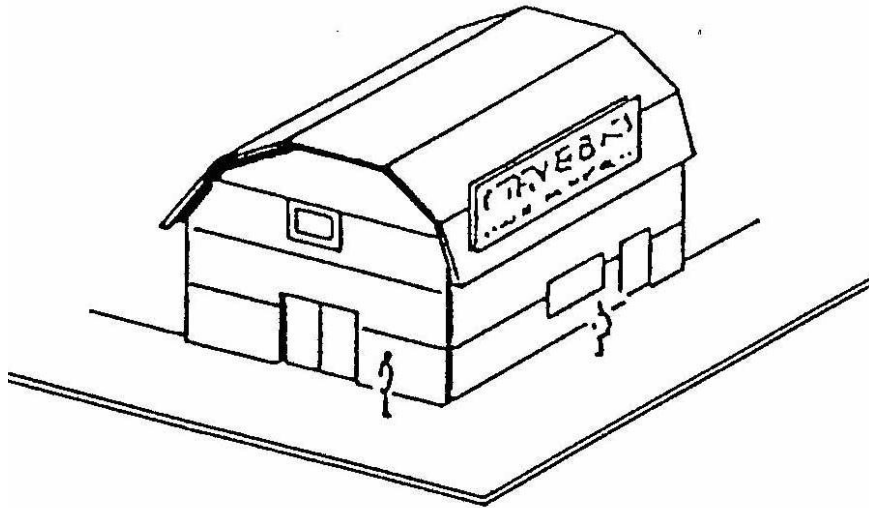


Figure 20: Roof Sign

- (238) “**sign, temporary/portable**” - means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see **Figure 21**);

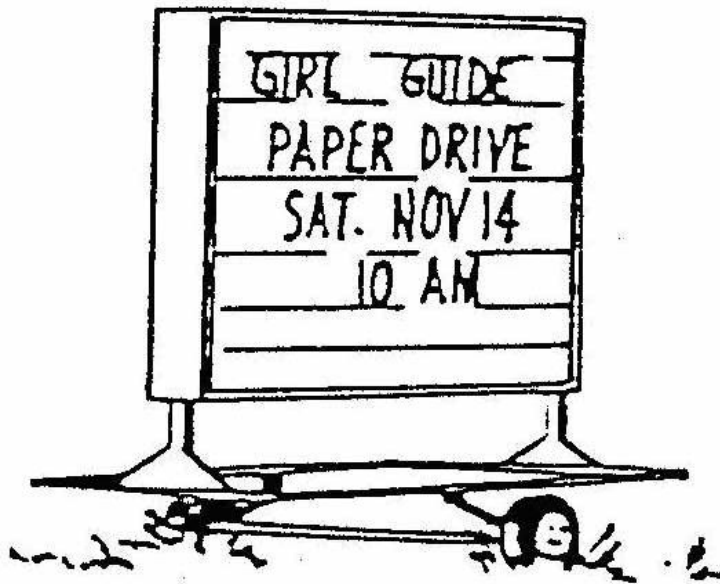


Figure 21: Temporary/Portable Sign

- (239) “**sign, under canopy**” means a sign which is attached to the bottom surface or edge of a canopy;
- (240) “**similar use**” means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
- (241) “**single family dwelling**” means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single family

dwelling is a dwelling which is normally constructed on-site. However, a single family dwelling may be constructed in pieces off-site, with the pieces being transported to the lot for assembly on-site. A single family dwelling shall not include a dwelling that would otherwise be considered to be a manufactured home if the roof pitch were less than 1:4, if the depth of eaves were less than 45.6 cm (18 inches), or if the ratio of depth vs. width (or width vs. depth), not including any appurtenances constructed as attachments thereto, were more than 2.5:1. If the roof pitch is equal to or more than 1:4, if the eaves is more than 45.6 cm (18 in.), and if the ratio noted above is less than 2.5:1, the dwelling shall be considered to be a single family dwelling;

- (242) **"site"** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- (243) **"site area"** means the total area of a site;
- (244) **"site boundaries"** means the boundaries of a site which enclose the site at its perimeter;
- (245) **"site built"** means a building that is constructed primarily on its lot. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
- (246) **"site coverage"** means the sum of the ground floor areas of all buildings on a site;
- (247) **"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;
- (248) **"site width"**, unless otherwise defined in this Bylaw, means 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;
- (249) **"small animal breeding and boarding establishment"** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;
- (250) **"small radio communication facility"** means an outdoor structure designed and constructed to support one (1) or more transmitting or receiving devices for telephone, radio or any similar wireless communication facilities for purposes of

private recreation, the non-commercial exchange of messages, self-training, and emergency communication.

- (251) **“solar array”** means multiple solar panels use in conjunction to produce electricity.
- (252) **“solar energy collection system, small”** is a small scale energy collection system that is designed to collect heat by absorbing sunlight. The term is applied to solar hot water panels, but may also be used to denote more complex installations such as solar parabolic, solar trough and solar towers or simpler installations such as solar air heat.
- (253) **“solar panel, free standing”** means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support.
- (254) **“solar panel, roof mounted”** means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure.
- (255) **“stall”** means an area of land upon which a manufactured home 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;
- (256) **“storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the roof above it;
- (257) **“structural alterations”** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (258) **“Subdivision and Development Appeal Board”** means the Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw and appointed by Council;
- (259) **“Subdivision Authority”** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- (260) **“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 District in which the lot is located;
- (261) **“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;

- (262) **“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;
- (263) **“temporary use”** means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;
- (264) **“tented structure”** means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures;
- (265) **“tie down”** means an apparatus which firmly secures a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site;
- (266) **“Town”** means the Town of Viking;
- (267) **“truck and recreational vehicle sales/rentals establishment”** means a development where new or used trucks with a gross vehicle weight rating of 4000.0 kg (8818.5 lbs.) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000.0 kg (13,227.7 lbs.) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;
- (268) **“trucking and cartage establishment”** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6613.9 lbs.);
- (269) **“use”** means the purpose or activity for which a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- (270) **“utility services”** means a development of a public utility or a public utility building or a government service function. Utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants,

incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs or storm water management facilities; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;

- (271) “**vacant lot**” means a lot either subdivided or to be subdivided for any purpose on which a building is not located. A vacant lot can be on farmed land or land that is not farmed;
- (272) “**veterinary clinic**” means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (273) “**veterinary clinic – large animal**” means a development where large animals, including livestock are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (274) “**warehouse sales establishment**” means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments may include furniture stores, carpet stores, major appliance stores, and building materials stores;
- (275) “**wind energy conversion system, large**” means one or more towers designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;
- (276) “**wind energy conversion system, micro**” means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure;
- (277) “**wind energy conversion system, small**” refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
- (278) “**wind turbine tower**” refers to the guyed or freestanding structure that supports a wind turbine generator;
- (279) “**wind turbine tower height**” means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;

- (280) **“wireless radio communication facility”** means an outdoor structure designed and constructed to support one (1) or more transmitting or receiving devices for telephone, radio or any similar wireless communication facilities;
- (281) **“work camp”** means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than thirty (30) days and less than one (1) year. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
- (282) **“work camp – short term”** means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition temporary means for a period of up to four (4) months in total duration either consecutively or non-consecutively;
- (283) **“yard”** means a part of a lot which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;

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. Reference in this Bylaw to the masculine gender shall be considered to be to the feminine gender as well, as the case may be; and reference in this Bylaw to the singular or to the plural shall be considered to be to the plural or to the singular as well, as the case may be.

1.4 Metric and Imperial Measurements

Within this 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. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

1.5 Date of Receipt

Where a:

- (1) subdivision or development permit approval or refusal,
- (2) subdivision or development appeal notice,
- (3) notice to reclassify lands, or
- (4) 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 five (5) 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 Repealing Existing Controls

Bylaw No. 99-528, as amended, is hereby repealed.

1.7 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

1.8 Attached Figures

Various Figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw unless the text of the Bylaw specifically indicates that reference should be made to the Figure for relevant regulations.

1.9 Schedule A

Schedule A, the Land Use Bylaw Map, is attached hereto and forms part of this Bylaw.

PART 2.0 – GENERAL ADMINISTRATIVE PROCEDURES AND AGENCIES

2.1 Control of Development

- (1) No development other than that indicated in Section 2.2 of this Bylaw shall be undertaken within the Town 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 shall not undertake works prior to obtaining the necessary approvals. These prohibited works shall include:
 - (a) clearing, piling and burning of trees and shrubs
 - (b) grading
 - (c) any other development which may unduly affect the lands or the neighbouring lands.

2.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) the carrying out of works of maintenance, renovation, or repair to any building, provided that such works do not include structural alterations or major works of renovations;
- (2) the completion of a building which was lawfully under construction at the date this Bylaw comes into effect, 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 said approval;
- (3) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure (other than on corner sites or where abutting on a road used by vehicular traffic) less than 1 m (3.3 ft.) in height in front yards and less than 2 m (6.6 ft.) in height in side and rear yards;
- (5) 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 Bylaw;
- (6) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal public authorities on land which is publicly owned or controlled;

- (7) a single storey accessory building with a floor area not more than 10.0 sq. m (107.7 sq. ft.) in floor area, unless the accessory building does not meet the minimum distance requirements outlined in **Sections 8.1, 8.2, and 8.3** of this Bylaw. If the accessory building is larger than 10.0 sq. m (107.6 sq. ft.) in size then a development permit is required;
- (8) utility connections and maintenance, including television, telephone, electrical or heating installation work to a building, provided that the use or intensity of use does not change;
- (9) the erection or placement of a temporary building or sign no larger than 5.9 sq. m (64.0 sq. ft.), the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
- (10) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - (a) such signs are removed within seven (7) days after the election date,
 - (b) such signs do not obstruct or impair vision or traffic,
 - (c) such signs are not attached to fences, trees, or utility poles; and
 - (d) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (11) the placement of one (1) sign on internal lots, or two (2) signs on corner lots advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 sq. m (6.5 sq. ft.) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- (12) the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
- (13) the placement of a portable sign on a lot provided that the requirements of this Bylaw are satisfied;
- (14) a patio, as defined in this land use bylaw, in a Residential District that meets the minimum required yard requirements outlined in **Sections 7.8 and 7.9** of this Bylaw;
- (15) boarding and foster care within a dwelling unit, provided the use, in the opinion of the Development Authority, is not a boarding and lodging house, a day home, a day care facility, a group home, a family care facility, or a group care facility;

- (16) extensive agriculture on lots 8 ha. (20 ac.) or more in area in an Urban Reserve (UR) District;
- (17) 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 to provide vehicular access from a road or highway to an attached or detached garage or carport;
- (18) television satellite dishes;
- (19) an existing or proposed minor home occupation, as defined in this Bylaw, but not including an existing or proposed bed and breakfast operation, also as defined in this Bylaw, if the existing or proposed home occupation, in the opinion of the Development Officer, complies with all provisions and requirements of **Section 8.12** of this Land Use Bylaw;
- (20) an existing or proposed day home or child care facility, as defined in this Bylaw, if the existing or proposed day home or child care facility, in the opinion of the Development Officer, complies with all relevant provisions and requirements of **Section 8.11** of this Bylaw;
- (21) the construction and maintenance of utility services, primary infrastructure and private utilities associated with a principal residential use of land, not including a waste transfer station, regional landfill, communications towers or the municipal sewage lagoon; and
- (22) the demolition or removal of any building, structure or use for which erection or establishment a development permit would not be required pursuant to subsections (1) through (21) above, both inclusive.

2.3 Development Authority

- (1) The Development Authority of the Town of Viking shall be as established by the Town's Development Authority Bylaw.
- (2) Notwithstanding Subsection (1) above, the Development Authority within the Direct Control (DC) District shall be the Council.
- (3) If the Development Authority Officer is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- (4) If the Council is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Council.

2.4 Development Authority Officer

- (1) The Development Officer shall perform such duties that are specified in subsections (2) and (3) hereof and in this Bylaw.
- (2) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Authority Officer.
- (3) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon.

2.5 Council

The Council shall perform such duties that are specified for it in this Bylaw.

2.6 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the Town's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in **Part 4.0** of this Bylaw

PART 3.0 – DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 Application for Development Permits

- (1) An application for a development permit shall be made to the Development Officer in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan drawn to scale, showing:
 - (i) the boundaries of the lot or lots on which the development is to take place,
 - (ii) all of the existing and proposed buildings on the lot,
 - (iii) the front, rear, and side yards, if any,
 - (iv) any provision for off-street loading, vehicle standing, and parking areas,
 - (v) access and egress points to the lot, and
 - (vi) lot and building dimensions, and distances to property lines and between buildings;
 - (b) an indication of the proposed uses;
 - (c) an indication of the ownership of the land and the interest of the applicant therein; and
 - (d) the estimated cost of the project or contract price
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
- (3) In addition to the information requirements indicated in Section 3.1(1) above, the Development Authority Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
 - (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - (b) the height and horizontal dimensions of all existing and proposed buildings;
 - (c) outlines of roof overhangs on all buildings;
 - (d) existing and proposed elevations on the lot and on adjacent lots, roads and lanes;
 - (e) post construction lot, grade, and building elevations;
 - (f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - (g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the lot and on adjacent boulevards within road rights-of-way;

- (h) drainage plans;
- (i) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
- (j) future development plans for a lot which is to be partially developed through the applicable development permit;
- (k) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the lot each week;
- (l) in the case of the placement of an already constructed or partially constructed building on a lot, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building, dimensioned floor plans and elevations, and any other information the Development Authority may require;
- (m) any other information or tests required by the Development Authority, at his sole discretion, respecting the lot or adjacent lands, including an environmental screening of the lot; and
- (n) a statutory declaration indicating that the information supplied is accurate.

(4) **Industrial**

In addition to the information requirements indicated in Section 3.1(1) above, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:

- (a) type of industry,
- (b) estimated number of employees,
- (c) estimated water demand and anticipated source,
- (d) type of effluent and method of treatment,
- (e) transportation routes to be used,
- (f) reason for specific location,
- (g) means of solid waste disposal,
- (h) any accessory works required (pipeline, railway spurs, power lines, etc.),
- (i) anticipated residence location of employees,
- (j) municipal servicing costs associated with the development,
- (k) physical suitability of lot with respect to soils, slopes and drainage,
- (l) if a subdivision is involved, the size and number of parcels and proposed phasing (if any),
- (m) servicing requirements and provisions for meeting them, and
- (n) costs associated with providing new or upgraded municipal services associated with the development,

and/or any other information as may be reasonably required by the Development Authority.

- (5) In addition to the information requirements indicated in Section 3.1(1) above, the Development Authority may require for a proposed industrial use the provision of

environmental assessment information and a risk assessment to assist the Town in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.

(6) **Commercial or Recreational**

In addition to any or all of the information required under Section 3.1(1) of this Bylaw, each application for a commercial or recreational development may be required, at the discretion of the Development Authority, to be accompanied by the following information:

- (a) physical suitability of the lot with respect to soils, slopes and drainage,
- (b) the size and number of parcels and proposed phasing (if any),
- (c) servicing requirements and provisions for meeting them,
- (d) costs associated with providing new or upgraded municipal services associated with the development,
- (e) the requirements and provisions for employee and customer parking and for lot access,
- (f) a landscaping plan,
- (g) cross-sections and elevations for each building, and
- (h) a list of proposed uses.

(7) **Excavation, Stripping and Grading**

In addition to the information requirements indicated in Section 3.1(1) above, an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, may include with the application, the following information:

- (a) location and area of the lot where the excavation is to take place;
- (b) existing land use and vegetation
- (c) the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the lot;
- (d) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
- (e) identification of potential for outdoor noise and the discharge of substances into the air;
- (f) the condition in which the lot is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the lot;
- (g) an indication of all municipal servicing costs associated with the development; and
- (h) the proposed haul route, dust control plan and expected hours of operation.

- (8) In addition to the information requirements indicated in Section 3.1(1) above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.

- (9) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in his sole opinion, the information supplied by the applicant in accordance with subsections (1) and (3) to (8), both inclusive, hereof is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in their sole opinion, that the development permit application is complete.
- (10) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by subsections (1) through (9) hereof or where, in their opinion, the information supplied by the applicant is sufficient to properly evaluate the application.

3.2 Referral of Applications

- (1) Development permit applications within 305.0 m (1000.0 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued. If the development is adjacent to a highway, the applicant will also be required to get a permit from Alberta Transportation.
- (2) Adjacent Municipalities

All subdivision proposals and all applications for significant discretionary development permits within 1.6 km (one mile) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.

3.3 Decision Process and Re-Application

- (1) The Development Authority Officer shall:
 - (a) receive and review all applications and ~~to~~ ascertain whether it is complete in accordance with Section 3.1 of this Bylaw;
 - (b) consider and decide on applications for a development permit where the uses constitute permitted uses in a District and where the development complies with the regulations for the development;
 - (c) refer to the Municipal Planning Commission, with recommendation, for its consideration and decision applications for a development permit:
 - (i) where the uses constitute discretionary uses in a District, or
 - (ii) for those uses which constitute permitted uses but where the proposed development does not comply with all of the regulations for the development, or

- (iii) where decision making authority has been assigned to the Commission by this Bylaw;
 - (d) refer to the Council, with a recommendation, for its consideration and decision, all development permit applications within the Direct Control (DC) District;
 - (e) at his discretion, refer to the Municipal Planning Commission any application for a development permit which in his opinion should be decided by the Commission.
- (2) The Municipal Planning Commission shall consider and decide on applications for a development permit referred to it.
- (3) The Council shall consider and decide on applications for a development permit referred to it.
- (4) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- (5) 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.
- (6) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw.
- (7) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement:
 - (a) 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,
 - (b) to install or pay for the installation of public utilities other than telecommunications systems or works,
 - (c) to construct or pay for the construction of off-street or other parking facilities, and loading and unloading facilities,
 - (d) to pay an off-site levy, and/or
 - (e) to give security to ensure that the terms of the agreement noted herein are carried out.

- (8) The Development Authority may require any agreement entered into pursuant to Subsection (7) above to be caveated against the title of the lot at the Land Titles Office.
- (9) 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.
- (10) The Municipal Planning Commission may approve or conditionally approve an application for a development permit even though the proposed development does not comply with the regulations of this 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 Municipal Planning Commission:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; andthe proposed development conforms with the use prescribed for that land or building in this Bylaw.

(11) Additional Provisions

At its sole discretion, the Development Authority may impose such conditions on the approval of an application for a development permit that it considers necessary to provide for or to ensure the implementation of any of the information or recommendations of any of the materials provided as required pursuant to Section 3.1 of this Bylaw.

- (12) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (13) In the case where an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal pursuant to Part 4.0 of this Bylaw, the Development Authority shall 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 six (6) months after the date of the refusal.
- (14) 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 after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part 4.0 of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this Subsection.

- (15) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him/her on a development permit application was either:
 - (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
 - (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority, the Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.

3.4 Development Permits and Notices

- (1) A permit granted by the Council pursuant to this Part shall come into effect on the date it is issued.
- (2) Except as noted in subsection (3) below, a permit granted by the Development Authority Officer or the Municipal Planning Commission pursuant to this Bylaw does not come into effect until twenty (20) days after the date of notification of a decision on a development permit is given as described in Subsection (4) or Subsection (5) below. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (3) Where an appeal is made pursuant to Part 4.0 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (4) When a development permit has been issued for a permitted use and no variance to any regulation has been granted as provided for by Section 3.3(10) of this Bylaw, the Development Authority Officer shall immediately post a notice of the decision conspicuously in the Town Office.
- (5) When all other development permits have been issued, the Development Authority Officer shall immediately:
 - (a) mail a notice of the decision in writing to all adjacent landowners who, in the opinion of the Development Authority Officer, may be affected; and/or
 - (b) publish a notice of the decision in a newspaper circulating in the Town; and/or
 - (c) post a notice of the decision conspicuously on the property for which the application has been made.
- (6) The notice indicated in Subsection (4) or Subsection (5) shall state the location of the property for which the application was made, the use approved, and the nature of the decision.

- (7) 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 in writing by the Development Authority.

PART 4.0 – APPEALS

4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the 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 completed application, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit within the Direct Control (DC) District or for a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) 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 Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by Council, within fourteen (14) days after
 - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.4.(5) of this Bylaw; or
 - (b) the forty (40) day period referred to in Subsection (1)(a) has expired.

4.2 Appeal Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The 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 3.4(5) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and
 - (d) such other persons as the Board specifies.
- (3) The 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 Section 5.1, as the case may be.
- (4) at the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any other person acting on behalf of the appellant;
 - (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 behalf of that person; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on behalf of that person.

4.3 Appeal Decision

- (1) The 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 5.0 – ENFORCEMENT, AMENDMENT, AND NON-CONFORMING BUILDINGS AND USES

5.1 Contravention

- (1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
 - (a) the Act or the regulations made thereunder, or
 - (b) a development permit or subdivision approval, or
 - (c) this 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:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

within the time frame specified by the notice, as the case may be.

- (2) Where a person fails or refused 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, or any other person identified as a designated officer by the Council for the purposes of this Section may, in accordance with Section 542 of the Act, enter upon the land or building and take such actions as necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where any person obstructs or hinders the Development Authority or any other person in the exercise or performance of his powers or duties under the Act, that obstructing or hindering person shall be guilty of an offence and liable to a fine or to imprisonment in accordance with Provincial legislation.
- (5) Where the Development Authority Officer or any other person identified as a designated officer by the Council for the purposes of this Section carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on 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.

- (6) The Development Authority may suspend or revoke a development permit where:
 - (a) the applicant fails to comply with the conditions of the approval of a permit, or
 - (b) development on the lot is undertaken contrary to the terms or conditions of a permit.
- (7) Any person who undertakes any development without a development permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing being issued by the Development Authority, and shall not resume such development unless a development permit has been issued or the development permit is reinstated.
- (8) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (9) Violation Tickets
 - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
 - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town.
 - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$100.00 for a first offence and \$150.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
 - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
 - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
 - (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Subsection (3).

- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.
- (3) All applications for amendment to this 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 parcel of land, the proposed District and the proposed use and development to be proposed on the subject parcel of land, if applicable.
- (4) All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

5.3 Non-Conforming Buildings and Uses

- (1) If a development permit has been issued on or before the day on which this Land Use bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building,
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.3(10) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.

- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (7) Except as specifically indicated in respect of particular uses, buildings, or developments elsewhere within this Bylaw, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

PART 6.0 – LAND USE DISTRICTS

6.1 Establishment of Districts

- (1) For the purpose of this Bylaw, the Town of Viking is divided into the following Districts:

Symbol	District Name
R1	Residential District (Low density)
R2	Residential District (Medium Density)
R3	Residential District (High Density)
RMH1	Residential Manufactured Home Subdivision District
RMH2	Residential Manufactured Home Park District
C1	Central Commercial District
C2	Secondary Commercial District
C3	Highway Commercial District
C4	Local Commercial District
M	Industrial District
PUB	Public Service District
PR	Parks and Recreation District
DC	Direct Control District
UR	Urban Reserve District

- (2) For the purposes of this Bylaw, the R1, R2, R3, RMH1, and RMH2 Districts shall be considered to be Residential Districts, and the C1, C2, C3, and C4 Districts shall be considered to be Commercial Districts.
- (3) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto, which is attached to and forms part of this Bylaw.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
- (a) Where District boundaries are shown to approximate the following, they shall be deemed to be:
- (i) the municipal boundaries, or
 - (ii) the centre lines of railway rights-of-way, or
 - (iii) the centre lines of the right-of-way of a road or lane.
- (b) In circumstances not covered by Subsection (a), the location of the boundary shall be determined:
- (i) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - (ii) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

- (5) Where Districts have been established in accordance with a proposed subdivision of land, the boundaries of the District shall be understood to conform to the boundaries of the certificate of title or as shown on the Plan of Survey or Descriptive Plan when it is registered in a Land Titles Office. Prior to the registration, the District boundaries shall be determined on the basis of the dimensions stated in the proposed plan of subdivision or on the scale of the Land Use District Map where dimensions are not provided.
- (6) 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 Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (7) 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 Bylaw.
- (8) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

PART 7.0- GENERAL PROVISIONS

Notwithstanding the District Regulations in effect on a parcel of land, the following regulations shall also apply:

7.1 Amenity Areas

Where required in any District, private and/or communal amenity areas shall be provided in accordance with the following:

- (1) Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
 - (a) be located immediately adjacent to, and with direct access from, the dwelling it is intended to serve;
 - (b) be located in a yard other than a front yard;
 - (c) be landscaped and surfaced for convenient use for outdoor activities;
 - (d) be of a width and length of at least 4 m (13.2 ft.); and
 - (e) be developed as open space unencumbered by any accessory buildings or future additions.
- (2) Notwithstanding Subsection (1)(d) above, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.5 ft.).
- (3) 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 shall 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.
- (4) In multi-family dwelling developments of eight (8) dwelling units or more, a minimum communal amenity area of 2.5 sq. m (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 sq. m (528.2 sq. ft.).
- (5) In multi-family dwelling developments, at least ten percent (10%) of the open space area required on the lot shall be provided for recreational purposes; and in multi-family dwelling developments of eight (8) units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

7.2 Building Exteriors

- (1) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- (2) The design, character, and appearance of all buildings shall:
 - (a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
 - (b) be suited to the purpose of the District in which it is located, and
 - (c) comply with the provision of any statutory plan applicable to the design, character or appearance of the building.
- (3) Unless forming part of a single project which has been designed and approved under one development permit application, no single detached dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road shall be located within two (2) lots from each other.

7.3 Corner Lots and Double Fronting Lots

- (1) In the case of double fronting lots, the front yard shall be that portion of the lot 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 lot or on a double fronting lot 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 lot, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
- (4) Notwithstanding subsection (3), features under 0.5 m (1.6 ft.) in height may project to the sideline where a second minimum front yard is not required on a corner lot (see **Figure 22**).

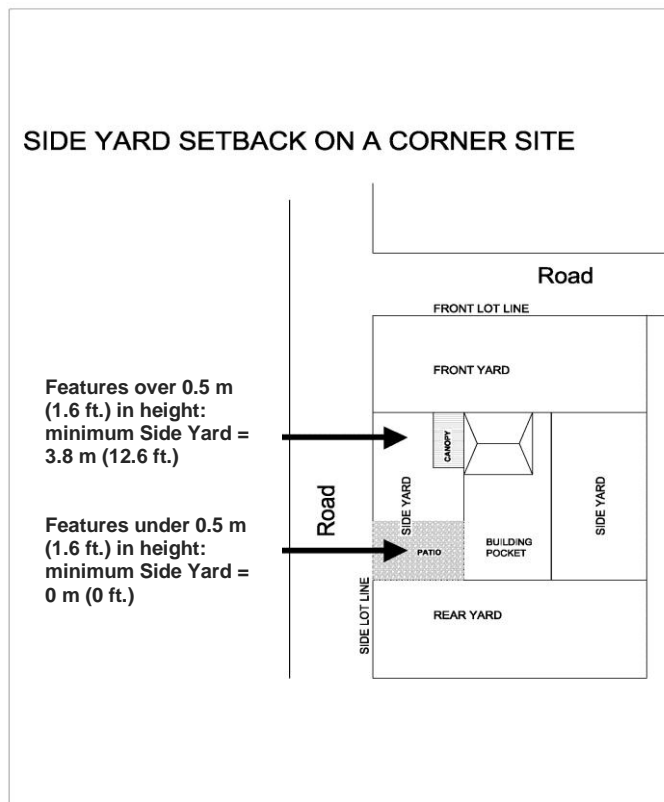


Figure 22: Side Yard Setback on a Corner Lot Where a 2nd Front Yard is Not Required

7.4 Corner Sites and Sight Line Protection

- (1) On corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.2 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) or a road and a straight line joining points on the road right-of-way lines 6.0 m (19.6 ft.) from their intersection (see **Figure 23**).

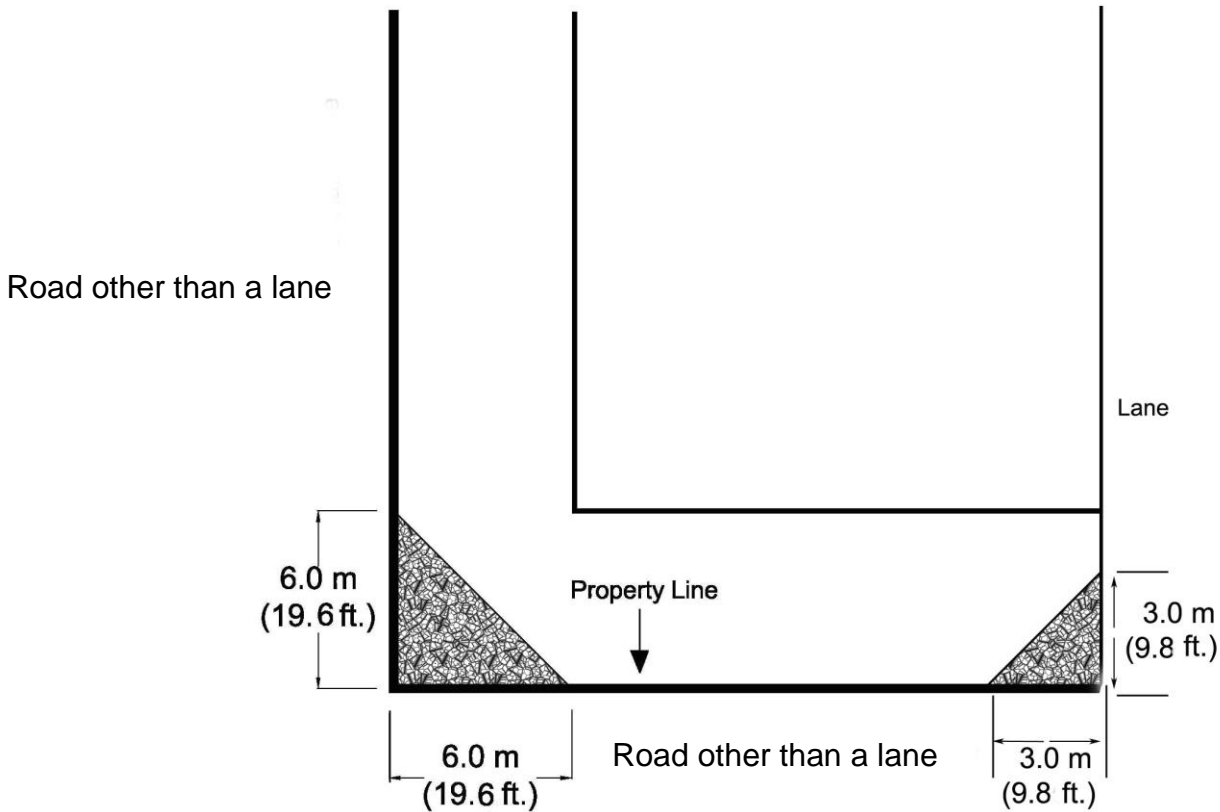


Figure 23: Corner Site

- (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 (3.2 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 7.10 does not apply in the C1 District or in the C2 District, except where an existing building is set back from the property line sufficient to allow for the regulations provided by subsections (1) and (2).
- (4) Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in subsections (1) and (2) such that any part of the sign is between the heights of 1.0 m (3.2 ft.) and 4.0 m (13.1 ft.) above grade.

7.5 Dwelling Units on a Lot

No development permit shall be issued for the erection of more than one (1) dwelling unit on a lot unless the second or additional dwelling unit is:

- (1) contained in a building which is designed for or divided into two (2) or more dwelling units;
- (2) a manufactured home within a manufactured home park;
- (3) a secondary suite, garage suite or in-law suite and the use is listed as a permitted or discretionary use within in applicable Land Use District; or
- (4) a building or parcel of land, as defined in the Condominium Property Act, that is the subject of a condominium plan registered in the Land Titles Office as such.

7.6 Environmental Screening

Where the potential for prior contamination of a lot exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to, applicable provincial requirements and/or guidelines prior to a development permit being issued. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of a development permit.

7.7 Existing Substandard Lots

With the approval of the Development Authority the minimum lot area, lot depth, and lot 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.

7.8 Fences, Walls and Hedges

- (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 lot.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the erection or construction of a fence.
- (3) Unless otherwise provided in this Bylaw, a fence, wall or hedge in the **R-1, R-2, R-3, and RMH-1 or RMH-2** Districts shall not be:
 - (a) permitted within a corner site;
 - (b) higher than 2.0 m (6.5 ft.) in side yards and rear yards, to be measured as the average elevation from the ground at the fence or wall, unless otherwise provided in this Bylaw(see **Figures 24**);

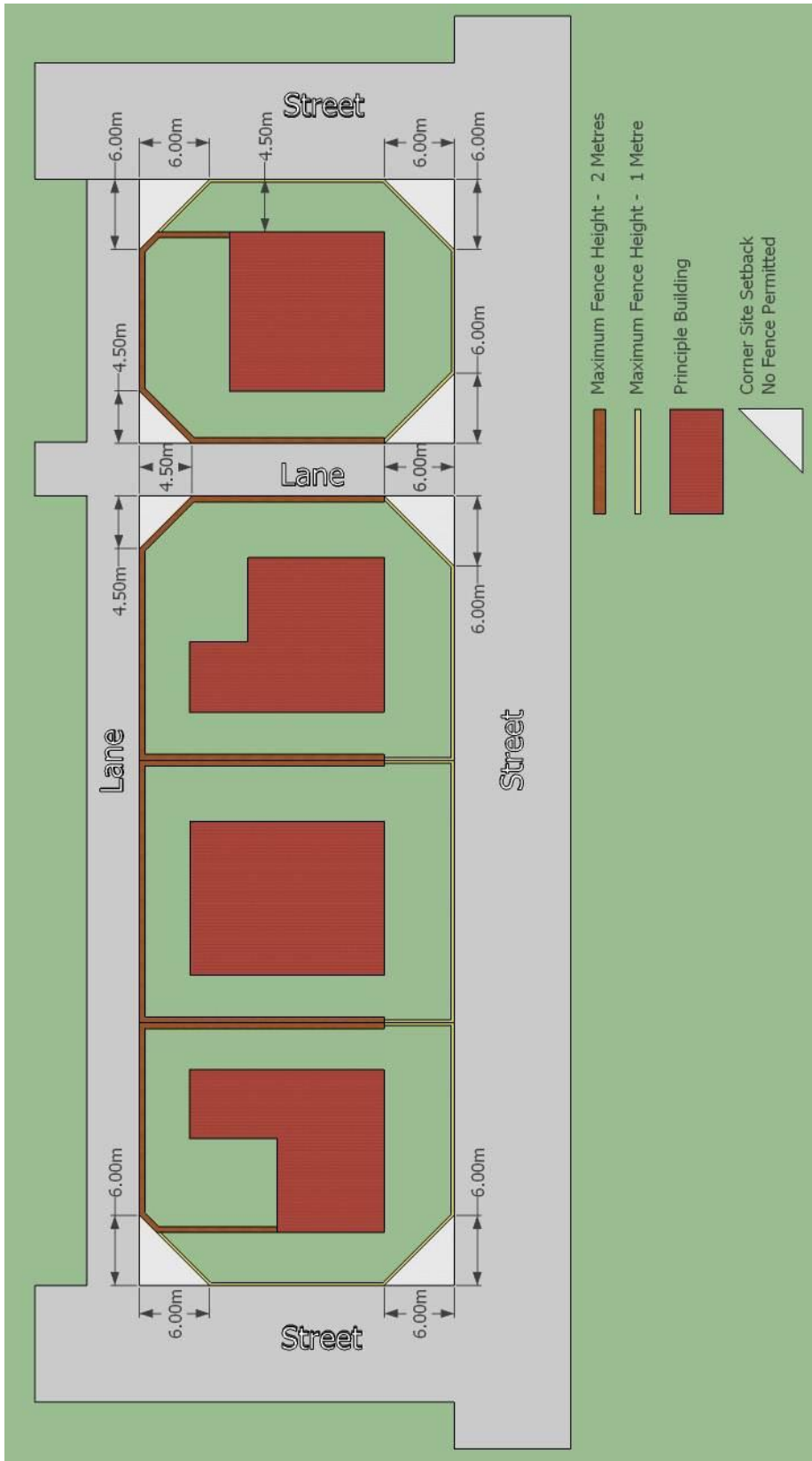


Figure 24: Fence, Wall and Hedge Height Requirements

- (c) higher than 1.0 m (3.2 ft.) in front yards or in side yards which are adjacent to a highway or road, and;
 - (d) higher than 1.0 m (3.2 ft.) within 6.0 m (19.6 ft.) of the intersection of highways and/or roads.
- (4) Notwithstanding subsection (3) above, the height of a fence in a side and/or rear yard may be higher than 2.0 m (6.5 ft.) at the discretion of the Development Authority. An approved development permit will be required prior to commencement of construction;
 - (5) Notwithstanding subsection (3) above, the height of a fence in an Industrial District, Commercial District or in an Urban Reserve District shall be as determined by the Development Authority.
 - (6) No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the Industrial District and in the Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 2.0 m (6.5 ft.) unless the Development Authority, at their discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.
 - (7) No electrification of fences shall be allowed except, at the discretion of the Development Authority, in the Urban Reserve District where the developer has demonstrated, to the satisfaction of the Development Authority, that the fence is necessary for an agricultural operation and that dwellings will not be in close proximity to the fence proposed.
 - (8) In the case of apartments or row housing, all off-street parking shall include a landscaped area. A wall, hedge or wooden fence not less than 1.5 m (4.9 ft.) in height and not more than 2.0 m (6.5 ft.) in height shall be provided along the side property lines adjacent to all Residential Districts. Both the landscaping and fence shall be provided to the satisfaction of the Development Authority.
 - (9) Commercial buildings adjacent to Residential Districts must be screened by a wooden fence not less than 2.0 m (6.5 ft.) in height and be of the "Good Neighbour" design (see to **Figure 25**). In addition, 10% of the lot area shall be maintained and landscaped. Garbage containers and outdoor storage areas shall be screened and accessible for convenient pickup.

A “good neighbour” design means a fence construction method whereby the builder alternates slats from one side to the other resulting in a fence that looks the same on both sides.



Figure 25: Good Neighbour Fence Design

- (10) In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Officer. Solid fences shall be provided at least 1.5 m (4.9 ft.) in height and no higher than 2.0 m (6.5 ft.) adjacent to any Residential District.
- (11) The Development Authority may require that a fence or other screen 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 collection areas, and
 - (c) loading or vehicle service areas.
- (12) Outside storage areas shall be screened from adjacent lots and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.

7.9 Hazardous Materials

- (1) No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a water capacity exceeding 9080 l (2000 gal.) shall be allowed within the municipality.
- (2) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- (3) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- (4) No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- (5) All commercial or industrial developments involving the following hazardous materials in bulk shall submit a written description of the materials and operations being undertaken on the lot to the Development Authority for review prior to development approval at the time of development permit application: or at the time the operation begins using the material:
 - (a) poisonous and infections agents;
 - (b) pesticides;
 - (c) corrosives and explosives;
 - (d) flammable and combustible liquids;
 - (e) manures; and
 - (f) radiation.
- (6) No development shall discharge toxic or noxious materials:

- (a) across the boundaries of a lot;
- (b) through infiltration into the soil;
- (c) into the municipal sewage disposal system, except as otherwise directed by the municipality; or
- (d) into a water body, any surface water channel, or any below surface water course.

7.10 Keeping of Animals

- (1) Notwithstanding any other provisions of this Bylaw to the contrary, no fur-bearing animals, fowl or livestock (other than domestic animals) shall be kept on any lot in any Residential District unless the lot exceeds 2.0 ha (4.94 acres) in size.
- (2) If a lot in a Residential District exceeds 2.0 ha (4.94 acres) in size, the keeping of a fur bearing animal, fowl or livestock (other than domestic animals) may be allowed if a Development Permit is applied for and approved on that lot in accordance with the following table:
 - (a) 2.0 to 2.8 ha (4.94 to 6.92 acres) a maximum of two (2) animal units;
 - (b) 2.8 to 3.6 ha (6.92 to 8.90 acres) a maximum of three (3) animal units;
 - (c) greater than 3.6 ha (8.90 acres) a maximum of four (4) animal units.
- (3) For the purpose of this Section, “one animal unit” shall mean:
 - (a) 1 horse (over one year old); or
 - (b) 2 colts up to one year old; or
 - (c) 1 cow (over one year old); or
 - (d) 2 calves up to one year old; or
 - (e) 10 ducks, turkeys, geese or chickens; or
 - (f) 2 sheep or goats; or
 - (g) 20 rabbits.
- (4) Offspring dependent upon their mothers for nursing are exempt from this Section; however, upon weaning the number of animals shall not exceed the figures provided.
- (5) In a situation as described in subsection (2) above, the issuance of the Development Permit shall be entirely at the discretion of the Development Authority.

7.11 Landscaping

- (1) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality’s landscaping standards as stated in subsection (9).

- (2) Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- (3) A landscaping deposit of between \$1000.00 and \$5000.00 may be required with the submission of Development Permit Applications for Residential, Commercial and Industrial Development. The amount of the deposit will be determined by the Development Authority in relation to the scale of the project. The deposit will be fully refundable after the first year of the completion of the development if the landscaping conforms to the approved landscaping plan and meets with the satisfaction of the Town's Development Authority.
- (4) Landscaping plans shall include the following information which adheres to the following standards:
 - (a) the final grading of the area and the placing and spreading of topsoil. In particular:
 - (i) the cross slope across boulevards shall be a minimum of two percent (2%), and
 - (ii) the drainage plan submitted with the landscaping plan shall indicate that all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements. In no instance will the Development Authority approve a drainage plan that drains over a sidewalk and curb;
 - (b) all physical features, both existing and proposed, including: shrubs and trees identified by their common name, and their size; grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
 - (c) playground equipment and public seating areas if the area forms part of a communal amenity area.
- (5) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- (6) Trees shall be planted on all buffers.
- (7) When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within two (2) months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- (8) The owner of the lot or his successors or assignees shall be responsible for proper maintenance of the landscaping. If plant material does not survive a two (2) year

maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size.

- (9) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
- (a) be hardy to the municipality and the proposed lot. The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants;
 - (b) the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
 - (c) deciduous trees must have a minimum calliper width of 5.0 cm (1.9 in.) measured 10.0 cm (3.9 in.) above the root ball;
 - (d) coniferous trees must be a minimum height of 1.5 m (4.9 ft.) at the time of planting measured from 10.0 cm (3.9 inches) above the root ball; and
 - (e) shrub material, if deciduous, must have a minimum height of 60.0 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40.0 cm (15.7 in.) when planted.
- (10) Where trees are required within a parking lot, they shall be provided in 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), and planted in landscaped islands. These numbers may be varied at the discretion of the Development Authority.
- (11) Landscaped islands must be:
- (a) designed to protect all plant material from damage;
 - (b) raised at least 15.0 cm (5.9 in.) above finished grade; and
 - (c) finished with tree grates, ground cover vegetation, and/or hard landscaping.
- (12) Approved tree species include:

COLORADO SPRUCE – <i>Picea pungens</i>
SCOTS PINE – <i>Pinus sylvestris</i>
LODGEPOLE PINE – <i>Pinus contorta</i> var. <i>latifolia</i>
SIBERIAN LARCH – <i>Larix sibirica</i>
WHITE SPRUCE – <i>Picea glauca</i>
NORWAY SPRUCE – <i>Picea abies</i>
SWISS STONE PINE – <i>Pinus cembra</i>
GREEN ASH – <i>Fraxinus pennsylvanica</i>
MANCHURIAN ASH – <i>Fraxinus mandshurica</i> ‘Mancana’
BLACK ASH – <i>Fraxinus nigra</i>

AMERICAN ELM – <i>Ulmus americana</i>
EUROPEAN MOUNTAIN ASH – <i>Sorbus aucuparia</i>
BUR OAK – <i>Quercus macrocarpa</i>
AMERICAN BASSWOOD (LINDEN) – <i>Tilia americana</i>
LITTLE LEAF LINDEN – <i>Tilia cordata</i>
THUNDERCHILD CRABAPPLE – <i>Malus x 'Thunderchild'</i>
IVORY SILK JAPANESE LILAC – <i>Syringa reticulata 'Ivory Silk'</i>
MORDEN HAWTHORN – <i>Crataegus x mordenensis 'Toba'</i>
RUSSIAN OLIVE – <i>Elaeagnus angustifolia</i>
LAUREL-LEAF WILLOW – <i>Salix pentandra</i>
SILVER MAPLE – <i>Acer saccharinum</i>
AMUR MAPLE – <i>Acer ginnala</i>
OHIO BUCKEYE – <i>Aesculus glabra</i>
SCHUBERT CHOKECHERRY – <i>Prunus virginiana 'Schubert'</i>

- (13) Other tree species may be allowed at the discretion of the Development Authority.
- (14) Landscaping must be located so that it will not have a negative impact on above or below ground utilities.
- (15) No tree species with needles will be allowed within an island or the road right of way.
- (16) Grading and Drainage

Grade differences between adjacent properties will not be excessive, and in no case shall be more than 1.0 m (3.2 ft.) unless otherwise approved by the Development Authority.
- (17) Additional Landscaping Requirements for Commercial, Industrial and Institutional Uses
 - (a) Upon occupancy of any development, a minimum topsoil coverage of 15 cm (5.9 in.) shall be provided. The affected area shall be landscaped to the satisfaction of the Development Authority.
 - (b) Off-street parking lots in any Commercial District shall be landscaped by the planting of trees in a manner and number as required by the Development Authority.
 - (c) As a condition of approval of any development in a Commercial District, Institutional District, or an Industrial District; the Development Authority may require that the land not occupied by buildings or parking areas be

landscaped to its satisfaction in order to implement the requirements of the Municipal Development Plan.

- (d) When no lane separates commercial or industrial development from residential development, a landscaped buffer between the uses shall be required. A landscaped buffer may be required where a lane separates such uses. The planting and width of the buffer shall be as required by the Development Authority.

7.12 Lighting

Any proposed lighting shall be located and arranged so that light is not directed onto adjacent properties.

7.13 Lot Grading and Drainage

In all cases, lot grades shall be established to not allow one lot or development to drain onto an adjacent lot or development except where drainage conforms to an acceptable local or subdivision drainage plan.

7.14 Noise

No use or operation shall create noise levels which exceed those measures prescribed in municipal bylaws.

7.15 Nuisance

- (1) No activity may be undertaken on any lot which, in the opinion of the Development Authority, constitutes a nuisance by reason of the generation of vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour.
- (2) Lots and buildings in all Districts shall be maintained in a clean and tidy condition, free from all rubbish and debris.
- (3) Garbage shall be stored in weather-proof and animal-proof containers and shall be placed in a location or screened from adjacent lots and roads, in a manner that is to the satisfaction of the Development Authority and shall be in a location easily accessible for pick-up.

7.16 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, wrecked or unregistered vehicle for more than fourteen (14) successive days;
 - (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;

- (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are undertaken, 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) any construction or farm machinery, except when such a vehicle is required pursuant to a development permit for such uses on a parcel of land;
 - (e) a commercial vehicle or a commercial vehicle with a trailer attached, loaded or unloaded, of a maximum weight in excess of 4000.0 kilograms kg (8188.5 lbs.).
- (2) Subsection (1)(e) above does not apply if the vehicle is a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods.
- (3) No person shall keep or permit the keeping in any part of any front yard in any Residential District a commercial or recreational vehicle in excess of 2000 kg. (4094.3 lbs).
- (4) No person shall keep or permit in a yard adjacent to a dwelling, on a recreational vehicle site or in a recreational vehicle stall either:
- (a) a propane tank that is larger than 68.2 kg (150 lbs);
 - (b) more than four (4) propane tanks; or
 - (c) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs) without first obtaining a development permit.
- (5) Notwithstanding Subsections (1) above, on residential lots which are:
- (a) greater than 1.2 ha (3 ac.) in area; and
 - (b) where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

The Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200 lbs) to be located on a residential lot.

- (6) Notwithstanding Subsection (4) above, in the Commercial Districts and Parks and Recreation District, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs) to be located either:
- (a) within an individual lot; or
 - (b) within each recreational vehicle stall located in an approved campground/recreational trailer park.

- (7) All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs), to be located within individual stalls, in approved campground/recreational trailer park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the Municipality. The Emergency Response Plan will be circulated to the Town's Fire Department for approval prior to issuance of a development permit.
- (8) Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.
- (9) Not more than two (2) recreational vehicles may be kept on a residential parcel at any time. The year round placement of one (1) recreational vehicle on a lot in the Residential District may be allowed without a development permit. An additional recreational vehicle is only allowed on a lot for a period not to exceed fifteen (15) days. A development permit is required for the time limit to be extended or for the placement of a second recreational vehicle for any length of time.
- (10) A recreational vehicle or a utility trailer may be kept in a side or rear yard provided it meets the setback requirements for accessory buildings in that district unless the recreational vehicle or utility trailer is less than 2.0 m (6.56 ft.) in height, then the required setback is nil.
- (11) On a residential site in a residential district, one large recreational vehicle or utility trailer may be parked in the front yard or, in the case of a corner lot in the flanking side yard, as long as the following conditions are met:
 - (a) the most forward part of the body of the recreational vehicle or utility trailer shall be set back at least 1.5 m (4.9 ft.) from the interior edge of the sidewalk, or where no sidewalk exists, 1.5 m (4.9 ft.) from the interior edge of the curb;
 - (b) notwithstanding subsection (a) above, a 5th wheel recreational vehicle shall be set back at least 0.5 m (1.6 ft.) from the interior edge of the sidewalk, or where no sidewalk exists, 1.5 m (4.9 ft.) from the interior edge of the curb;
 - (c) the hitch of the recreational vehicle or utility trailer shall not encroach over the interior edge of the sidewalk, or where no sidewalk exists shall be setback at least 0.5 m from the interior edge of the curb;
 - (d) the recreational vehicle or utility trailer shall be set back a minimum of 1.0 m from the side or rear property line; and
 - (e) the recreational vehicle or utility trailer shall be parked on an approved paved, concrete, or gravel driveway.
- (12) Where the manner in which a recreational vehicle is parked creates a safety or liability issue, or a complaint is received from an impacted property, and the RV

does not meet the requirements of Subsection (7) above, a development permit is required and may be issued at the discretion of the Development Authority on a case-by-case basis. Consideration of the development permit application will have regard for the characteristics of the site and adjacent sites.

7.17 On-Site and Off-Site Services and Improvements

- (1) 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 such services or improvements will be undertaken. In order to satisfy the Development Authority the developer may be required to enter into a development agreement with the Town as a condition of development permit approval.
- (2) No development permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- (3) All future development areas must be serviced to the satisfaction of the Development Authority and be consistent with the Town's Municipal Development Plan and Master Servicing Study.

7.18 Parking and Loading Provisions

Notwithstanding the District Regulations in effect on a lot, the following regulations shall also apply:

- (1) Location of Parking Facilities
An off-street parking area or accessory off-street parking area:
 - (a) shall not be located within 1.0 m (3.3 ft.) of a lot line common to the lot and to a road or highway;
 - (b) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles;
 - (c) shall have necessary curb cuts located to the satisfaction of the Development Authority;
 - (d) in multi-family residential developments, shall not be located in the front yard, unless otherwise approved by the Municipal Planning Commission.
- (2) Off-street Parking Areas
 - (a) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated from the following table:

PARKING REQUIREMENTS	
USE OF BUILDING OR LOT	MINIMUM NUMBER OF PARKING STALLS
RESIDENTIAL USES	
Multi-family dwellings	
Threeplexes, fourplexes, apartments and ground-oriented multiple unit dwellings	1.5 per dwelling unit
Visitor parking	1 per five (5) units
Seniors apartments	2 for each 3 dwelling units
Boarding and lodging houses	1 per sleeping unit
Senior citizens homes	2 per 3 dwelling units
Secondary suites, garage suites and in-law suites	1 per dwelling unit
All other dwellings (single family, duplex, row housing)	2 per dwelling unit
Manufactured home parks	2 per manufactured home plus 1 visitor parking space per 3 manufactured homes
Residential Uses above Commercial Uses	2 per dwelling unit
COMMERCIAL USES	
General retail establishments and personal service shops	1 per each 46 sq. m (495.2 sq. ft.) of gross leasable floor space <u>and</u> one per two employees on maximum shift
Eating and drinking establishments	
Eating and drinking establishments (except those as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Drive-in restaurants	1 per each 3.0 sq. m (325 sq. ft.) of gross leasable area or 1 per 5 seating spaces, whichever is greater
Other drive-in businesses	8 stalls or as required by the Development Authority
Hotels and motels	1 per sleeping unit and 1 per 3 employees on maximum shift
Workcamps	1 per rentable unit plus 1 per 3 employees on

	maximum shift
Bed and breakfast establishments	1 per sleeping unit
Major and minor home occupations	1 in addition to the requirements for the residential use
All other commercial uses	
For the first 1,000 sq. m (10,764) sq. ft. of gross leasable area	1 per each 30 sq. m (325 sq. ft.) of gross leasable area
For the next 3,000 sq. m (32,291) sq. ft. of gross leasable area	1 per each 20 sq. m (215 sq. ft.) of gross leasable area
For the any additional gross leasable area beyond 4,000 sq. m (43,055 sq. ft.)	1 per each 17 sq. m (183 sq. ft.) of gross leasable area
PLACES OF PUBLIC ASSEMBLY	
Auditoriums, halls, clubs, theatres and other recreation places, places of worship, spectator entertainment establishments, spectator sports establishments	1 per 10 seating spaces
Indoor participant recreation services	1 per 3.5 seats or 3.1 per 10 sq. m (107.6 sq. ft) of floor area used by patrons which ever is greater.
Bowling alleys	4 per lane plus the requirements for accessory uses
Curling rinks	8 per sheet
Health and fitness clubs	1 per each 10 sq. m (107.6 sq. ft) of floor area
Hockey rinks and swimming pools	1 per 3.5 seats or 1 per 5 sq. m (53.8 sq. ft) of playing/water surface
Racket sports facilities	2 per court
SCHOOLS	
Elementary and junior high schools	1 per school employee during regular school hours plus 5 additional stalls
High Schools	4 per 10 students
Commercial Schools	1 per 10 seats plus auditorium requirements were applicable
INDUSTRIAL USES	
All industrial uses	1 per 3 employees on maximum shift, or as

	required by the Development Authority
HOSPITALS AND SIMILAR USES	
Health Services and Hospitals	1 per each 93 sq. m (1001.1 sq. ft.) of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater
Extended medial treatment (sanatoriums, convalescent homes, senior citizen lodges, group care facilities, etc.	1 per every 2 guest rooms 1 visitor stall for every 5 guest rooms 1 per each staff member on largest shift
Nursing homes	1 per each 93 sq. m (1001.1 sq. ft.) of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater
Auxiliary Hospitals	1 per each 93 sq. m (1001.1 sq. ft.) of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater

Table 1: Parking Requirements

- (b) 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.
- (c) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
- (d) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
- (e) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfill the requirements of this Bylaw.
- (f) Handicap stalls may be required at the discretion of the Development Authority.
- (g) Surfacing and Drainage
 - (i) every off-street parking space being created, and the access thereto, shall be hard-surfaced in the same or superior manner as the adjacent road, highway, or lane as approved by the Development Authority. If there is more than one access to the parking space or spaces and, if the accesses have differing surfaces, the parking spaces shall be surfaced in the same manner as the more permanent surface, again, as required by the Development Authority; and
 - (ii) every commercial parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be

allowed to cross a sidewalk unless permitted otherwise by the Municipal Planning Commission.

- (h) Required Number of Off-Street Parking Spaces
 - (i) Required parking spaces shall normally be provided on the same lot as the development requiring the parking. The Municipal Planning Commission may allow, at its sole discretion, the Developer to provide the required parking spaces, or any portion thereof, at a location other than the lot on which the development requiring parking is taking place.
 - (ii) At the sole option of the Development Authority, a developer shall pay money to the municipality in lieu of providing parking spaces. The amount of money will be determined by the Council after their review of their plans and policies, as they may be, respecting the provision of said money in lieu of providing parking spaces.

- (i) Change of Use of Building:

Additional parking stalls stay with lot. If the Municipal Planning Commission decides that additional parking space is required, this cost is the responsibility of the property owner.

- (j) Notwithstanding subsection (1) above, in the Primary Commercial (C-1) District, the following provisions shall apply:
 - (i) 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;
 - (ii) 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. 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
 - (iii) drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

- (k) All parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions and shall conform to the requirements shown in Table 2. (See Figure 23 following for definitions of column headings)

Parking Angle in Degrees	Width of Stall	Length of Stall Perpendicular to Manoeuvring Aisle	Length of Stall	Overall Depth	Width of Manoeuvring Aisle (one-way)
	A	B	C	D	E
0	6.2m (20.3ft.)	2.8m (9.2 ft.)	2.8m (9.2ft.)	9.1m (29.9ft.)	3.5m (11.5ft.)
30	2.8m (9.2ft.)	5.2m (16.9 ft.)	6.2m (20.3ft.)	13.82m (45.3ft.)	3.5m (11.5ft.)
45	2.8m (9.2ft.)	3.5m (11.5ft.)	6.2m (20.3ft.)	15.5m (50.9ft.)	3.5m (11.5ft.)
60	2.8m (9.2ft.)	6.5m (21.3ft.)	6.2m (20.3ft.)	18.4m (60.4ft.)	5.5m (18.0ft.)
90	2.8m (9.2ft.)	6.2m (20.3ft.)	6.2m (20.3ft.)	19.0m (62.3ft.)	7.0m (23.0ft.)

Table 2: Parking Area Design Requirements

Figures 26-29 illustrate the parking area design requirements identified in Table 2

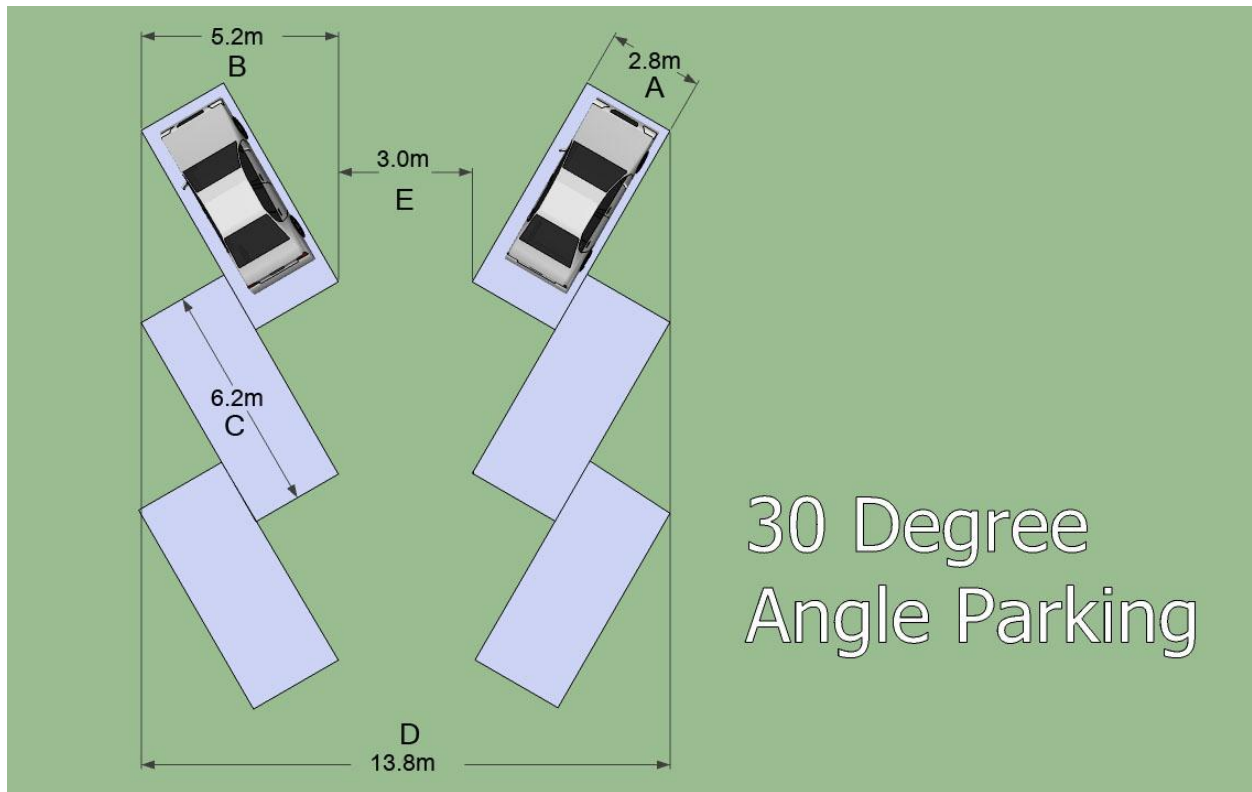


Figure 26: Parking Area Design Requirements for 30 Degree Angle Stalls

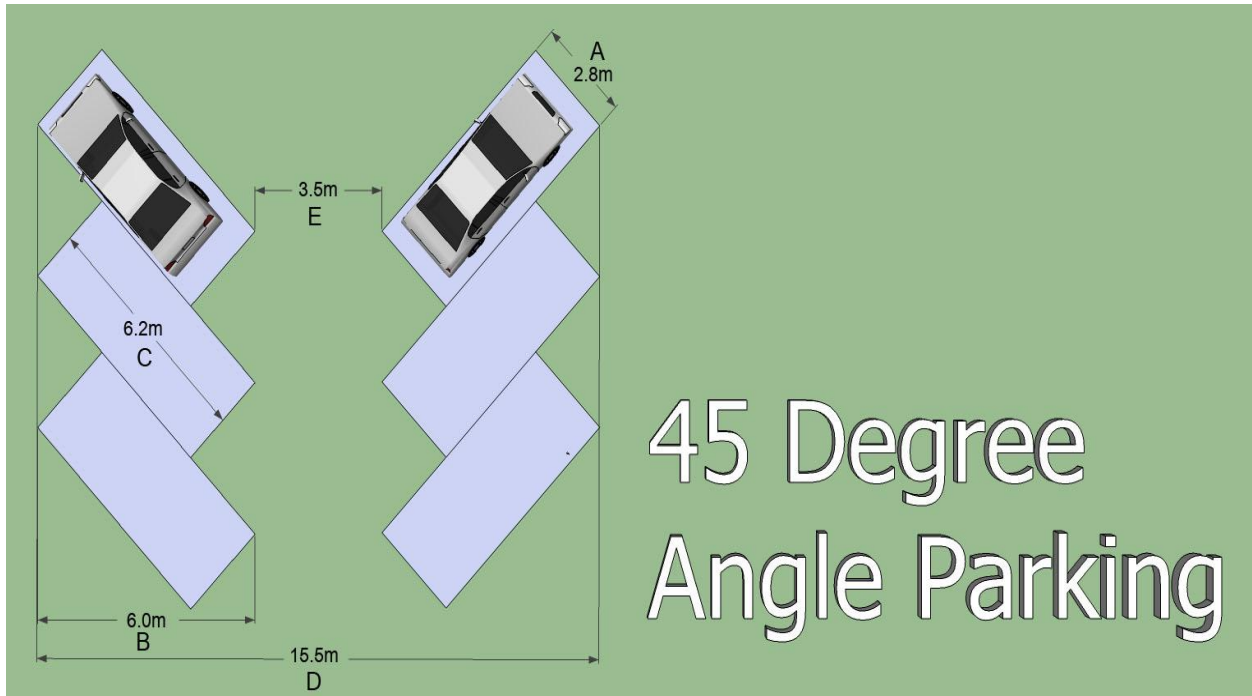


Figure 27: Parking Area Design Requirements for 45 Degree Angle Stalls

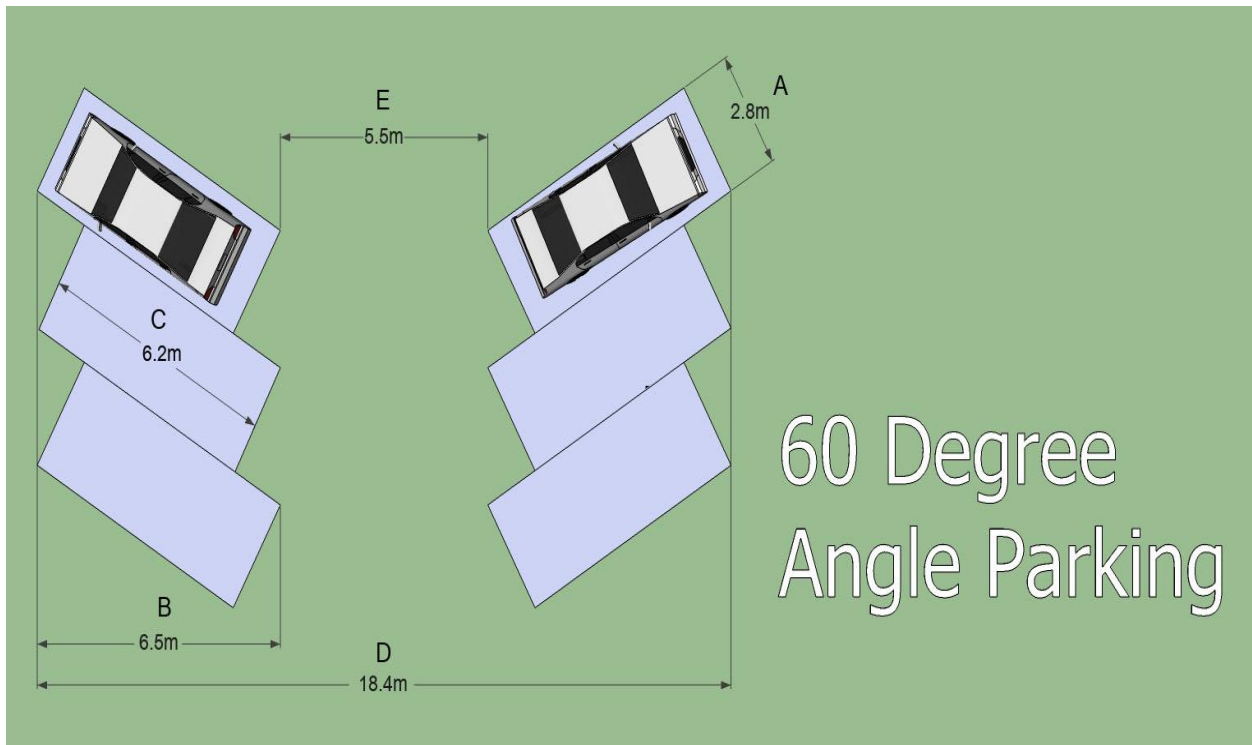


Figure 28: Parking Area Design Requirements for 60 Degree Angle Stalls

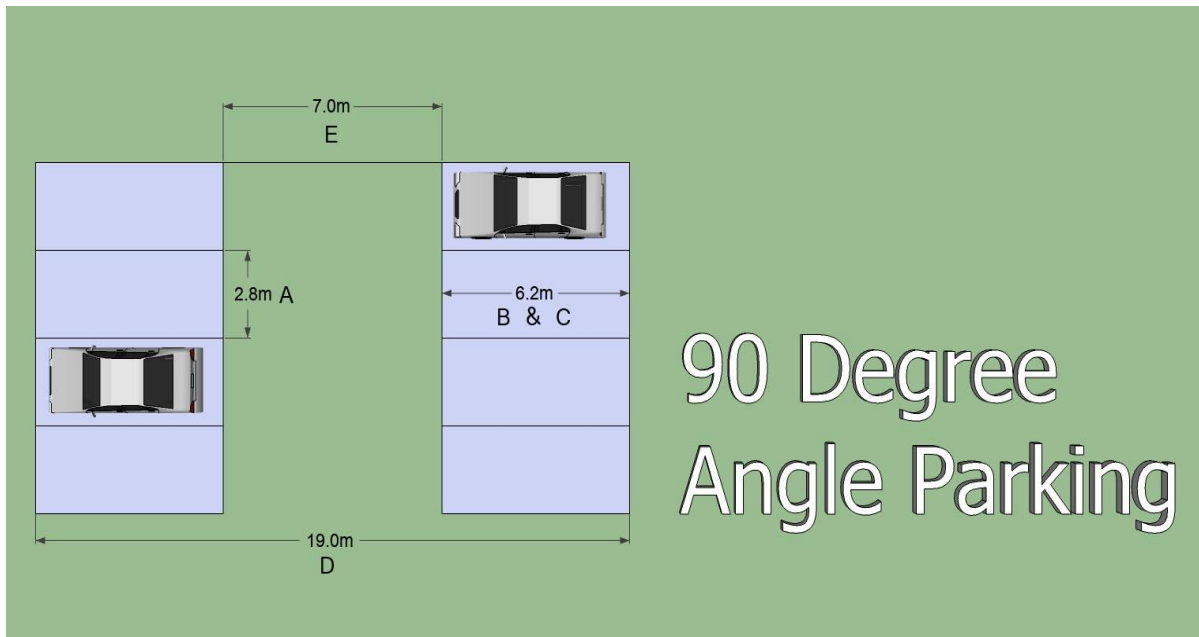


Figure 29: Parking Area Design Requirements for 90 Degree Angle Stalls

(3) Off-Street Loading Areas

- (a) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the lot.
- (b) When required by the Development Authority, loading spaces shall:
- (i) have dimensions of not less than:

Width	3.0 m (9.8 ft.)
Length	7.5 m (24.6 ft.)
Height above grade	4.2 m (13.8 ft.)
 - (ii) provide vehicular access to, and egress from, a road, highway, or lane such that no backing or turning movements of vehicles going to or from the lot cause interference with traffic in the abutting roads, highways, or lanes;
 - (iii) 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;
 - (iv) 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;
 - (v) be paved or hard surfaced where a parking area is required to be paved or hard surfaced;
 - (vi) have adequate lighting to the satisfaction of the Development Authority; and
 - (vii) be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.5 ft.) in height.

- (c) The number of loading spaces required to be provided in a development shall be as follows:

USE OF BUILDING OR LOT	MINIMUM NUMBER OF LOADING SPACES
COMMERCIAL STORES, RETAIL, INDUSTRIAL, WAREHOUSE OR SIMILAR USES	
Retail use, industrial warehouse, or similar development	
Less than less than or equal to 460 sq. m (4951.6 sq. ft.) of gross floor area,	1 space
For developments greater than 460 sq. m (4951.6 sq. ft.) and less than 2300 sq. m (24,757.8 sq. ft.) of gross floor area	2 spaces
Each additional 2300 sq. m (24,757.8 sq. ft.) or fraction thereof.	1 additional space
Neighbourhood Commercial Stores	1 space
Office buildings, places of public assembly, public convalescent homes, institutions, clubs or lodges, public utilities, schools or for any other similar uses	
Less than or equal to 2800 sq. m (30,139.9 sq. ft.) of gross floor area	1 space
Each additional 2800 sq. m (30,139.9 sq. ft.) or fraction thereof	1 additional space
RESIDENTIAL	
Multifamily dwellings	
All	1 per 20 dwelling units or a fraction thereof

Table 3: Loading Stall Requirements

- (d) Any other building or use shall provide loading spaces as required by the Development Authority.
- (e) Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

7.19 Projection over Required Yards

- (1) No accessory building, use, or parking space shall be located in the front yard of a residential use without the approval of the Development Authority.
- (2) Except as provided in this Section and in Sections 7.3 and 7.4, and except for fences, walls or hedges as noted in Section 7.8 no portion of a building shall be located or project into a required minimum yard.
- (3) Required Minimum Front Yards

The following features may project into a required minimum 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 1.0 m (3.2 ft.);
- (c) 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 2.0 m (6.5 ft.) into the required minimum front yard; and
- (d) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

(4) Required Minimum Side Yards

The following features may project into a minimum required side yard; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:

- (a) steps, chimneys and decks, provided such projection does not exceed fifty percent (50%) of the width of the required minimum side yard;
- (b) patios, which can project to the side line;
- (c) verandas, porches, eaves, gutters, sills, bay or oval windows, chimneys, or other similar projections, provided such projections do not exceed 0.6 m (2.0 ft.);
- (d) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.2 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 1.0 m (3.2 ft.) into a required side yard and in no case are closer than 2.0 m (6.5 ft.) to a side line; and
- (f) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

7.20 Relocation of Buildings

- (1) The relocation of an already constructed building or a partially constructed building onto a lot, whether or not it is to replace a building, requires approval from the Development Authority.
- (2) In making its decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall 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, in his sole opinion, is or will be incompatible with the neighbourhood.

7.21 Sour Gas Facilities

- (1) No development shall be permitted within 100 m (330 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Energy Resource Conservation Board (ERCB).
- (2) No development shall be permitted within 500.0 m (1640.0 ft.) of a Level 2 sour gas facility as determined by the ERCB.
- (3) No dwelling or unrestricted country development shall be permitted within 100.0 m (330.0 ft.) of a Level 3 or Level 4 sour gas facility (consisting of a well) as determined by the ERCB.
- (4) No development, other than a dwelling or an unrestricted country development shall be permitted within 1500.0 m (4920.0 ft.) of a Level 3 or Level 4 sour gas facility as determined by the ERCB.

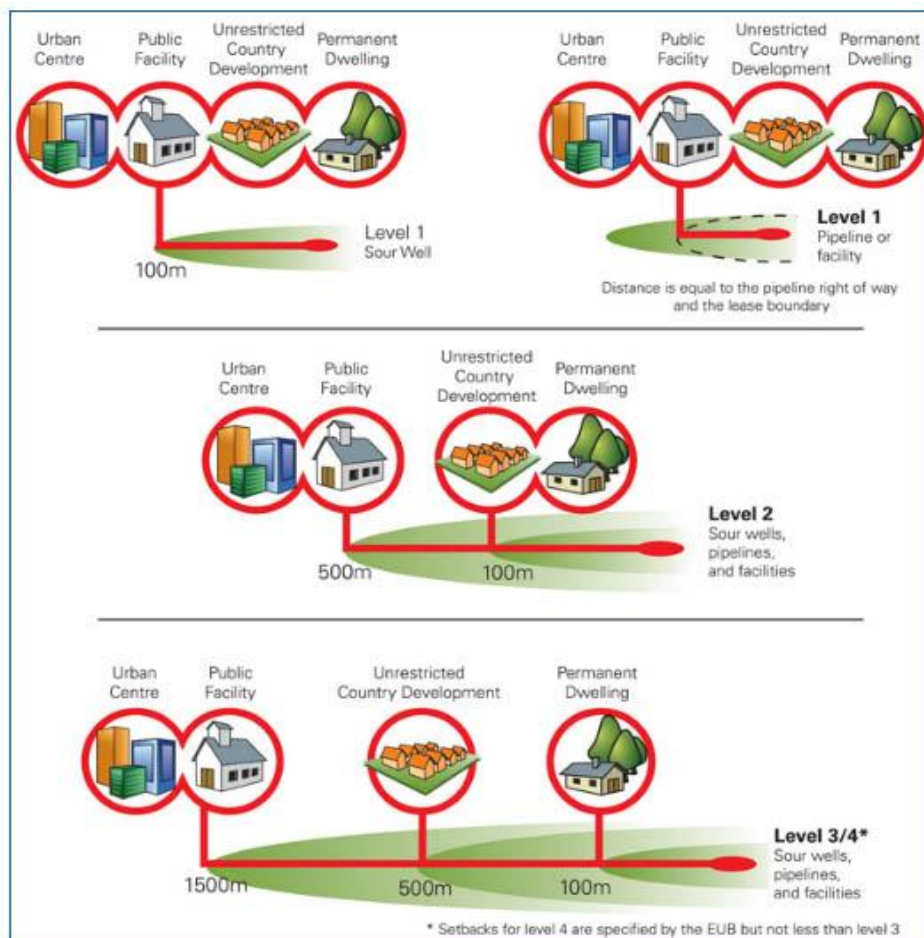


Figure 30: Sour Gas Setback Requirements

7.22 Subdivision of Land

- (1) Where the development of land involves a subdivision of land, no development permit shall be issued until the application has been approved by the Subdivision Authority as per Section 652(1) of the Act and the subdivision has been registered at the Land Titles Office.
- (2) Subject to subsection (3) below, any application to subdivide land in the municipality shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.
- (3) 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 with the use prescribed for that land or building in this Bylaw.

7.23 Utility Easements

No development other than landscaping or a fence shall be constructed or placed on a utility easement unless, in the sole 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.

PART 8.0 - SPECIAL USE REGULATIONS

Notwithstanding the District Regulations in effect on a lot, the following regulations shall also apply:

8.1 Accessory Building and Use Regulations

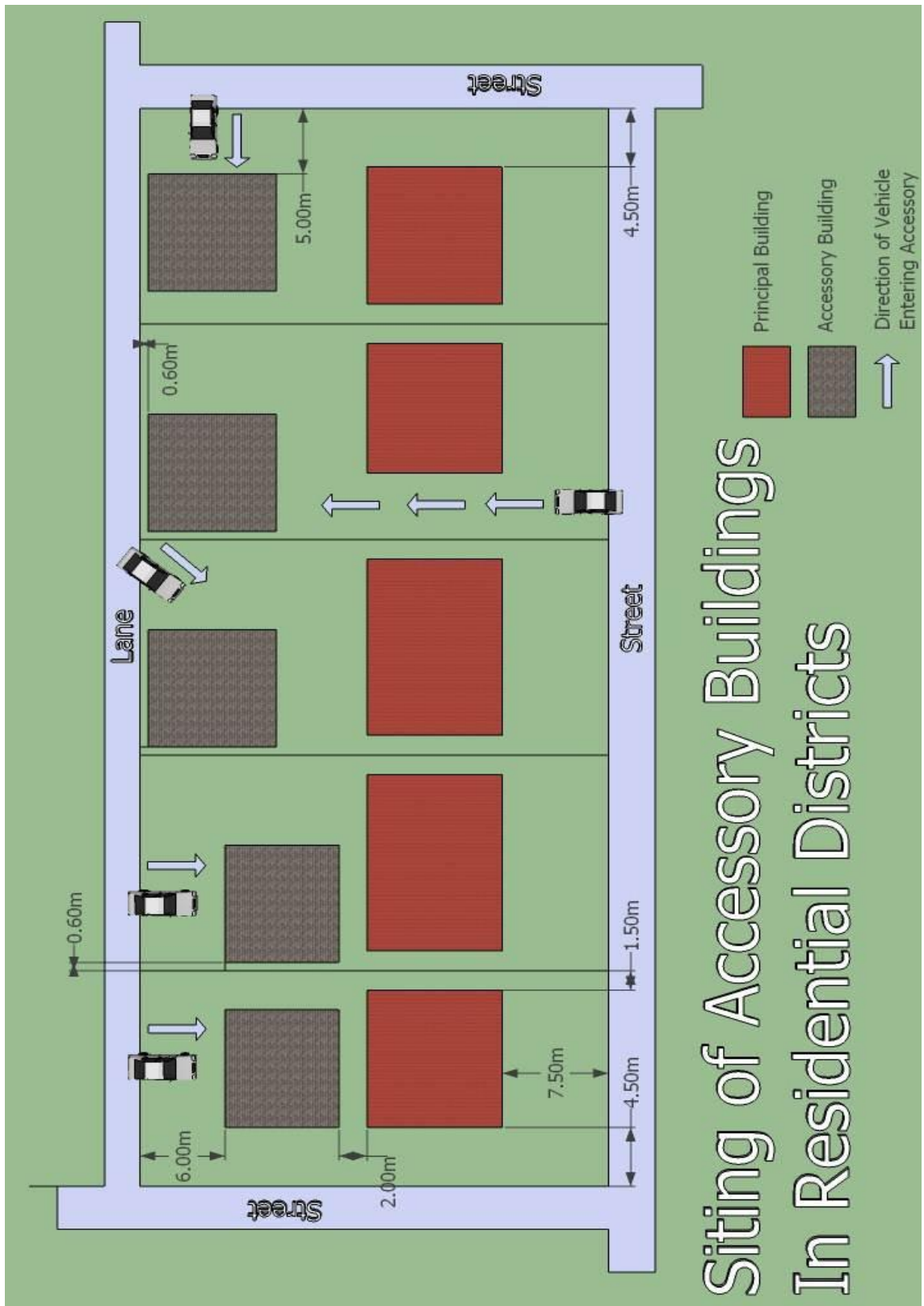
- (1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- (2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a surveillance suites, where allowed in this Bylaw.
- (3) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a lot or the commencement of the principal use on a lot, and not before the principal building is constructed or the principal use commences.
- (4) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, 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. For the purposes of determining the lot coverage percentage buildings which are attached to a principal building will be considered part of the principal building.
- (5) 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 lot coverage allowed on the lot;
 - (b) exceed the floor area of the principal building on the lot, or
 - (c) exceed twelve percent (12%) of the lot area.
- (6) Accessory buildings shall not be located in a front yard.
- (7) Accessory buildings shall not be located on an easement or a utility right-of-way.
- (8) A temporary accessory building or fence may be permitted on a utility right-of-way at the discretion of the Development Authority if a Development Permit is approved and an encroachment agreement is signed to the satisfaction of the Town.

8.2 Accessory Buildings in Districts Other Than Residential Districts

- (1) In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- (2) At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building for use as an accessory building provided that the following additional conditions are met:
 - (a) the development permit approval shall not be for a period of more than six (6) months;
 - (b) if an extension to the six (6) month period is desired by the applicant, the applicant must submit a written extension request to locate the building for a further six (6) months.

8.3 Accessory Buildings in Residential Districts, including Garages, Sheds, Detached Decks, etc.

- (1) Unless otherwise provided, in Residential Districts:
 - (a) an accessory building shall not exceed one storey or 4.5 m (14.8 ft.) in height; and
 - (b) where an open carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.);
- (2) Accessory buildings in Residential Districts shall be located:
 - (a) a minimum of 2.0 m (6.5 ft.) from the dwelling;
 - (b) no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.8 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 7.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
 - (c) no closer than 0.6 m (1.9 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the lot, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
 - (d) no closer than 0.6 m (1.9 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building. In such a case, accessory buildings may be built within 0.6 m (1.9 ft.) of the side line; and
 - (e) such that no roof overhang is located within 0.3 m (1.0 ft.) of a side or rear line (see **Figure 31** for siting of accessory building requirements in the residential districts).



Siting of Accessory Buildings In Residential Districts

Figure 31: Accessory Building Setback Requirements in Residential Districts

- (3) All decks and verandas in Residential Districts shall be located such that they do not project into minimum required yards as established in **Section 7.19**.
- (4) Notwithstanding **Subsection (3)** above, any deck or veranda which the Development Authority allows, at its sole discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.

8.4 Animal Care and Related Uses

- (1) These regulations shall apply to all animal care and related uses, including: animal hospitals, and veterinary clinics.
- (2) The Development Authority shall require that development of these uses pay particular attention to **Sections 7.14** and **7.15** of this Bylaw, specifically noise and odour which may cause nuisance or negative external impact. Pens, rooms, and runs shall be adequately soundproofed.
- (3) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (4) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

8.5 Bed and Breakfast Establishments

- (1) A bed and breakfast establishment shall only be developed as an accessory use to a dwelling unit.
- (2) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of four (4) sleeping bedrooms.
- (3) Cooking facilities shall not be located within the sleeping units.
- (4) In addition to the above, a bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in this Bylaw.
- (5) Notwithstanding Section 8.5(5) a bed and breakfast establishment may not exceed eight (8) guests or four (4) customer vehicles parked on the lot at any one given time.

8.6 Car Washes

- (1) In addition to those locations permitted in this Schedule, 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.
- (2) The minimum lot area shall be 560.0 sq. m (6028.0 sq. ft.). In the case of service stations or gas bars including car washes, minimum lot area shall be 1110.0 sq. m (11,948.0 sq. ft.).
- (3) All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.

8.7 Conversion of Single Family Dwellings to Other Uses

- (1) In considering any application for the conversion of a single family dwelling into another use, the Development Authority shall ensure that the Development complies with the following requirements:
 - (a) The use shall be listed as a permitted or a discretionary use in the District in which the single family dwelling is located.
 - (b) Off-street parking shall be located at the rear of the principal building wherever possible and accessible from the lane only, except in the case of a corner lot where parking may be allowed between the side of the principal building and the road, if the parking is screened from adjacent roads to the satisfaction of the Development Authority.
 - (c) Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height, exterior finish, design and coverage to the satisfaction of the Development Authority.
 - (d) Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
 - (e) All signs shall be in keeping with Section 8.33 of this Bylaw.

8.8 Day Use and Picnic Areas

- (1) A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the lot. Exact numbers shall be at the discretion of the Development Authority.
- (2) The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- (3) Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.

- (4) Parking areas should be physically separated from the rest of the day use or picnic areas.

8.9 Drive-In Businesses

(1) Location

- (a) A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority that the development would not:
 - (i) impede safe traffic movement entering and exiting the lot;
 - (ii) interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses; and
 - (iii) create unsafe traffic circulation on the lot.
- (b) A drive-in business may be located in a shopping centre or other multiple use development at the discretion of the Development Authority.

(2) Lot Area and Coverage

- (a) Except as provided in Subsection (b) hereof or Table 3, the minimum parcel area shall be 600.0 sq. m (6458.0 sq. ft.), the minimum frontage shall be 30.0 m (98.4 ft.), and the maximum floor area of buildings shall be 90.0 sq. m (969.0 sq. ft.).

Parcel Area and Parcel Coverage Requirements for Drive-in Businesses		
Type of Business	Parcel Area (Minimum)	Parcel Coverage (Maximum)
Drive-in Restaurant	600.0 sq. m (6458.0 sq. ft.)	20%
Gas Bars (not associated with other developments)	60.0 sq. m (646.0 sq. ft.) for each fuel pump not including the area covered by buildings	15%
Service Stations	1200.0 sq. m (12,917.0 sq. ft.)	20% including pump islands
Car Washes	600.0 sq. m (6458.0 sq. ft.)	20%
Service Station & Car Wash together	1200.0 sq. ft. (12,917.0 sq. ft.)	20%
Drive-through Vehicle Service Establishment	600.0 sq. m (6458 sq. ft.)	20%

Table 4: Parcel Area and Parcel Coverage Requirements for Drive-in Businesses

- (b) Where a drive-in business forms part of a shopping centre of multiple use development, the minimum parcel area, maximum parcel coverage, and maximum building floor area may be varied at the discretion of the Development Authority.

- (3) **Curb Cuts**
- (a) The nearest edge of a curb cut to the property line on the adjacent road shall be not less than 8.0 m (26.2 ft.).
 - (b) The maximum width of the curb cut shall be 10.0 m (32.8 ft.).
 - (c) The minimum distance between curb cuts on the same lot line shall be 6.0 m (19.6 ft.). The Development Authority may increase this minimum distance for situations where, in his sole opinion, public safety or convenience would be improved.
- (4) The minimum required distances between lot lines and any building shall be:
- (a) 9.5 m (31.1 ft.) from the lot line to that part of the principal building used as a drive-through building or as part of a drive-through;
 - (b) 6.0 m (19.6 ft.) from any lot line or parking areas to all pump islands;
 - (c) 3.0 m (9.8 ft.) from any lot 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.
- (5) **Queuing Space**
- (a) Queuing space and traffic circulation shall be provided in accordance with the following:

Queuing Space Requirements for Drive-in Businesses		
Type of Business	Inbound queuing Space Requirements	Outbound Queuing Space Requirements
Drive-through Development with a Drive-up Service	3 per service window	1 per service window
Drive-through Vehicle Service Establishment	4 per service bay	1 per service bay
Full Service Car Wash	4 or any such number as required by the Development Authority taking into consideration the number of wash bays	2 or any such number as required by the Development Authority taking into consideration the number of wash bays

Table 5: Queuing Space Requirements

- (b) Queuing spaces must allow for vehicle turning and manoeuvring.
- (c) Pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.6 ft.).

- (d) With the exception of a drive-through restaurant, a queuing space does not include any space occupied by a motor vehicle during the provision of service.
- (6) Lot and Building Requirements
 - (a) All parts of the lot to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Authority.
 - (b) The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
 - (c) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
 - (d) A minimum of ten percent (10%) of the lot area of a drive-in business shall be landscaped to the satisfaction of the Development Authority.
 - (e) In addition to the fencing, landscaping, and environmental protection requirements indicated in **Section 7.6** a berm and/or fence shall be erected and maintained by the developer of a drive-in business along any lot lines abutting or across a lane or walkway from a Residential District.
 - (f) If a car wash is located on a lot which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

8.10 Garage Suites

- (1) A garage suite shall only be allowed on a lot occupied by a single family dwelling or a duplex dwelling.
- (2) A garage suite is prohibited from being constructed within an apartment.
- (3) A maximum of one garage suite is permitted per dwelling unit where allowed.
- (4) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- (5) A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (6) A garage suite has an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- (7) The minimum floor area for an at grade garage suite is 30.0 sq. m (322.9 sq. ft.).
- (8) The minimum floor area for an above grade garage suite is 30.0 sq. m (322.9 sq. ft.).
- (9) At grade garage suites have a maximum height of 4.3 m (14.1 ft.).

- (10) Above grade suites have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 6.5 m (21.3 ft.) for suites with a sloped roof, provided that the maximum height is not higher than the height of the principal dwelling.
- (11) A minimum of three (3) on-site parking spaces – two (2) for the dwelling and one (1) for the garage suite – are required. Tandem parking may be permitted at the discretion of the Development Authority.

8.11 Group Homes, Day Homes and Child Care Facilities

- (1) All group homes, day homes, and child care facilities shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.
- (2) In addition to all other regulations of this Bylaw, a group home development shall comply with the following regulations:
 - (a) The maximum number of residents shall be established by the Development Authority who shall have regard for the nature of the group home and the density of the District in which it is located.
 - (b) In making a decision on a development permit for a group home, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to a park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
 - (c) The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.
- (3) In addition to all other regulations of this Bylaw, a child care facility development and a day home development shall comply with the following regulations:
 - (a) The maximum number of children for which care may be provided in a child care facility shall be established by the Development Authority who shall have regard for the nature of the facility, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
 - (b) The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.

- (c) Notwithstanding subsection (3)(b) above, the number of children within a day home established within a dwelling unit in any Residential District shall conform to provincial standards.
- (d) A child care facility shall not be the main use of a building within any Residential District.
- (e) A child care facility in any non-residential District shall be in a separate facility, either within the main building on the lot or in an accessory building, with a separate access to ground level and an adjacent playground area.

8.12 Home Occupations

- (1) Home occupations shall not be allowed on a lot except as an accessory use to a residential use, and further, shall not be allowed on a lot unless a dwelling unit is located on the lot on which the home occupation is to be located.
- (2) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in their opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
- (3) The Development Authority may, in his sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
- (4) All home occupations shall comply with the following requirements:
 - (a) No home occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings.
 - (b) Home occupations shall be incidental and subordinate to the principal use of the dwelling.
 - (c) No more than 20% or 30 sq. m (323 sq. ft.), whichever is less, of the dwelling unit shall be occupied by the home occupation.
 - (d) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the lot.
 - (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 dwellings.
 - (g) 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.

- (h) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the home occupation is located.
 - (i) Only one (1) commercial vehicle, of a capacity not exceeding 1.0 tonne (2400 lbs), shall be used in conjunction with the home occupation, or parked or maintained on the lot or on the road in proximity to the lot. Truck trailers or vehicle accessories or equipment shall not be allowed.
 - (j) 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.
- (5) A major home occupation shall also comply with the following regulations:
- (a) There may be a limited volume of on-premises sales; however, no commodity other than the product of the business shall be sold on the premises.
 - (b) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located.
 - (c) The number of non-resident employees or business partners working on-lot shall not exceed one (1) at any time.
 - (d) The number of clients or customers on-site shall not exceed four (4) at any time and the number of clients shall not exceed twenty (20) per week.
 - (e) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings.
 - (f) The major home occupation 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.
 - (g) The dwelling in which a major home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.4 sq. m (4 sq. ft.) in area.
- (6) A minor home occupation shall also comply with the following regulations. If the minor home occupation complies with all bylaw requirements for a minor home occupation then a development permit is not required. If the minor home occupation does not comply with all applicable regulations then it shall be considered to be a major home occupation and an approved development permit will be necessary to operate:
- (a) All sales relating to the minor home occupation shall occur off the premises.
 - (b) No person shall be employed on-site other than a resident of the dwelling unit.

- (c) There shall be no more than five (5) client or customer visits to the minor home occupation per week.
- (d) Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling and not in an accessory building or outside on the lot. A minor home occupation does not involve the display of goods in the interior of the residence.
- (e) There may not be a sign relating to a minor home occupation.

8.13 Industrial Development

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by the provincial authorities and agencies that the Development Authority may deem, in his sole discretion, to have an interest. The Development Authority shall request that such comments be made in writing.
- (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** of this Bylaw:
 - Type of industry
 - Size of buildings
 - Number of employees
 - Estimated water demand and anticipated source
 - Type of effluent and method of treatment
 - Transportation routes to be used (rail and road)
 - Reason for specific location
 - Any accessory works required (pipeline, railway spurs, etc.) and/or 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 lot is located.

8.14 In-law Suites

- (1) An in-law suite shall only be allowed on a lot occupied by a single family dwelling or a duplex dwelling.
- (2) An in-law suite is prohibited from being constructed within an apartment.
- (3) A maximum of one in-law suite is permitted on any single detached dwelling or duplex lot.

- (4) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- (5) An in-law suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (6) An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- (7) A minimum of three (3) on-site parking spaces – two (2) for the dwelling and one (1) for the in-law suite – are required. Tandem parking may be permitted at the discretion of the Development Authority.

8.15 Large Wind Energy Conversion Systems

- (1) A large wind energy conversion system may be an accessory building on a lot where an industrial use is the principal use. A large wind energy conversion system may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.
- (2) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - (a) any adjacent municipality should the proposed development be located within 2 km (1.2 miles) of the municipality; and
 - (b) landowners within 2 km (1.2 miles) of the proposed development.
- (3) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of Section 5.1 of this Bylaw.
- (4) Property line setbacks
 - (a) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
 - (b) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the District in which it is located.

- (c) Where, in the opinion of the Development Authority, the setbacks referred to in Section 8.15(3)(b) above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.

(5) Minimum Vertical Blade Clearance

The minimum vertical blade clearance from grade shall be 7.4 m (24.3 ft.) for a large wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.

(6) Public Safety Requirements

To ensure public safety, the Development Authority may require that:

- (a) a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a large wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
- (b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
- (c) a locked device be installed on the tower to preclude access to the top of the tower; and
- (d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- (7) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.

(8) Appearance

- (a) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
- (b) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.

- (9) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:

- (a) information provided in the application;
- (b) the proximity of the proposed development to other land uses;

- (c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
- (d) underlying utilities; and
- (e) information received from the circulation of the application and from the public.

(10) Traffic Safety Regulations

Large wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

8.16 Manufactured Home Parks

The following regulations also apply to manufactured home parks:

- (1) Manufactured home 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.
- (2) All roadways shall be curb and gutter, hard surfaced, and constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0 m (29.5 ft.).
- (3) A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.2 ft.) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents.
- (4) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every five (5) manufactured homes. 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.
- (5) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- (6) All utilities shall be provided underground to stalls.
- (7) A minimum of 5% of the gross lot area shall be devoted to recreational use.
- (8) All areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by

the Development Authority around maintenance yards, refuse collection points and playgrounds.

- (9) No part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
- (10) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (11) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (12) Manufactured homes shall be separated from each other by at least 6.1 m (20.0 ft.) in all directions. Any porch or addition to the manufactured home shall be regarded as part of the manufactured home for the purpose of this separation.

8.17 Manufactured Homes

- (1) Manufactured homes shall have Canadian Standards Association Z-240 Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - (a) designed and erected as to harmonize with the manufactured homes;
 - (b) considered as part of the main building; and
 - (c) erected only after obtaining a Development Permit.
- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- (4) The maximum allowed floor area of porches and additions shall be proportionate to the floor area of the manufactured home, 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 stall or a lot on which a manufactured home is located.
- (6) The following regulations apply to manufactured homes located in all subdivisions:
 - (a) the hitch and wheels are to be removed from the manufactured home;
 - (b) all manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation, base, or ground; and

8.18 Micro Wind Energy Conversion Systems

- (1) A micro wind energy conversion system may be an accessory building on a lot where any other use is the principal use. A micro wind energy conversion system may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.
- (2) Notwithstanding any other provisions in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
- (3) Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.
- (4) Maximum height shall be the maximum height provisions that apply within the district in which the micro wind energy conversion system is located.
- (5) Number per lot

One micro wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the lot.

8.19 Motels

- (1) Notwithstanding the provisions of the District in which it is located, a motel shall have a minimum required front yard of 6.0 m (19.6 ft.).
- (2) Notwithstanding any other provisions of this Bylaw to the contrary, a minimum of 10% of the lot area of a motel development shall be landscaped in accordance with **Section 7.11** and to the satisfaction of the Development Authority.

8.20 Multiple Dwelling Developments

- (1) Before any application for development of row housing or an apartment development can be considered, the applicant must submit to the Development Authority:
 - (a) design plans and working drawings, including elevations, which have been done or endorsed by a registered architect; and
 - (b) site plans showing the proposed:
 - (i) location and position of structures on the lot, including any "For Rent" or identification signs,
 - (ii) location and number of parking spaces, exits, entries, and drives from roads, lanes, or highways, and
 - (iii) landscape plan of the entire lot that shall also show intended surfacing for drives and parking areas.

- (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.

8.21 Neighbourhood Commercial Developments

- (1) Small mixed-use commercial developments, such as neighbourhood convenience stores may be allowed to locate in Residential Districts provided the development meets all of the other regulations of this Bylaw and, further, that the development:
 - (a) does not include as part of its operation a gas bar or vehicular servicing component; and/or
 - (b) is situated on a corner lot with safe access to a collector road (see **Figure 32**).
- (2) The façade of a structure containing a commercial or mixed-used building, such as a corner store, located in a Residential Area must be integrated with the surrounding residential area.
- (3) The height of a mixed use commercial/residential building in a residential district may not exceed twice the height and massing of the adjacent buildings.



Figure 32: Mixed Use Commercial Residential Building

8.22 Places of Worship

- (1) Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.

- (2) A place of worship may be located in any District even if it has not been listed as a permitted or discretionary use if it is an accessory use to a permitted or discretionary use in that District.
- (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 lot 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 municipality's Municipal Development Plan, or an arterial road, a major collector road or a minor collector road in an Area Structure Plan.

8.23 Private Swimming Pools and Hot Tubs

- (1) A private swimming pool or hot tub may be an accessory building on a lot where a residential use, a commercial use, a public use, or an institutional use is the principal use. A private swimming pool or hot tub may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.
- (2) 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.
- (3) Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- (4) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- (5) No private swimming pool or hot tub 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 (5.9 ft.) in height for the length that it replaces the fence.
- (6) Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (5.9 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.
- (7) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

8.24 Recreational Trailer Parks

- (1) Each recreational vehicle parking stall shall be a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 sq. m (2691.0 sq. ft.).
- (2) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.
- (3) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (19.6 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.6 m (12.0 ft.) usable top.
- (4) The developer shall provide on-site potable water supply which meets all applicable provincial water requirements.
- (5) The developer shall provide sewage disposal facilities in accordance with the Town of Viking's Master Servicing Study as well as all applicable provincial regulations.
- (6) The developer shall be required to enter into a development agreement with the Town as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary Town roads to access the development when determined necessary by the Development Authority.
- (7) At the discretion of the Development Authority, the developer shall designate an area up to ten percent (10%) of the total recreational vehicle campground area as a playground. This area is to be clearly marked and free from all traffic hazards.
- (8) All stalls shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.
- (9) The maximum number of recreational vehicles permitted per stall shall normally be one (1).
- (10) A site plan and landscaping plan detailing the protection of existing treed areas and topography is required prior to the issuance of a development permit.
- (11) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- (12) All other requirements shall be as required by the Development Authority.

(13) Minimum Yard Setbacks:

Front, side, corner and rear yard setbacks shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.

8.25 Recreational Vehicles Located in Recreational Trailer Parks

- (1) No recreational vehicle, whether located within a recreational trailer park or on a lot, may have associated with it any more than two (2) accessory structures, buildings, or other paraphernalia, in addition to fences, benches, fire pits, and picnic tables. A small shed with a maximum size of 18.58 sq. m (200.0 sq. ft.), and a screened or roofed patio around or beside the recreational vehicle is permitted.
- (2) No structure accessory to a recreational vehicle shall be used as sleeping quarters.

Except for a recreational vehicle on a lot, the total gross floor area or ground area covered by all accessory structures, buildings or other paraphernalia (other than those indicated in subsection 1 above) shall not exceed 50% of the RV lot size.

8.26 Relocation of Buildings

- (1) The relocation of an already constructed building or a partially constructed building on a new site requires approval from the Development Authority.
- (2) In making its decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall 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, in their opinion, is or will be incompatible with the neighbourhood.

8.27 Sea Cans

- (1) A sea can may be an accessory building on a lot where a principal use is located. A sea can may not be located on a lot where there is not a principal use.
- (2) The placement of a sea can on any lot in the Town requires a development permit.
- (3) A maximum of one (1) sea can may be allowed, at the discretion of the Development Authority on residential parcels under 1 ac (0.4 ha) in size.
- (4) On residential lots greater than 0.05 ac (0.2 ha) additional sea cans may be allowed at the discretion of the Development Authority.
- (5) The maximum number of sea cans that may be placed on a commercial or industrial lot is at the discretion of the Development Authority.

- (6) Sea cans cannot be stacked. The maximum height for a sea can allowed on a lot is 3.0 m (9.8 ft.).
- (7) Sea cans cannot be used as a dwelling unit of any form within the Town.
- (8) No human or animal habitation will be permitted within a sea can.

8.28 Secondary Suites

- (1) A secondary suite shall only be allowed on a lot occupied by a single family dwelling or a duplex dwelling.
- (2) A secondary suite is prohibited from being constructed within apartment housing.
- (3) A maximum of one secondary suite is permitted per dwelling unit where allowed. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- (4) A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (5) A secondary suite has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the structure.
- (6) A secondary suite may include the conversion of a portion of existing space in the principal dwelling, the addition of new floor space to an existing dwelling or the construction of an accessory building.
- (7) The minimum parcel size for a secondary suite is 360.0 sq. m (3875.0 sq. ft.) in size.
- (8) There is no minimum lot width requirement for secondary suites.
- (9) The minimum area for a secondary suite is 30.0 sq. m (322.9 sq. ft.).
- (10) A secondary suite cannot exceed the maximum height of the principal dwelling.
- (11) Prior to development permit approval the developer must submit, along with an application for a development permit a parking plan that indicates the location and size of the on-site parking spaces.
- (12) A minimum of three (3) on-site parking spaces – two (2) for the dwelling and one (1) for the secondary suite – are required. Tandem parking may be permitted at the discretion of the Development Authority.

8.29 Service Stations (including Gas Bars)

- (1) Service stations or gas bars shall be located in such a manner that:
 - (a) no entrance or exit thereto for motor vehicles shall be located within 60.0 m (196.8 ft.) of an entrance to or exit from a fire hall, school, playground, library, church, hospital, children's or senior citizen's home, or other similar public or quasi-public institution;
 - (b) no part of a building or of any pump or other accessory use shall be located within 6.0 m (19.6 ft.) of a side or a rear line;
 - (c) the minimum required front yard shall be 12.0 m (39.3 ft.), and no gasoline pump shall be located closer than 6.0 m (19.6 ft.) to the front line; and
 - (d) storage tanks shall be set back from adjacent buildings in accordance with regulations passed pursuant to the Fire Protection Act.

- (2) Lot Area and Coverage
 - (a) The minimum lot area shall be 930.0 sq. m (10,010.7 sq. ft) and the maximum building coverage shall be 20% of the lot area. When a car wash is included, the minimum lot area shall be 1110.0 sq. m (11,948.3 sq. ft).
 - (b) When a service station or gas bar is part of a shopping centre, the ratio of building space to parking space shall be as required by the Development Authority.

- (3) 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 properties.

- (4) Use and Maintenance of Service Station or Gas Bar Lot and Buildings

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 for storage), or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the lot by reason of undue dust, noise, gases, odour, smoke, or vibration;
 - (b) be responsible for the proper, safe, and orderly operation of the service station or gas bar, and of motor vehicles using the service station or gas bar or being repaired or serviced thereat, and without restricting the generality of the foregoing, shall ensure:

- (i) that the parking of motor vehicles does not obstruct the sidewalks and boulevards abutting or adjacent to the service station or gas bar, and
- (ii) that motor vehicles are able to enter and leave the service station or gas bar only at the entrances and exits provided for such purposes and not elsewhere; and
- (c) maintain on the boundaries of the lot, where required by the Development Authority, a fence not less than 1.5 m (4.9 ft.) in height.

8.30 Shopping Centres

- (1) The maximum building height shall be 10.7 m (35.1 ft.) or two (2) storeys, whichever is greater.
- (2) The maximum floor area shall be equal to the lot area; however, all other regulations of this Bylaw, such as required yards, parking and loading requirements, etc. shall be adhered to.
- (3) Refer to **Section 8.33** for sign provisions affecting shopping centres.
- (4) 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 lot;
 - (d) safe pedestrian access and egress within the lot and from any pedestrian way; and
 - (e) the location of exterior signs.
- (5) A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.
- (6) The Development Authority may require any other matters, regulations, or conditions relating to the development as, in his opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

8.31 Show Homes

- (1) In addition to the requirements of **Section 3.0** of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
 - (a) the location of the proposed sales office if applicable;
 - (b) the location and area intended for the show home; and
 - (c) 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.

8.32 Sidewalk Cafes

- (1) A sidewalk cafe may be an accessory building or use on a lot where an eating and drinking establishment is located as a principal or an accessory use. A sidewalk cafe may not be located on a lot where there is not an eating or drinking establishment.
- (2) A sidewalk café permit is normally valid from the date of issuance for one (1) year. However, at the sole discretion of the Development Authority, a development permit for a sidewalk café may be issued for a period longer than one (1) year.
- (3) Sidewalk cafés shall not operate earlier than 7:00 AM nor later than 12:00 AM unless the hours of the establishment are more restricted by operation of law or otherwise, in which case, the establishment's more restrictive hours shall control.
- (4) All sidewalk café employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment:
 - (a) Patrons must wear shoes and shirts at all times.
 - (b) All sidewalk cafés must have an opening for ingress and egress at all times.
 - (c) All sidewalk cafés must adhere to the size, design, and any other specifications approved by the Town at all times. Strict adherence to required design standards as set forth herein is mandatory.
 - (d) Strict adherence to hours of operation, approved layout of all components of the sidewalk café, clear space for pedestrians and required landscaping is mandatory.
- (5) Where the Town has installed a permanent structure such as a parking meter, planter, light pole or other device, the developer of the sidewalk café shall make accommodation for the required clearance for pedestrian passage. Developers of sidewalk cafés shall be mindful of the rights of pedestrians travelling past their sidewalk café at all times during the operation of the sidewalk café. Complaints regarding sidewalk cafés will be investigated by the Town and violations of the regulations promulgated will result in citations being issued to the developer and/or revocation of a developer's sidewalk café permit.
- (6) All areas within and surrounding the sidewalk café must be maintained in a clean, neat and sanitary condition and shall be policed routinely by the developer to ensure removal of all wrappings, litter, debris and food there from. Daily sanitary cleaning of the sidewalk café is required. Sidewalks within and adjacent to the sidewalk café must be washed down and cleaned on a daily basis. The developer shall not wash garbage cans or any other container, or other personal property of

any nature on the sidewalks. All cleaning must be performed in accordance with applicable federal and state regulations.

- (7) The Development Authority and/or the Bylaw enforcement officer will inspect all sidewalk cafés after permits have been issued and the café is in operation. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application will result in citations being issued to the operator and/or revocation of developer's sidewalk café permit.
- (8) Any developer or his or her employees, agents or contractors who violate or resist enforcement of any provision of the sidewalk café ordinance and/or these rules and regulations may be subject to immediate permit revocation by the Town and/or shall be subject to a fine of not less than that set forth in **PART 5.0** of the Town of Viking Land Use Bylaw provided that each day that such violation continues shall be deemed a separate and distinct offence. These fines shall be in addition to any expenses incurred for restoration or repair of the public right-of-way, which shall be the responsibility of the developer.

THE ISSUANCE OF A SIDEWALK CAFÉ PERMIT IS A PRIVILEGE GRANTED BY THE TOWN OF VIKING. TOWN OF VIKING REQUIRES COMPLIANCE WITH ALL RULES AND REGULATIONS AS WELL AS TO HAVE RESPECT FOR THE COMMUNITY IN WHICH THE CAFÉ IS LOCATED. THE DEVELOPMENT AUTHORITY AND BYLAW ENFORCEMENT OFFICERS WILL MONITOR THE OPERATION OF SIDEWALK CAFÉS AND ARE EMPOWERED TO ISSUE CITATIONS FOR BYLAW VIOLATIONS.

- (11) The developer shall be required to maintain a current Town of Viking business license.
- (12) The developer shall be required to abide by all federal and provincial laws, rules and regulations applicable to the operation of a Sidewalk Café in the Town of Viking (i.e. Alberta Gaming and Liquor Commission and Regional Health Authority)

8.33 Signs

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:

- (1) Limitations
 - (a) Except as provided in **Section 3.2** of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless he has complied with the requirements of this Schedule and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.

- (b) The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.

(2) Information Requirements for a Development Permit for a Sign

In addition to the requirements of **Sections 3.4(1) and 3.4(4)** of this Bylaw, a development permit application for a sign shall include the following information:

- (a) a letter of consent from the property owner;
- (b) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign;
- (c) any animation, moving copy, or other moving features of the sign, if applicable;
- (d) method of illumination, if applicable;
- (e) mounting details;
- (f) the location and size of all other existing and proposed signs on the building façade or lot,
- (g) mounting heights and clearances to grade; and
- (h) the amount of projection of the sign from a building, if any.

(3) Signs as Permitted or Discretionary Uses

- (a) No sign, other than an off-site sign in the Districts indicated in subsection (b) below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in **Section 3.2** of this Bylaw, shall be allowed unless it is accessory to an existing use.
- (b) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this Schedule, off-site signs shall be considered to be discretionary uses in the Central Commercial (C1) District, in the Secondary Commercial (C2) District, in the Highway Commercial (C3) District, in the Industrial (M) District, and in the Urban Reserve (UR) District.

(4) Procedures for the Consideration of Development Permit Applications for Signs

All development permit applications for signs shall follow the process outlined in **Sections 3.4 and 3.5** of this Bylaw and be subject to appeal if applicable in accordance with Part 4 of this Bylaw.

(5) General Sign Regulations

- (a) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
 - (i) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal

- or device or other official sign, or otherwise poses a potential hazard to traffic;
 - (ii) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles; or
 - (iii) it would be situated within a sight line protection area defined in **Section 7.4** of this Bylaw.
 - (b) A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
 - (c) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
 - (d) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any lot line and no part of a sign may encroach onto the adjacent lot or a road or lane.
 - (e) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18 sq. m (193.6 sq. ft.).
 - (f) A maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
 - (g) Signs will not be allowed on fences in Residential Districts or in Commercial Districts.
- (6) Care and Maintenance of Signs
- (a) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
 - (b) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair he 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, order the owner of the land and the owner or operator of the sign to:
 - (i) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time; or
 - (ii) take such measures as he may specify in the notice to alter and/or refurbish and/or repair the sign.
 - (c) Failure to remove the sign or to comply with the measures specified in the notice described in subsection (6)(b) above may result in the issuance of a violation ticket as described in **Section 5.1(6)** of this Bylaw.
 - (d) The notice described in subsection (6)(b) above shall be considered to be a stop order for the purposes of subsections (1) to (5), both inclusive, of **Section 5.1** of this Bylaw.
- (7) A-Frame Signs
- (a) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.

- (b) The maximum area of each A-frame sign face shall be 0.7 sq. m (7.5 sq. ft.). **(Figure 27 illustrates area and height requirements for A-frame signs.)**
- (c) The maximum height of an A-frame sign shall be 1.0 m (3.2 ft.).
- (d) No more than one (1) A-frame sign shall be allowed per business frontage.
- (e) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (f) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- (g) A-frame signs are not to be used in conjunction with projecting signs at grade level.

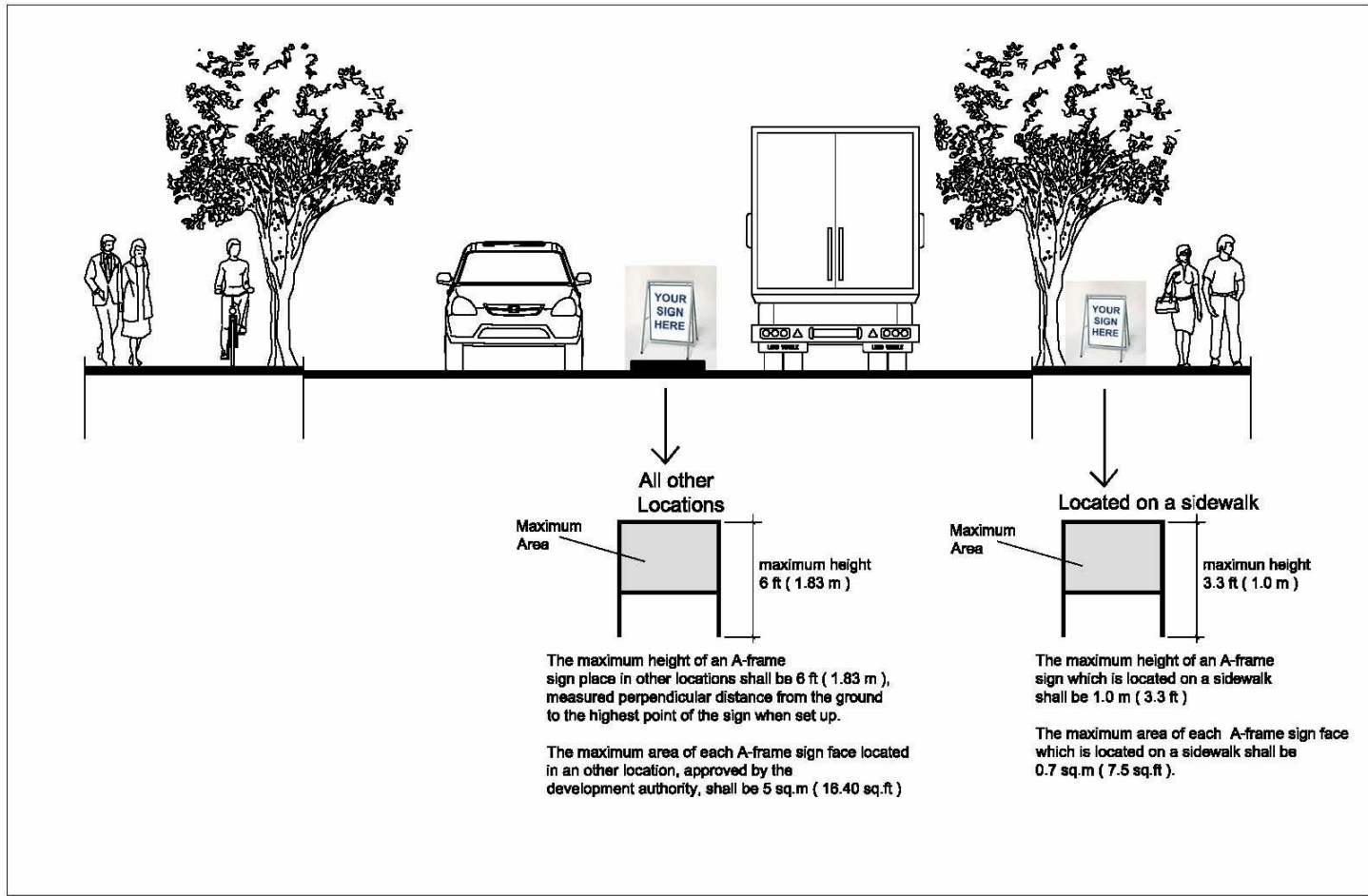


Figure 33: A-Frame Sign Requirements

(8) Canopy Signs

Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:

- (a) The maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy.
- (b) The bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade.
- (c) No part of the canopy shall project over a road or lane.
- (d) Unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.).
- (e) Signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade.
- (f) Each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 sq. m (5.4 sq. ft.) in area.
- (g) All canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guide wires or similar support elements are visible from a road or lane.

(9) Freestanding Signs

- (a) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (b) One (1) freestanding sign per business frontage may be erected on a lot having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
- (c) Notwithstanding Subsection (b) above, a maximum of one (1) freestanding sign may be allowed per lot except:
 - (i) where a lot has more than a 90.0 m (295.2 ft.) frontage, one (1) additional freestanding sign may be erected for each additional 90.0 m (295.2 ft.) or portion thereof of frontage abutting the developed portion of the said lot, or
 - (ii) where a lot is considered by the Development Authority to be a double fronting lot, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.2 ft.) apart.
- (d) The total sign area of all freestanding signs on a lot shall not exceed 0.3 sq. m (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 12.0 sq. m (129.2 sq. ft.).
- (e) The maximum height of a freestanding sign shall be 7.0 m (22.9 ft.).
- (f) Where a freestanding sign and a projecting sign are located along the same frontage of a lot, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (g) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any lot line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent lot, road or lane.

(10) Portable Signs

- (a) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any lot line and no part of a portable sign shall encroach onto or overhang an adjacent lot, road or lane.
- (b) No more than one (1) portable sign shall be located on a lot.
- (c) Notwithstanding subsection (b), one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft.).
- (d) All portable signs shall be double-faced.
- (e) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (f) Portable signs shall not be placed on a lot so as to conflict with or take up space for parking, loading, or walkways.
- (g) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in the Urban Reserve (UR) District or in any Residential District.
- (h) Portable signs shall not be allowed on otherwise vacant lots unless advertising the sale of the property on which the portable sign is located.
- (i) No portable sign shall be allowed at any location where the intent is to have the portable sign seen from a highway or the direct access or egress from a highway.

(11) Projecting Signs

- (a) No projecting sign shall project over another lot, a road, or a lane.
- (b) A projecting sign shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade.
- (c) No more than one (1) projecting sign of 0.5 sq. m (5.4 sq. ft.) in size shall be allowed for each frontage of a commercial or industrial use.
- (d) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

(12) Roof Signs

- (a) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (b) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (c) All roof signs shall be set back a minimum of 1.0 m (3.2 ft.) from the edge of the building on which the roof sign is located.

(13) Wall Signs

- (a) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
 - (i) the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.8 ft.) above grade,
 - (ii) in the case of a one storey building, the upper limit of the portion shall be either:
 - (A) the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs,
 - (B) a maximum of 0.8 m (2.6 ft.) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
 - (C) the line of the eaves,
 - (iii) in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (2.6 ft.) above the floor elevation of the second storey.
- (b) Notwithstanding subsection (a) above, a wall sign may be located either:
 - (i) below the area defined in subsection (a)(i) above, provided:
 - (A) the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
 - (B) the sign states no more than the name of the building or the principal tenant of the building, and
 - (C) the sign area does not exceed 20% of the building face below the area defined in subsection (a)(i) above,
 - (ii) between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
 - (A) the sign states no more than the name of the building or the principal tenant of the building, and
 - (B) the sign area does not exceed 2.5 sq. m (26.9 sq. ft.), or
 - (iii) above the third storey window sill, provided:
 - (A) the sign states no more than the name of the building or principal tenant of the building, and
 - (B) there is no more than one (1) sign per building face above the third storey.
- (c) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- (d) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.

- (14) Signs in or Adjacent to Residential Districts
- (a) Except as provided in subsections (b) and (c) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
 - (b) An approved major home occupation may display a sign, not larger than 0.2 sq. m (2 sq. ft.) on the dwelling. If outside, the sign shall be placed flat against the wall of the dwelling. Alternatively, the sign may be displayed from the inside of a window of the dwelling.
 - (c) One (1) freestanding sign per lot may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
 - (i) the sign area does not exceed 5.0 sq. m (53.8 sq. ft.),
 - (ii) the height of the sign does not exceed 2.0 m (6.5.ft.),
 - (iii) the sign is not internally illuminated, though it may be lit from the front.
 - (d) Name or number signs shall have a surface area of no more than 0.3 sq. m (3 sq. ft.).
 - (e) Illuminated signs shall not be allowed and, when an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
 - (f) When, in the sole opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as he, in his sole opinion, deems necessary, to protect the amenities of the Residential District.

(15) Signs Relating to Institutional Uses

In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 sq. m (53.8 sq. ft.) in area shall be allowed to be erected on the lot occupied by the place of worship, school, or other institutional use.

(16) Signs Relating to Shopping Centres

One (1) pole sign or one (1) ground identification sign, but not a lighted sign of the flashing or animated type, not exceeding 10.7 m (35.1 ft.) in height shall be allowed on shopping centre location, provided that no portion of the sign shall project over a road or lane.

(17) Inflatable Signs

- (a) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 sq. m (59.2 sq. ft) as applicable.
- (b) Larger inflatable signs require that a discretionary development permit be applied for, and approval obtained before installation.

- (c) One inflatable sign may be located on a lot and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
- (d) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the lot.
- (e) An inflatable sign can only be located on a lot twice in a calendar year and not for longer than 30 consecutive days.
- (f) Inflatable signs cannot be located on the roof of a structure.

8.34 Small Animal Breeding and Kennels

- (1) A small animal breeding facility or kennel which is to be located closer than 305.0 m (1,000.6 ft) from a residence which is not related to the proposed development shall be considered a discretionary use notwithstanding the use provisions contained within this Bylaw.
- (2) No small animal breeding or boarding facility for dogs shall be permitted on a residential parcel less than 2.02 ha (5.0 ac.) in area.
- (3) Pens, rooms, exercise runs and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
- (4) All facilities applications may be referred to the local Health Authority or animal control agency.
- (5) No facility or exterior exercise runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft) of any property line of the parcel on which the facility is to be sited adjacent to a residential development or property.
- (6) All exterior exercise areas (runs) may be required to be enclosed with a fence acceptable to the Development Authority.
- (7) All dog facilities, including buildings and exterior exercise areas, may be required to be sited to the satisfaction of the Development Authority.
- (8) The Development Authority may regulate the hours that dogs are allowed outdoors.
- (9) The Development Authority may regulate the number of animals based on size and type of animals, size of parcel and proximity to other residences. Pups under six (6) months shall not be included in the number.
- (10) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (11) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments.

8.35 Small Radio Communications Facilities

- (1) A small radio communications facility may be an accessory building on a lot where a commercial or an industrial use is the principal use. A small radio communications facility may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.
- (2) A small radio communication facility, where allowed as a discretionary use under this Bylaw, shall require an application for a Development Permit and may be approved provided that the structure and apparatus:
 - (a) has Industry Canada approval;
 - (b) is camouflaged and, as far as possible, has the appearance and aesthetic of other buildings permitted in the District;
 - (c) meets the setback requirements of the District or meets setback requirements that are satisfactory to the Development Authority;
 - (d) is limited to a maximum height of 18.0 m (59.0 ft.) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
 - (e) is a free-standing, ground-mounted unit;
 - (f) is located in a rear yard only;
 - (g) is not illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
 - (h) is landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Officer may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Officer, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- (3) Notwithstanding Subsection (2)(e) above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft.) from the typical ground surface to its highest point.
- (4) All small radio communications facilities shall have landscaping that reflects the typical landscaping in the District.
- (5) The development of all small radio communications facilities shall follow the regulations of Industry Canada including public consultation as required.

8.36 Small Wind Energy Conversion Systems

- (1) A small wind energy conversion system may be an accessory building on a lot where a residential use, a commercial use, a public use, an institutional use, or an industrial use is the principal use. A small wind energy conversion system may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.

- (2) Wind Turbine Tower Height

For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 acre) the wind turbine tower height shall be limited to 25.0 m (82.0 ft.). For property sizes of 0.2 ha (0.5 acre) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.

- (3) Property line setbacks in the Urban Reserve District

The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than three 3.0 m (9.8 ft.) to the property boundaries of the installation location. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.5 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.

- (4) Property line setbacks in the Residential and Commercial Districts

The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure may extend closer than 3.0 m (9.8 ft.) to the property boundaries of the installation location. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners. Mounting using guide wires shall not be permitted in any Residential District, any Commercial District, the Public Service District, the Parks and Recreation District, or any Direct Control District.

The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.

(5) Noise

The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6.0 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 35.4 kph (22 mph) as measured under normal circumstances which would exclude short-term events such as utility outages and/or severe wind storms.

(6) Compliance with Building Code

Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

(7) Compliance with Air Traffic Safety Regulations

Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

(8) Compliance with Existing Electric Codes

Building permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

(9) Utility Notification

No small wind energy conversion system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

- (10) Number per lot

One small wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the lot.

8.37 Solar Energy Collection Systems

- (1) A solar energy collection system may be an accessory building on a lot where any other use is the principal use. A solar energy collection system may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.

- (2) Location

Ground mounted solar collectors shall be located in a side or rear yard only.

- (3) Solar Access Requirements

When a solar energy collection system, which generates a minimum of 1 kilowatt of energy, is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

- (a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12 ft.) obstruction located on the lot line; and
- (b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

- (4) Solar Access Exemptions

Section 8.37(3) above does not apply to structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

8.38 Surveillance Suites

- (1) Surveillance suites shall not be allowed on a lot as an accessory use unless specifically listed as a permitted or as a discretionary use within the District within which the lot is located. Surveillance suites shall not be allowed on a lot as a principal use.
- (2) A surveillance suite which is not located attached to or within the principal building shall be located:
 - (a) a minimum of 2.0 m (6.5 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.
- (3) A surveillance suite may be a manufactured home. Where it is a manufactured home, the manufactured home shall be secured to a foundation and properly skirted to the satisfaction of the Development Authority.
 - (4) The maximum floor area of a surveillance suite shall be 32.6 sq. m (351.0 sq. ft.).
 - (5) The design and quality of the exterior treatment of the surveillance suite shall be compatible with any other buildings existing on the property and shall be to the satisfaction of the Development Authority.

8.39 Wireless Communications Facilities

- (1) A wireless communications facility may be an accessory building on a lot where a commercial or an industrial use is the principal use. A wireless conversion system may also, where indicated as a permitted or discretionary use within a District, be a principal use on a lot.
- (2) The Town will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.
- (3) Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the lot will be given priority status.
- (4) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.
- (5) Applications for development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.
- (6) Guyed-tower structures are to be located on properties that allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases that base and anchor structures must be designed for the soil

conditions present. A professional engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

Self-support towers are to be located respecting Alberta and federal building and safety codes. In all cases the base structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development.

- (7) Multiple tower structures will require individual development permit applications.
- (8) Applications for the development of wireless facilities must include in the development application letters from the following authorities:
 - (a) Transport Canada governing painting and lighting of the applicant's tower for aeronautical safety;
 - (b) NavCanada governing aircraft communication and instrumentation immunity from the applicant's tower transmissions;
 - (c) Industry Canada governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed Exempt operators must provide a stamped letter from a licensed professional radio frequency (RF) engineer guaranteeing these conditions will be met.
- (9) Appropriate fencing around the base, anchors and lot limiting public access to the tower and exposure to high radio frequency energy fields must be provided with consideration of community aesthetics.
- (10) The application for development must include consideration to minimizing environmental damage through the following measures:
 - (a) Consultation with Federal and Provincial environmental agencies to ensure the location selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.
 - (b) The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.
- (11) As a condition of obtaining a development permit the applicant agrees to the following:
 - (a) The location will be reclaimed within six (6) months of cessation of operation.
 - (b) The site reclamation will comply with Alberta Environmental Laws to be provided by Alberta Environment or their agent.

- (12) Applicants for development of a wireless facility within 0.5 miles of a residential area must demonstrate attention to community aesthetics in their choice of structure.
- (13) A public consultative process shall commence within the intent to establish a wireless facility advertisement in the local newspapers and a letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The applicant will be required to submit a copy of their public consultation program for approval by the Town's Development Authority.

8.40 Workcamps

- (1) All workcamps shall be considered temporary developments.
- (2) All workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (3) A development permit for a temporary project accommodation may be issued for up to one (1) year, at which time an application may be made for a continuance of the use for one (1) additional year, after which new development permit approval is required.
- (4) The Development Authority may establish whatever conditions for the approval of a workcamp that it, at its sole discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- (5) An application for a development permit for workcamp must provide the following information:
 - (a) the location, type and purpose of the camp;
 - (b) adjacent land uses;
 - (c) the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems;
 - (d) the number of persons proposed to live in the camp;
 - (e) the start date for the development, date of occupancy by residents, and removal date for the camp; and
 - (f) reclamation measures to be completed once the camp is no longer needed.
- (6) All work camps must:
 - (a) be linked to a specific project(s) for which a valid and current Development Permit has been issued. If the project is located in another municipality a copy of the current approved development permit must be provided to the Town by the developer. Work camps will only be permitted to accommodate workers for the project(s) to which they are linked;

- (b) ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (c) be designed so that all points of access and egress are located to the satisfaction of the Development Authority and Alberta Transportation;
 - (d) be able to accommodate a minimum of twenty (20) persons and a maximum of three hundred (300) persons;
 - (e) be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - (f) provide on-site security staff;
 - (g) all parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority. Normally, on site parking for private vehicles will adhere to the same standard as parking for a hotel/motel;
 - (h) post security with the Town of Viking sufficient to remove and/or reclaim the location if the work camp remains on the location after the project is either completed or if the work has stopped to the extent that the Municipality no longer feels that the work camp is necessary to the project, or to reclaim the lot if needed after the work camp has been removed from the lot; and
 - (i) be separated from adjacent land uses.
- (7) Maximum lot coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- (8) Adjacent buildings in workcamps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
- (9) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.

PART 9.0 - DISTRICT PROVISIONS

9.1 Residential District (Low Density) – R1

(1) Purpose

The general purpose of this District is to allow for the development of low density single family dwellings and associated uses.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Day homes
- (ii) Minor home occupations
- (iii) Modular homes
- (iv) Public parks
- (v) Single family dwellings
- (vi) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Day care facilities
- (iii) Family care facilities
- (iii) Garage suites
- (iv) Group homes
- (v) In-law suites
- (vi) Major home occupations
- (vii) Micro wind energy conversion systems
- (viii) Neighbourhood convenience stores
- (ix) Places of worship
- (x) Public utilities that have no office or workshop as a part of the development
- (xi) Relocated buildings
- (xii) Secondary suites
- (xiii) Show homes
- (xiv) Small radio communications towers
- (xv) Solar energy collection system, small
- (xvi) Tented structures
- (xvii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xviii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum site depth
 - (i) internal sites – 30.5 m (100 ft.)
 - (ii) corner sites – 30.5 m (100 ft.)
- (b) Minimum site width
 - (i) internal sites - 15.2 m (50.0 ft.)
 - (ii) corner sites - 16.75 m (55.0 ft.)
- (c) Minimum site area
 - (i) internal sites - 464.5 m² (5,000 ft²)
 - (ii) corner sites – 510.9 m² (5,499.2 ft²)
- (d) Maximum Gross Density – 11.2 dwelling units per hectare (4.5 per ac.)
- (e) Maximum Net Density – 17 dwelling units per hectare (6.88 per ac.)

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Yards
 - (i) Front – 7.5 m (24.6 ft.)
 - (ii) Rear – 7.5 m (24.6 ft.)
 - (iii) Side – 1.2 m (3.9 ft.)
– 4.2 m (13.8 ft.) for side yard abutting a road on a corner lot
- (b) Minimum Floor Area
 - (i) Single family dwellings and modular homes – 93 sq. m (1001 sq. ft.)
 - (ii) All other uses – as required by the Development Authority
- (c) Maximum Lot Coverage
 - (i) All buildings – 40%
 - (ii) Accessory buildings – 15%
- (d) Maximum Building Height
 - (i) Dwellings – 2 storeys or 10 m (32.8 ft.), whichever is less
 - (ii) Accessory buildings – 1 storey or 4.5 m (14.8 ft.), whichever is less
- (e) Parking spaces shall not be located in the front yard of any lot unless otherwise allowed by the Development Authority.

(f) All other requirements shall be as determined by the Development Authority.

(5) **Additional Regulations**

(a) Secondary suites, garage suites and in-law suites shall be developed in accordance with Sections 8.28, 8.10 and 8.14 of this Bylaw.

(b) Fences shall be developed in accordance with Section 7.8 of this Bylaw.

(c) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.

(d) Parking shall be provided in accordance with Section 7.18 of this Bylaw.

(e) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.

(f) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw.

(g) Private swimming pools and hot tubs shall be developed in accordance with Section 8.23 of this Bylaw.

(h) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.

(i) Bed and breakfast establishments shall be developed in accordance with Section 8.5 of this Bylaw.

(j) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.

(k) No signs shall be allowed in the R1 District except as provided for in Section 8.33 of this Bylaw.

(l) Sea cans may be allowed as accessory buildings, at the discretion of the Development Authority, in accordance with Section 8.17 of this Bylaw.

9.2 Residential District (Medium Density) – R2

(1) Purpose

The general purpose of this District is to allow for the development of medium density residential development in the form of duplexes and fourplexes on approved sites.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Day homes
- (ii) Duplexes, up/down
- (iii) Duplexes, side-by-side
- (iv) Fourplexes
- (v) Minor home occupations
- (vi) Public parks
- (vii) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Boarding and lodging houses
- (iii) Day Care Facilities
- (iv) Family care facilities
- (v) Group care facilities
- (vi) Group homes
- (viii) In-law suites
- (viii) Major home occupations
- (ix) Modular homes
- (x) Neighbourhood Convenience Stores
- (xi) Places of worship
- (xi) Public utilities that have no office or workshop as a part of the development
- (xii) Secondary suites
- (xiii) Show homes
- (xiv) Single family dwellings
- (xv) Solar energy collection systems, small
- (xvi) Tented structures
- (xvii) Wind energy conversion systems, micro
- (xvii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xviii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum Lot Area for Duplexes and Fourplexes
 - (i) For up-down duplexes – 670 sq. m (7211.8 sq. ft.), provided the combined floor space area does not exceed 190 sq. m (2045 sq. ft.)
 - (ii) For side-by-side duplexes – 700 sq. m (7534.7 sq. ft.), 740 sq. m (7965.3 sq. ft.) for a corner lot
 - (iii) For fourplexes – 1300 sq. m (13,993 sq. ft.)
- (b) Maximum Gross Density – 20 dwelling units per ha (8.09 per ac.)
- (c) Maximum Net Density – 30 dwelling units per ha (12.14 per ac.)

(4) Development Regulations

In addition to the General Provisions, Part 7.0, and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Floor Area – 55 sq. m (592.0 sq. ft.) per dwelling unit
- (b) Minimum Yards – same as for dwellings in the R1 District
- (c) Maximum Lot Coverage
 - (i) All buildings – 50%
 - (ii) Accessory buildings – 15%

(5) Additional Regulations

- (a) Secondary suites, garage suites and in-law suites shall be developed in accordance with Sections 8.28, 8.10 and 8.14 of this Bylaw.
- (b) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (d) Parking shall be provided in accordance with Section 7.18 of this Bylaw.
- (e) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (f) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw.
- (g) Private swimming pools and hot tubs shall be developed in accordance with Section 8.23 of this Bylaw.

- (h) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.
- (i) Bed and breakfast establishments shall be developed in accordance with Section 8.5 of this Bylaw.
- (j) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.
- (k) No signs shall be allowed in the R2 District except as provided for in Section 8.33 of this Bylaw.
- (l) Sea cans may be allowed as accessory buildings, at the discretion of the Development Authority, in accordance with Section 8.27 of this Bylaw.
- (m) All requirements for single family dwellings and modular homes shall be the same as for single family dwellings and modular homes in the R2 District.

9.3 Residential District (High Density) – R3

(1) Purpose

The general purpose of this District is to allow for the development of high density residential development in the form of ground-oriented multiple unit dwellings and apartments on approved sites.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Day homes
- (ii) Ground-oriented multiple unit dwellings
- (iii) Minor home occupations
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Apartments
- (ii) Bed and breakfast establishments
- (iii) Day care facilities
- (iv) Day Homes
- (v) Duplex, side by side
- (vi) Duplex, up down
- (vii) Family care facilities
- (viii) Garage Suites
- (ix) Group Care Facilities
- (ix) Group Homes
- (x) In-law Suites
- (xi) Major home occupations
- (xii) Neighbourhood Convenience Stores
- (xiii) Modular homes
- (iii) Public utilities that have no office or workshop as a part of the development
- (iv) Secondary Suites
- (vi) Show homes
- (v) Single family dwellings
- (vi) Solar Energy collection systems, small
- (vii) Wind energy conversion systems, micro
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum Lot Area
 - (i) For Ground-oriented multiple unit dwellings – 0.2 ha (0.49 ac.)
 - (ii) For Apartments – 0.2 ha (0.49 ac.)

These are very large minimum area requirements (2 023.4sq m). The standard for row housing – 766.5 m² (8,250.4 ft²) and 880.0 m² (9,472.2 ft²) for apartments

(4) Development Regulations

In addition to the General Provisions, Part 7.0, and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Maximum net density
 - (i) For ground-oriented multiple unit dwellings – 35 dwelling units per ha (14.2 per ac.)
 - (ii) For apartments – 62.5 dwelling units per ha (25.3 per ac.)

This density is very low – does the Town wish to maintain the low density? Average density today is approximately 50 units per net ha in medium density areas

Densities shall be calculated according to the following chart:

Type of Dwelling Unit	Minimum Dwelling Unit Floor Area	Area of Lot Required per Dwelling Unit
Bachelor	42 sq. m (452 sq. ft.)	85sq. m (915 sq. ft.)
1 Bedroom	55 sq. m (592 sq. ft.)	115 sq. m (1238 sq. ft.)
2 or more Bedroom	70 sq. m (753 sq. ft.)	160 sq. m (1722 sq. ft.)

- (b) Maximum Lot Coverage
 - (i) All buildings – 35%
 - (ii) Accessory buildings – 10%
- (c) Minimum Yards
 - (i) Front – 9 m (29.5 ft.)
 - (ii) Rear – 9 m (29.5 ft.)
 - (iii) Side – 15% of lot width
- (d) Minimum Amenity Area
 - (i) For each Bachelor Dwelling Unit – 18 sq. m (193.75 sq. ft.)
 - (ii) For each 1 Bedroom Dwelling Unit – 28 sq. m (301.4 sq. ft.)
 - (iii) For each 2 or more Bedroom Dwelling Unit – 70 sq. m (753 sq. ft.)

(e) All other requirements shall be as determined by the Development Authority.

(5) **Additional Regulations**

(a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.

(b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.

(c) Parking shall be provided in accordance with Section 7.18 of this Bylaw.

(d) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.

(e) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw.

(f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.23 of this Bylaw.

(g) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.

(h) No signs shall be allowed in the R3 District except as provided for in Section 8.33 of this Bylaw.

(i) Sea cans may be allowed as accessory buildings, at the discretion of the Development Authority, in accordance with Section 8.27 of this Bylaw.

(j) All requirements for single family dwellings and modular homes shall be the same as for single family dwellings and modular homes in the R1 District.

9.4 Residential Manufactured Home Subdivision District – RMH1

(1) Purpose

The general purpose of this District is to allow the development of manufactured home subdivisions, in which each manufactured home is located on a separate lot.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Day homes
- (ii) Manufactured homes
- (iii) Minor home occupations
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Family care facilities
- (ii) Garage Suites
- (iii) In-law suites
- (iii) Major home occupations
- (iv) Modular homes
- (v) Neighbourhood convenience stores
- (vi) Places of worship
- (vii) Public or quasi-public buildings and uses or public utilities which are required to serve the immediate areas
- (vii) Secondary Suites
- (viii) Show homes
- (viii) Single family dwellings
- (x) Small radio communications towers
- (ix) Solar energy collection systems, small
- (x) Tented structure
- (xi) Wind energy conversion systems, micro
- (xii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

(a) Manufactured Homes:

- (i) Minimum Lot Area
 - 1. For single wide manufactured homes – 370 sq. m (3983 sq. ft.)
 - 2. For double wide manufactured homes – 460 sq. m (4951 sq. ft.)
- (ii) Minimum Lot Width
 - 1. For single wide manufactured homes – 12 m (39.4 ft.)
 - 2. For double wide manufactured homes – 15 m (49.2 ft.)

- (b) Single family dwellings and modular homes – in accordance with the requirements for single family dwellings and modular homes in the R2 District
- (c) All other uses – as required by the Subdivision Authority

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Manufactured Homes:
 - (i) Minimum Yards
 1. Front – 4.5 m (14.75 ft.)
 2. Rear – 6 m (19.7 ft.) for interior lot
– 4.5 m (14.75 ft.) for corner lot
 3. Side – 3 m (9.84 ft.)
 - (ii) Minimum Floor Area – 46 sq. m (495 sq. ft.)
 - (iii) Maximum Lot Coverage
 1. All buildings – 40%
 2. Accessory buildings – 15%
 - (iv) Maximum Building Height – 4.5 m (14.75 ft.)
 - (v) Maximum net density – 25 manufactured homes per ha (10.1 per ac.)
 - (vi) All manufactured homes shall be placed on a foundation or base. The manufactured home shall be attached by means of bolting or otherwise to the foundation, base or ground.
 - (vii) The undercarriage of each manufactured home shall be enclosed from view by skirting or another means in a manner satisfactory to the Development Authority. Axles, wheels and trailer hitches shall be removed where they are not part of the frame. Where a hitch cannot be removed, it shall be skirted or otherwise covered from view in a manner satisfactory to the Development Authority.
 - (viii) Notwithstanding any other provision of this Bylaw to the contrary, where a manufactured home is to be on a lot abutting any Residential District other than the RMH1 District or the RMH2 District, that manufactured home shall be a double-wide unit and not a single-wide unit.
 - (ix) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may refuse an application for a development

permit to allow the placement of a manufactured home if, in their opinion, the proposed manufactured home will not :

1. meet the Z-240 industry standards,
2. be of a suitable quality, age, or condition, matching the quality, age or condition of adjacent manufactured homes, and
3. meet current Building and Safety Code requirements.

- (b) Single family dwellings and modular homes – in accordance with the requirements for single family dwellings and modular homes in the R2 District
- (c) All other uses – as required by the Development Authority
- (d) All other requirements shall be as determined by the Development Authority.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Parking shall be provided in accordance with Section 7.18 of this Bylaw.
- (d) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.23 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.
- (h) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.
- (i) No signs shall be allowed in the RMH1 District except as provided for in Section 8.33 of this Bylaw.
- (j) Sea cans may be allowed as accessory buildings, at the discretion of the Development Authority, in accordance with Section 8.27 of this Bylaw.
- (k) All requirements for single family dwellings and modular homes shall be the same as for single family dwellings and modular homes in the R1 District.

9.5 Residential Manufactured Home Park District – RMH2

(1) Purpose

The general purpose of this District is to allow the development of manufactured home parks, in wherein stalls are provided on a rental basis.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Manufactured homes within manufactured home parks which have a development permit
- (ii) Minor home occupations
- (iii) Public parks
- (iv) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Convenience retail stores
- (ii) Day homes
- (iii) Major home occupations
- (iv) Manufactured home parks
- (v) Modular homes
- (vi) Neighbourhood convenience stores
- (vii) Places of worship
- (viii) Public utilities that have no office or workshop as a part of the development
- (viii) Show homes
- (ix) Single family dwellings
- (x) Small radio communications towers
- (x) Solar Energy Collection Systems, small
- (xi) Tented structure
- (xii) Wind energy conversion systems, micro
- (xii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xiii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum lot area – 0.4 ha (1.0 ac.)

(4) Development Regulations

In addition to the General Provisions, Part 7.0, and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Modular homes and single family dwellings – as required by the Development Authority
- (b) Manufactured homes
 - (i) Minimum Stall Area
 - 1. For single wide manufactured homes – 370 sq. m (3983 sq. ft.)
 - 2. For double wide manufactured homes – 420 sq. m (4521 sq. ft.)
 - (ii) Minimum Yards (relative to boundaries of stalls) – 3 m (9.84 ft.)
 - (iii) Maximum Stall Coverage
 - (i) All buildings – 40%
 - (ii) Accessory buildings – 15%
 - (iv) Maximum Building Height – 4.5 m (14.75 ft.)
- (c) Manufactured Home Parks:
 - (i) Maximum net density – 25 manufactured homes per ha (10.1 per ac.)
 - (ii) Stalls shall be located a minimum of 3 m (9.84 ft.) from the park boundary. This setback strip shall be landscaped or fenced to the satisfaction of the Development Authority.
 - (iii) All internal roadways shall be hard surfaced, well drained, and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9 m (29.5 ft.).
 - (iv) All parks shall be provided with all season pedestrian access of not less than 1 m in width between manufactured homes, the park street, and any community facilities provided for park residents.
 - (v) Visitor parking requirements shall be at the discretion of the Development Authority, and shall not be used for the storage of boats, trailers, and similar equipment.
 - (vi) Two (2) off-street parking spaces shall be provided on or adjacent to each manufactured home stall.
 - (vii) A minimum of 5% of the gross lot area shall be devoted to recreational use. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazards, in locations other than those designated as buffer strips, and clearly defined.
 - (viii) All areas not occupied by manufactured homes and their additions, internal roads, sidewalks, driveways, permanent buildings, and any other developed facilities shall be landscaped to the satisfaction of the

Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.

- (ix) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.
 - (x) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
 - (xi) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
 - (xii) Only one (1) main, free standing identification sign of residential character and appearance shall be erected at the entrance to the park, unless the Development Authority is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout, location and size of the park in relation to the surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
 - (xiii) Direction signs within the Park must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable material.
- (d) All other uses – as determined by the Development Authority.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw. In addition, all accessory buildings shall have an appearance equivalent to that of the manufactured home.
- (e) No accessory buildings shall have a height which is greater than the height of the manufactured home to which it is accessory.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.23 of this Bylaw.

- (g) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.
- (h) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.
- (i) No signs shall be allowed in the RMH2 District except as provided for in Section 8.33 this Bylaw.
- (j) Sea cans may be allowed as accessory buildings, at the discretion of the Development Authority, in accordance with Section 8.27 of this Bylaw.
- (k) Amenity areas shall be provided for all manufactured home parks in accordance with Section 7.1 of this Bylaw.

9.6 Central Commercial District – C1

(1) Purpose

The general purpose of this District is to provide for commercial development appropriate to the Central Business District of the Town and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Business support services establishments
- (ii) Commercial schools
- (iii) Convenience retail stores
- (iv) Eating and drinking establishments
- (v) General retail establishments
- (vi) Government services
- (vii) Health services
- (viii) Hotels
- (ix) Household repair services
- (x) Indoor amusement establishments
- (xi) Libraries and cultural exhibits
- (xii) Office uses
- (xiii) Personal service shops
- (xiv) Public parks
- (xv) Public uses
- (xvi) Public utilities
- (xvii) Veterinary clinics
- (xviii) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Auctioneering establishments
- (ii) Automotive and equipment repair shops
- (iii) Automotive and minor recreation vehicle sales/rentals establishments
- (iv) Bed and breakfast establishments
- (v) Commercial schools
- (vi) Community recreation services
- (vii) Cultural facilities
- (viii) Day care facilities
- (ix) Drinking establishments
- (x) Dwellings in a building used for any of the above-listed Permitted or Discretionary Uses
- (xi) Indoor amusement establishments
- (xii) Entertainment establishments

- (xiii) Equipment rental establishments
- (xiv) Exhibition and convention facilities
- (xv) Fleet services
- (xvi) Funeral services
- (xvii) Limited contractor services
- (xviii) Liquor stores
- (xix) Minor repair shops
- (xx) Mixed uses
- (xxi) Motels
- (xxii) Off-street parking lots
- (xxiii) Places of worship
- (xxiv) Private clubs
- (xxv) Public utility buildings
- (xxvi) Recreational facilities
- (xxvii) Sidewalk cafés
- (xxviii) Solar energy collection systems
- (xxix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xxx) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum Lot Area – 140 sq. m (1507 sq. ft.)
- (b) Minimum Lot Width – 7.5 m (24.6 ft.)

(4) Development Regulations

In addition to the General Provisions, Part 7.0, and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Yards
 - (i) Front – none, except where the Development Authority deems it appropriate to conform with existing development
 - (ii) Rear – 7.5 m (24.6 ft.), or as required by the Development Authority
 - (iii) Side – none, except where the lot is adjacent to a Residential District, the minimum side yard shall be 1.5 m (4.9 ft.)
- (b) Minimum Floor Area – as required by the Development Authority
- (c) Maximum Lot Coverage – 80%, provided that the loading, storage, and disposal of waste has been allowed for to the satisfaction of the Development Authority

- (d) Where shopping centres or groups of uses are to be built, requirements shall be determined by the Development Authority who shall consider access, parking, building locations, and other similar concerns
- (e) The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (f) Maximum Height – Main and accessory buildings – 11.0 m (36.1 ft.), or, at the discretion of the Development Authority, the maximum height of a more restrictive abutting District.

- (g) Access, Parking and Loading

Each lot shall have direct access to a lane at one side or at the rear.

- (h) Landscaping

When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the location of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.

- (i) Outdoor Storage

Outdoor storage shall be allowed in the C1 District, as an accessory use to a permitted or a discretionary use which is allowed except at the discretion of the Development Authority.

- (j) Dwelling Units

The following regulations shall apply to dwelling units within the C1 District:

- (i) Dwelling units shall be allowed only in buildings where at least part of the first storey is used for commercial purposes.
- (ii) Dwelling units shall have access at grade which is separate from any access for any commercial use.
- (iii) Dwelling units shall meet the requirements for dwelling units in the High Density Residential (R4) District, except for minimum lot area, minimum required yards, and maximum lot coverage, which shall all be at the discretion of the Development Authority.

(iv) Where more than two (2) dwelling units are to be provided, a minimum of 7.5 sq. m (80.7 sq. ft.) of amenity area per dwelling unit shall be provided in accordance with the regulations of this Bylaw.

(k) All other requirements shall be as determined by the Development Authority.

(5) Additional Regulations

(a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.

(b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.

(c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.

(d) Accessory buildings shall be developed in accordance with Section 8.1 and 8.2 of this Bylaw.

(e) Signs shall be allowed in the C3 District as provided for in Section 8.33 of this Bylaw.

(f) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.

(g) Amenity areas shall be provided for in accordance with Section 7.1 of this Bylaw.

9.7 Secondary Commercial District – C2

(1) Purpose

The general purpose of this District is to allow commercial development activities which require larger parcels of land and which do not require a large volume of pedestrian traffic.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) All uses listed as permitted uses in the C1 District
- (ii) Gas Bars
- (iii) Warehouse sales establishments
- (iv) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) All uses listed as discretionary uses in the C1 District
- (ii) Bus depots
- (iii) Business parks
- (iv) Communications tower facilities
- (v) Drive-in business
- (vi) Heavy equipment rental establishments
- (vii) Industrial vehicle and equipment sales/rentals establishments
- (viii) Large wind energy conversion systems
- (ix) Micro wind energy conversion systems
- (x) Outdoor amusement establishments
- (xi) Outdoor storage
- (xii) Sea cans
- (xiii) Self-service storage facilities
- (xiv) Service stations
- (xv) Truck and recreational vehicle sales/rentals establishments
- (xvi) Trucking and cartage establishments
- (xvii) Veterinary clinic – large animal
- (xviii) Wind energy conversion systems, micro
- (xix) Wind energy conversion systems, small
- (xx) Work camps
- (xxi) Work camps – short term
- (xxii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xxiii) Buildings and uses accessory to discretionary uses

(3) Subdivision, Development, and Additional Regulations

- (a) All requirements shall be the same as those within the C1 District.

9.8 Highway Commercial District – C3

(1) Purpose

The general purpose of this District is to allow commercial development which will serve the travelling public.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Motels
- (ii) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Amusement establishments, indoor
- (ii) Amusement establishments, outdoor
- (iii) Animal hospitals
- (iv) Auctioneering establishments
- (v) Automotive and equipment repair shops
- (vi) Automotive and minor recreational vehicles sales/rentals establishments
- (vii) Bus depots
- (viii) Communications tower facilities
- (ix) Drinking establishments
- (x) Drive-in businesses
- (xi) Entertainment establishments
- (xii) Equipment rental establishments
- (xiii) Farm Equipment Sales and Service
- (xiv) Fleet services
- (xv) Funeral services
- (xvi) General contractor services
- (xvii) General retail establishments
- (xviii) Greenhouses and plant nurseries
- (xix) Institutional uses
- (xx) Light industrial uses
- (xxi) Liquor stores
- (xxii) Public uses
- (xxiii) Public utility buildings
- (xxiv) Public or quasi-public uses
- (xxv) Recreational facilities
- (xxv) Recreational trailer parks
- (xxvi) Small animal breeding and boarding establishments
- (xxvii) Truck and recreational vehicle sales/rentals establishments
- (xxviii) Solar energy collection systems
- (xxix) Surveillance suites
- (xxx) Veterinary clinics
- (xxxi) Veterinary clinics – large animal
- (xxxii) Warehouse sales establishments

- (xxxiii) Wind energy conversion systems, large
- (xxxiv) Wind energy conversion systems, micro
- (xxxv) Wind energy conversion systems, small
- (xxxvi) Wireless communications facilities
- (xxxvii) Work camps
- (xxxviii) Work camps – short term
- (xxxix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (x) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum Lot Area – as required by the Development Authority
- (b) Minimum Lot Width – 7.5 m (24.6 ft.)

(4) Development Regulations

In addition to the General Provisions, Part 7.0, and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Yards
 - (i) Front – 6.0 m (19.7 ft.)
 - (ii) Rear – 6.0 m (19.7 ft.)
 - (iii) Side – 3.0 m (9.84 ft.)
- (b) Maximum Lot Coverage – 40%
- (c) Development shall be located where it may be served directly and efficiently by the major road system. The number of accesses provided to a road from a development or service road shall be to the satisfaction of the Development Authority.
- (d) The siting and architectural appearance of all developments and the landscaping of the lot shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (e) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
- (f) Maximum Height – 11.0 m (36.1 ft.) unless otherwise approved the Development Authority.
- (g) All other requirements shall be as determined by the Development Authority.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.3 of this Bylaw.
- (e) Signs shall be allowed in the C3 District as provided for in Section 8.33 of this Bylaw.

9.9 Local Commercial District – C4

(1) Purpose

The general purpose of this District is to allow small neighbourhood stores providing convenience goods and services to local residents.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Convenience retail stores
- (ii) Eating and drinking establishments
- (iii) Government services
- (iv) Health services
- (v) Libraries and cultural exhibits
- (vi) Office uses
- (vii) Personal service shops
- (viii) Public parks
- (ix) Public uses
- (x) Public utilities
- (xi) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum Lot Area – the same as the lots in the adjacent or surrounding Residential District

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Yards - as required by the Development Authority
- (b) Landscaping and buffer strips shall be provided to the satisfaction of the Development Authority.
- (c) All loading and parking areas must be screened from the view of adjacent dwellings, to the satisfaction of the Development Authority.

- (d) The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (e) Maximum Height – Main and accessory buildings – 7.0 m (23.0 ft.), or, at the discretion of the Development Authority, the maximum height of a more restrictive abutting District.
- (f) Outdoor Storage

No outdoor storage shall be allowed in the C4 District, even as an accessory use to a permitted or a discretionary use.
- (g) All other requirements shall be as determined by the Development Authority.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.1 and 8.2 of this Bylaw.
- (e) Signs shall be allowed in the C3 District as provided for in Section 8.33 of this Bylaw.

9.10 Industrial District – M

(1) Purpose

The general purpose of this District is to provide opportunities for industrial and manufacturing uses.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) All Uses listed as Permitted or Discretionary Uses in the C2 District
- (ii) Automotive and equipment repair shops
- (iii) Automotive and minor recreational vehicles sales/rentals establishments
- (iv) Business parks
- (v) Business support services establishments
- (vi) Drive-in businesses, but only if they are drive-through vehicle service establishments
- (vii) Equipment rental establishments
- (ix) Farm Equipment Sales and Service
- (x) Fleet services
- (xi) Greenhouses and plant nurseries
- (xii) Industrial vehicle and equipment sales/rentals establishments
- (xiii) Light industrial uses
- (xiv) Limited contractor services
- (xv) Public parks
- (xvi) Public uses
- (xvii) Sea cans
- (xviii) Recycling depots
- (xix) Self-service storage facilities
- (xx) Tented structures
- (xxi) Truck and recreational vehicle sales/rentals establishments
- (xxii) Veterinary clinics
- (xxiii) Warehousing uses and the storage and distribution of raw materials, processed or manufactured goods
- (xxiv) Warehousing and Storage
- (xxv) Buildings and Uses Accessory to Permitted Uses

(b) Discretionary Uses

- (i) Agricultural industry
- (ii) Amusement establishments, outdoor
- (iii) Animal hospitals
- (iv) Auctioneering establishments
- (v) Eating and drinking establishments
- (vi) General contractor services

- (vii) Medium industrial uses
- (viii) Outdoor storage
- (ix) Recreational facilities
- (x) Small animal breeding and boarding establishments
- (xi) Solar energy collection systems
- (xii) Utility services
- (xiii) Veterinary clinics
- (xiv) Veterinary clinics – large animal
- (xv) Wind energy conversion systems, large
- (xvi) Wind energy conversion systems, small
- (xvii) Wind energy conversion systems, micro
- (xviii) Wireless communications facilities
- (xix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xx) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum lot area – 650.0 sq. m (6996.0 sq. ft.) or as required by the Development Authority.

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) Minimum Yards
 - (i) Front – 9.0 m (29.5 ft.)
 - (ii) Rear – 9.0 m (29.5 ft.)
 - (iii) Side – 3.0 m (9.84 ft.)
- (b) Maximum Lot Coverage – 50%
- (c) Outdoor storage is only allowed if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Authority.
- (d) Maximum Height – 12.0 m (39.3 ft.) or as determined by the Development Authority
- (e) Setbacks from Pipeline Rights-of-Way

No building shall be located closer than 15.0 m (49.2 ft.) to the centreline of a pipeline right-of-way or the centreline of a pipeline within a pipeline right-of-way, whichever distance is the lesser.

(f) Access

Each lot shall have direct access to a road designed and constructed to have regard for continuity of traffic flow, safety of vehicles, and avoidance of dangerous intersections, all in the opinion of the Development Authority.

(g) Landscaping

All yards shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.

(h) Upkeep of Lot

The entire lot and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

(i) All other requirements shall be as determined by the Development Authority.

(5) Additional Regulations

(a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.

(b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.

(c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.

(d) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.2 of this Bylaw.

(e) Signs shall be allowed in the M District as provided for in Section 8.33 of this Bylaw.

9.11 Public Service District – PUB

(1) Purpose

The general purpose of this District is to allow development of uses of either a public or private nature which provide services to the community.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Extended medical treatment facilities
- (ii) Institutional uses
- (iii) Places of worship
- (iv) Public education facilities
- (v) Public parks
- (vi) Senior citizens apartment building
- (vii) Senior citizens home
- (viii) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Cemeteries
- (ii) Commercial schools
- (iii) Community recreation services
- (iv) Day care facilities
- (v) Exhibition and convention facilities
- (vi) Government services
- (vii) Group care facilities
- (viii) Health services
- (ix) Libraries and cultural exhibits
- (x) Post secondary schools
- (xi) Private clubs
- (xii) Protective and emergency services
- (xiii) Public uses
- (xiv) Public or quasi-public uses
- (xv) Public utility installations
- (xvi) Recreation, active
- (xvii) Recreation, passive
- (xviii) Recreational facilities
- (xix) Recreational trailer parks
- (xx) Recreational uses
- (xxi) Solar energy collection systems
- (xxii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xxiii) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum lot area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) All regulations shall be at the discretion of the Development Authority.
- (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is consistent with, and not prejudicial to, the overall purpose of this District.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.1 of this Bylaw.
- (e) Signs shall be allowed in the PUB District as provided for in Section 8.33 of this Bylaw.
- (f) Places of worship shall be developed in accordance with Section 8.22 of this Bylaw.

9.12 Urban Reserve District – UR

(1) Purpose

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

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Single Family Dwellings – on existing lots only
- (ii) Extensive agriculture
- (iii) Minor Home Occupations
- (iv) Buildings and Uses Accessory to Permitted Uses

(b) Discretionary Uses

- (i) Agricultural industry
- (ii) Animal services facility
- (iii) Communication tower facilities
- (iv) Family care facilities
- (v) Garage suites
- (vi) Greenhouses and plant nurseries
- (vii) Major home occupations
- (viii) In-law suites
- (ix) Public parks
- (x) Public uses
- (xi) Public utility buildings
- (xii) Public or quasi-public uses
- (xiii) Secondary suites
- (xiv) Single family dwellings
- (xv) Small animal breeding and boarding establishments
- (xvi) Wind energy conversion systems, micro
- (xvii) Wind energy conversion systems, small
- (xviii) Any other strictly temporary use or building which, in the sole opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (xix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xx) Buildings and uses accessory to discretionary uses

(3) Subdivision and Development Regulations

- (a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish land uses, roadway patterns, the proposed land use classifications, public reserve dedications, and utilities policies.
- (b) The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area.
- (c) All other regulations shall be at the discretion of the Development Authority.

(4) Additional Regulations

- (a) Secondary suites, garage suites and in-law suites shall be developed in accordance with Sections 8.28, 8.10 and 8.14 of this Bylaw.
- (b) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.2 of this Bylaw.
- (f) Home occupations shall be developed in accordance with Section 8.12 of this Bylaw.
- (g) No signs shall be allowed in the UR District except as provided for in Section 8.33 of this Bylaw.
- (h) Sea cans may be allowed, at the discretion of the Development Authority, in accordance with Section 8.27 of this Bylaw

9.13 Parks and Recreation District – PR

(1) Purpose

The general purpose of this District is to allow the use of land for services, mainly of a public nature, which have a primary orientation toward the community.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Public parks
- (ii) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Cemeteries
- (ii) Day care facilities
- (iii) Libraries and cultural exhibits
- (iv) Public uses
- (v) Public or quasi-public uses
- (vi) Recreation, active
- (vii) Recreation, passive
- (viii) Recreational facilities
- (ix) Recreational uses
- (x) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xi) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum lot area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.

(4) Development Regulations

In addition to the General Provisions, Part 7.0 and the Special Use Regulations, Part 8.0 of this Bylaw, the following shall apply within this District:

- (a) All regulations shall be at the discretion of the Development Authority.
- (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, for any objectionable aspects or potential incompatibility with development in abutting Districts.

- (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is consistent with, and not prejudicial to, the overall purpose of this District.

(5) **Additional Regulations**

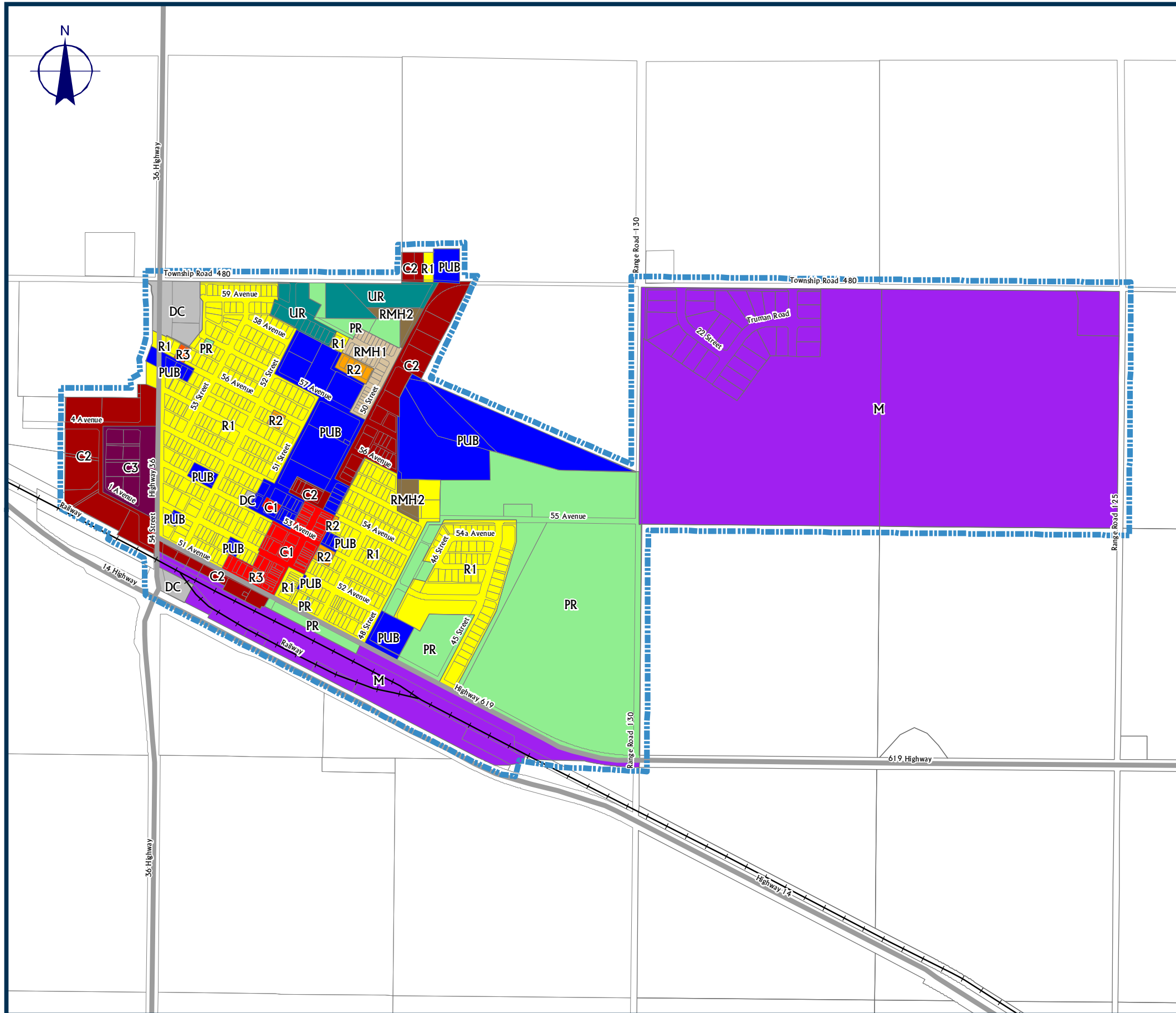
- (a) Fences shall be developed in accordance with Section 7.8 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.11 of this Bylaw.
- (c) Grading and drainage of the lot shall be provided in accordance with Section 7.13 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Sections 8.1 and 8.2 of this Bylaw.
- (e) Signs shall be allowed in the (PR) District as provided for in Section 8.33 of this Bylaw.

9.14 Direct Control District – DC

This is a special District employing the discretionary powers available to Council through Section 641 of the Act. All development permit applications within the Direct Control District will be brought by the Development Authority Officer to Council who, acting as Development Authority, will make decisions on all such development permit applications. All regulations concerning the use and development of land and buildings within the Direct Control District shall be at the discretion of Council.

Town of Viking

Land Use Bylaw Schedule A – Land Use District Map



- R1 – Residential (Low Density)
- R2 – Residential (Medium Density)
- R3 – Residential (High Density)
- RMH1 – Residential Manufactured Home Park
- RMH2 – Residential Manufactured Home Park
- C1 – Central Commercial
- C2 – Secondary Commercial
- C3 – Highway Commercial
- C4 – Local Commercial
- M – Industrial
- PR – Parks and Recreation
- PUB – Public Service
- UR – Urban Reserve
- DC – Direct Control

0 Kilometre

