



**TOWN OF DRUMHELLER**  
REGULAR COUNCIL MEETING

**AGENDA**

TIME & DATE: 4:30 PM – Monday April 22, 2024

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel

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1. CALL TO ORDER

2. OPENING COMMENTS

Bryce Nimmo Birthday Wishes.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for April 22, 2024 Regular Meeting

Proposed Motion:

Move that Council adopt the agenda for the April 22, 2024 Regular Council meeting as presented.

5. MEETING MINUTES

5.1 Minutes for April 8, 2024 Regular Council as presented.

[Regular Council Meeting –April 8, 2024 - Minutes](#)

Proposed Motion:

Move that Council approve the minutes for the April 8, 2024, Regular Council meeting as presented.

COUNCIL BOARDS AND COMMITTEES

6. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

6.1 Chief Administrative Officer

6.1.1 Request for Decision:  
Proposed Land Use Amending Bylaw 12.24 + Set a Public Hearing

[Request for Decision + Amending Bylaw](#)  
[Bylaw 16.20 link to website](#)

Proposed Motion:

Move that Council give first reading to Land Use Amending Bylaw 12.24 and set the Public Hearing date for May 21, 2024.

6.1.2 Request for Decision:  
Compliance Certificate Council Policy

[Request for Decision + Policy](#)

Proposed Motion:

Move that Council approve Policy DP-C-01 – Compliance Certificates as presented.

6.2 Flood Resiliency Project Director

6.2.1 Request for Decision:  
Drumheller Resiliency and Flood Mitigation Program – Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting:  
That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine

[Request for Decision + Certificate of Approval + Resolution](#)

Proposed Motion:

Move that Council directs Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 26<sup>th</sup> day of February 2024 pertaining to a portion of the parcel of land legally described as:

That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429 and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.

6.2.2 Request for Decision:

Drumheller Resiliency and Flood Mitigation Program – Resolution and Notice of Intention to Expropriate One Parcel for Berm Construction affecting:

That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine

[Request for Decision+ Resolution + Notice of Intention to Expropriate](#)

Proposed Motion:

Moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to the parcel of land described as that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.

- 6.2.3 Request for Decision:  
Drumheller Resiliency and Flood Mitigation Program - Certificate of Approval and Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 5, Block 1, Plan 4125FH

198 9 Street, Nacmine

[Request for Decision + Certificate of Approval + Resolution](#)

Proposed Motion:

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 5, Block 1, Plan 4125FH; Title Number 151 140 939.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

- 6.3 Director of Corporate and Community Services Department

- 6.3.1 Request for Decision:  
Amendments to the 2024 Operating and Capital Budget

[Request for Decision + Appendix 1](#)

Proposed Motion:

Moves that Council approve the amendments to the 2024 Operating and Capital Budgets as presented.

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

- 6.4 Acting Director of Infrastructure

- 6.4.1 Request for Decision:  
Old Hospital and Old Public Works Site Remediation Tender Award

[Request for Decision + Appendix A and B](#)

Proposed Motion:

Moves that Council approve the award of the Old Hospital & Public Works Site Remediation tender be awarded to Brooks Asphalt & Aggregate Ltd, in the amount of \$383,055 excluding G.S.T.



6.4.2 Request for Decision:  
Curling Rink Demolition Tender Award

Request for Decision

Proposed Motion:

Move that the Curling Rink Demolition for Proposal be awarded to Roadbridge Services for the amount of \$265,853.95 excluding G.S.T.

7. CLOSED SESSION

- 7.1 Strategic Development and Planning  
FOIP 23 – Local public body confidences  
FOIP 24 – Advice from Officials  
FOIP 25 – Disclosure harmful to economic and other interests of a public body

Proposed Motion:

That Council close the meeting to the public to discuss Strategic Development and Planning as per FOIP 23 – Local public body confidences, FOIP 24 – Advice from Officials and FOIP 25 – Disclosure harmful to economic and other interests of a public body.

8. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



**TOWN OF DRUMHELLER**  
REGULAR COUNCIL MEETING

**MINUTES**

TIME & DATE: 4:30 PM – Monday April 8, 2024

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and  
[Live Stream on Drumheller Valley YouTube Channel](#)

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**IN ATTENDANCE**

Mayor Heather Colberg	Chief Administrative Officer: Darryl Drohomerski (Remote)
Councillor Patrick Kolafa	Director of Corporate & Community Services: Victoria Chan
Councillor Stephanie Price	Acting Director of Infrastructure: Kevin Blanchett (Regrets)
Councillor Tony Lacher	Dir. of Emergency and Protective Services: Greg Peters
Councillor Crystal Sereda	Flood Mitigation Project Manager: Deighen Blakely
Councillor Lisa Hansen-Zacharuk	Communication Officer: Bret Crowle (Regrets)
Councillor Tom Zariski	Reality Bytes IT: David Vidal
	Recording Secretary: Denise Lines

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1. CALL TO ORDER

The Mayor called the meeting to order at 4:30pm.

2. OPENING COMMENTS

Thank you to the Drumheller Area Health Foundation for hosting “FestiValley.”

Congratulations to the Drumheller Dragons for a great season of entertainment.

Happy 90<sup>th</sup> Birthday to Bryce Nimmo, and thank you to Mr. Nimmo for your work in the Valley.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for April 8, 2024 Regular Meeting

M2024.124 Moved by Councillor Price, Councillor Hansen-Zacharuk  
that Council adopt the agenda for the April 8, 2024 Regular Council meeting as  
presented.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

- 5.1 Minutes for March 18, 2024 Regular Council as presented.

Agenda Attachment: Regular Council Meeting – March 18, 2024 - Minutes

- M2024.125 Moved by Councillor Kolafa Price, Councillor Price that Council approve the minutes for the March 18, 2024, Regular Council meeting as amended.

Minutes amended to remove clerical error under 7.3.1 that reads “Proposed Motion: Move that Council approve Policy CS-C-01 Asset Retirement Obligations with a retroactive effective date of January 1, 2023, as presented.”

CARRIED UNANIMOUSLY

### COUNCIL BOARDS AND COMMITTEES

Note: COUNCIL MOVED TO ITEM 7 IN THE AGENDA AS THE PUBLIC HEARING WAS SCHEDULED TO COMMENCE AT 5:30 PM.

## 7. REPORTS FROM ADMINISTRATION

Timestamp: [4:43](#)

### OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

Chief Administrative Officer

#### 7.1 Flood Resiliency Project Director

##### 7.1.1 Request for Decision:

Certificate of Approval and Resolution for Expropriation pertaining to a Partial Parcel for Berm Construction affecting Plan 202EO, Parcel D, Containing 4.70 acres more or less, excepting Plan: Drainage - Ditch – Site, Number: 2037JK, Acres more or less: 0.35 712 Hunter Drive, Nacmine

Agenda Items: Request for Decision; Certificate of Approval; Resolution

- M2024.126 Moved by Councillor Sereda, Councillor Hansen-Zacharuk that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Plan 202EO, Parcel D, Containing 4.70 acres more or less, excepting Plan: Drainage – Ditch – Site, Number: 2037JK, Acres more or less: 0.35; Title Number 021 280 028.

CARRIED UNANIMOUSLY

- 7.1.2 Request for Decision:  
Certificate of Approval and Resolution for Expropriation pertaining to a Partial Parcel for  
Berm Construction affecting Descriptive Plan 2410629, Lot 4A  
748 Hunter Drive, Nacmine

Agenda Items: Request for Decision; Certificate of Approval; Resolution

- M2024.127 Moved by Councillor Lacher, Councillor Hansen-Zacharuk  
That Council approve the Certificate of Approval and  
Resolution for Expropriation pertaining to a portion of the parcel of land described  
as Descriptive Plan 2410629, Lot 4A; Title Number 241 070 081.

CARRIED UNANIMOUSLY

## CORPORATE AND COMMUNITY SERVICES DEPARTMENT

Timestamp: [12:30](#)

- 7.2 Director of Corporate and Community Services Department

- 7.2.1 Request for Decision:  
Financial Reporting Extension Request from the Government of Alberta

Agenda Attachment: Request for Decision

- M2024.128 Moved by Councillor Hansen-Zacharuk, Councillor Kolafa  
that Council direct the Chief Administrative Officer to submit a request, no later than  
April 15, 2024, to the Government of Alberta, for a Financial Reporting Extension,  
which includes the audited financial statements and Financial Information Return.

CARRIED UNANIMOUSLY

## EMERGENCY AND PROTECTIVE SERVICES

### INFRASTRUCTURE DEPARTMENT

Timestamp: [14:55](#)

- 7.3 Acting Director of Infrastructure

- 7.3.1 Request for Decision: Flag, Banners and Decorative Trails Policy INF-C-01

Agenda Attachment: Request for Decision; Policy INF-C-01

M2024.129 Moved by Councillor Kolafa, Councilor Zariski that Council approve Policy INF-C-01 - Flag, Pole Banner and Decorative Trail Policy as amended.

Policy INF-C-01 is amended to remove “in kind request” from section 6.2 of the Policy

CARRIED UNANIMOUSLY

M2024.130 Moved by Councillor Sereda, Councillor Hansen-Zacharuk that Council recess the meeting until 5:30 pm.

CARRIED UNANIMOUSLY

Council recessed the meeting at 4:56 pm.

Council resumed the meeting at 5:30 pm.

6. **PUBLIC HEARINGS TO COMMENCE AT 5:30 PM**

Timestamp: [1:02:00](#)

Proposed Bylaw 10.24 Rosedale Railway Avenue, Road Closure (Right of Way)

Agenda Attachments: Request for Decision; Proposed Bylaw 10.24; Map

1. Mayor Opens the Public Hearing and Introduces the Matter

- The Mayor opened the Public Hearing and introduced the matter at 5:30 PM.

2. Presentation of Information – Chief Administrative Officer

- The Chief Administrative Officer presented information on Bylaw 10.24.

3. Rules of Conduct for Public Participation

- All the material related to the Public Hearing will be documented and taken into consideration.

4. Public Participation - Registered to Present Remotely

- No registrations to present remotely were received.

5. Public Participation – Pre - Registered to Present In Person

- David Keirle – In-Support – Resident of Drumheller

D. Keirle indicated support for the Bylaw and is seeking to complete the land transfer as soon as possible.

6. Public Participation - Written Submissions

- No written submissions regarding the Bylaw 03.24 were received

7. Final Comments

- There were no final comments

8. Mayor to Call for Public Hearing to Close

- Councillor Kolafa closed the Public Hearing at 5:38 pm

CLOSED SESSION

8. ADJOURNMENT

M2024.131 Moved by Councillor Lacher, Councillor Price that Council adjourn the meeting.

CARRIED UNANIMOUSLY

Council adjourned the meeting at 5:39 PM

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

## REQUEST FOR DECISION

<b>TITLE:</b>	Land Use Amending Bylaw #12.24
<b>DATE:</b>	April 22, 2024
<b>PRESENTED BY:</b>	Darryl Drohomerski , C.E.T., CAO
<b>ATTACHMENTS:</b>	Land Use Amending Bylaw #12.24 Bylaw #16.20 (Tracked Changes) Bylaw #16.20 (Original)

**SUMMARY:**

Administration began the process of reviewing Land Use Bylaw #16.20 (LUB) at the beginning of 2024 in order to make changes to the use of Solar Energy Systems and Secondary Suites. After an initial review and input from Palliser Regional Municipal Services (PRMS), it was determined that a more comprehensive review and amendment was needed in order to create consistency throughout the document and improve the comprehensibility for both the Development Authority and general population.

The majority of proposed amendments involve general clerical changes (capitalization, punctuation, numbering, font and formatting) and changes to the wording of provisions (in order to improve comprehensibility and consistency). These changes do not change the overall meaning of the provisions, but assist in interpretation. These changes can be seen in Land Use Amending Bylaw #12.24 and in the tracked changes of Bylaw #16.20.

In addition to these documents, major changes that affect the provisions of the LUB have been summarized below:

Section	Type of Change	Type of Change
2.1.4(3)	This provision was in place when the Town still used static Land Use District Maps. As the Palliser Web Map allows scaling of the maps, this provision is no longer relevant.	Removal
2.5.3(3)	As “Design Flood Cross Sections” are no longer used by the Province of Alberta, the flood construction level for proposed developments will now be set at the highest flood level elevation for each parcel, which is determined by using the Provincial Flood Maps.	Change
2.5.3(10)	Moved this provision from the definition for “Freeboard” to General Regulations.	Addition

2.5.4	Combined section 2.5.4 and section 2.5.5 into one section (2.5.4) and removed section 2.5.5.	Change
2.5.6 (2)	This section is a duplicate of 2.5.3(7) under “General Regulations” and can therefore be removed.	Removal
2.5.6 (4)	allows new buildings constructed on the foundation of an original building (existing prior to the construction of the berms) to maintain the original minimum setback to the flood mitigation structure	Addition
2.5.7	Added provisions for “High Hazard Flood Fringe” upon suggestion of the Drumheller Flood Office.	Addition
2.6	Moved “Manufactured Home Park Standards” from Neighbourhood District to the Overlay Section as this better aligns with the function of the section.	Addition
3.5.1(1)(e)	Added requirement for a principal building to be present on a parcel before an accessory building can be constructed in residential land use districts	Addition
3.5.1(16)	Removal of Tourist Dwelling, as this is now regulated by the Business Licence Bylaw 06.23.	Removal
3.5.1(17)	Removal of Solar Energy System, to be replaced by Solar Energy System – Freestanding and Solar Energy System Rooftop.	Removal
3.5.1(18)	Removal of Tourist Dwelling (Duplicate).	Removal
3.5.1(20)	Addition of Solar Energy System – Freestanding with associated provisions.	Addition
3.5.1(21)	Addition of Solar Energy System – Rooftop with associated provisions.	Addition
3.5.1.(1)(1)(b)	Removal of restriction on both a secondary suite and garden suite on the same parcel to allow greater density, where appropriate.	Removal
3.5.1.(1)(1)(m)	Allows Garden Suites to be pre-manufactured, but requires them to complement the existing principal building.	Addition
3.5.1.(1)(3)(d)	Removal of prohibition of both a secondary and garden suite from a parcel, in order to encourage density.	Removal
3.5.2	In order to simplify this section, the majority of the technical requirements have been removed and replaced by the requirement that all development adjacent to river valley, bench and coulee slopes must complete a geotechnical slope assessment.	Change



	Additionally, minimum setbacks from, the toe or the top of the slope have remained in place.	
3.5.6 (3)	Removed as this should be handled by the Community Standards Bylaw instead of the Land Use Bylaw.	Removal
3.5.6 (4)	Removed as this should be handled by the Community Standards Bylaw instead of the Land Use Bylaw	Removal
3.5.6 (5)	Removed as this should be handled by the Community Standards Bylaw instead of the Land Use Bylaw	Removal
3.5.7 (4)	This regulation is too vague to be enforceable, unenforceable or vague provisions are recommended for removal.	Removal
4.1.18	Addition of provision that Only allow two (2) signs per parcel at any time, in order to maintain the aesthetics of the Town.	Addition
5.4.2	Consolidated section 5.4.2 and 5.4.3 into a single section (5.4.2) in order to add clarity. Section 5.4.3 will be removed.	Change
5.5.1(3)	Provision removed in order to grant the Development Officer more authority in regards to approving variances.	Removal
5.5.1(4)	Only allows a Development Officer to approve variances that increase the setback, building height or site coverage by less than 20%.	Addition
5.5.3	Require all variances over 20% to be reviewed by the Municipal Planning Commission (MPC).	Addition
5.5.4	Only allows MPC to approve variances that increase the setback, building height or site coverage by less than 50%.	Addition
5.5.5	Clarifies the variance power of the Subdivision Authority.	Addition
5.26	New section outlines when a person will require a development permit. An individual will require a Development Permit if a building has been vacant for more than six (6) months.	Addition

Additionally, there are changes to the uses in the following eight (8) Land Use Districts:

- (1) Badlands District (BD);

- (2) Rural Development District (RDD);
- (3) Countryside District (CSD);
- (4) Neighbourhood District (ND);
- (5) Neighbourhood Centre District (NCD);
- (6) Downtown District (DTD);
- (7) Tourism Corridor District (TCD); and,
- (8) Employment District (ED).

These changes are as follows:

Change	Description
Removal of “Dwelling Unit – Moved-On.”	This is not technically a land use. Additionally, the requirements for the relocation of various dwelling units is found in 3.5.2. (1)(4). Removed from all Land Use Districts.
Removal of “Dwelling Unit – Ready-to-Move.”	This is not technically a land use. Additionally, the requirements for the relocation of various dwelling units is found in 3.5.2. (1)(4). Removed from all Land Use Districts.
Change of “Dwelling Unit – Manufactured” from Discretionary to Permitted Use.	Changed from Discretionary to Permitted Use in RDD and CSD to reflect the rural characteristics of these land use districts.
Addition of “Manufactured Home Park.”	Was originally listed as a discretionary use in ND. Has been added as a discretionary use in RDD and CSD.
Removal of “Tourist Dwelling.”	“Tourist Dwellings” or Short-Term Rentals” are now regulated through the Business Licence Bylaw 06.23. Removed from all Land Use Districts.
Addition of “Solar Energy System – Freestanding.”	Replaces “Solar Energy System.” Added as a permitted use and added specific use standards for all in all Land Use Districts (with the exception of BD).
Addition of “Solar Energy System – Rooftop.”	Replaces “Solar Energy System.” Added as a permitted use and added specific use standards for all in all Land Use Districts (with the exception of BD).
Removal of “Solar Energy System.”	Replaced by Solar Energy System – Freestanding and Solar Energy System – Rooftop. Removed from all Land Use Districts.
Removal of “Communications Structure.”	Communications Structures will be now be regulated through a Council Policy. Removed from all Land Use Districts.

Addition of “Mixed-Use Development.”	New use added to address multiple mixed-use development uses throughout the Town, especially in the DTD. Added as a Discretionary Use in NCD and as a permitted use in DTD.
Change of “Accessory Building – Portable” from Discretionary Use to Permitted Use	Changed from a Discretionary Use to a Permitted Use in RDD and CSD to reflect the rural characteristics of these land use districts.
Addition/Change of “Storage Structure”	Added as a discretionary use in NCD and DTD. Changed from a Discretionary Use to a Permitted Use in RDD and CSD to reflect the rural characteristics of these land use districts.
Change of “Dwelling Unit - Secondary Suite” from Discretionary to Permitted Use	Changed from Discretionary to Permitted Use in RDD, CSD, ND, NCD and DTD to align with objectives of the MDP and Drumheller Valley Housing Strategy
Projection into Setbacks	Decks below 0.6 metres can project by 100%, while decks above 0.6 metres can project by 50% into RDD, CCD and ND. All Decks can project up to 50% in NCD and DTD
Parcel Width to Parcel Area	In CSD the Minimum Parcel Width of 30 Metres has been changed to a Minimum Parcel Area of 0.5 Acres. In the RDD the Minimum Parcel Area of 100 Metres has been changed to a Minimum Parcel Area of 2 Acres.

Additionally, there has been substantial change throughout Section 6 (definitions). As the definitions should not contain any stipulations, all provisions have been removed from Section 6 and moved into their respective locations within the LUB, where applicable. Additionally, Administration has updated the language and improved the wording of multiple definitions in order to increase clarity.

The following are significant changes to Definitions:

Definition	Description	Type of Change
Agriculture – Pasturage	means a <b>use</b> limited to the limited to the grazing and keeping of livestock.	Addition
Alberta Private Sewage Disposal System Standard of Practice	Added reference to legislation.	Addition
Communications Structure	Communications Structures will be now be regulated through a Council Policy.	Removal
Designated Design Event	Designated Design Event is no longer defined and regulated by the Province of Alberta.	Removal
Design Flood Cross Sections	Design Flood Cross Sections is no longer defined and regulated by the Province of Alberta.	Removal

Dwelling Unit	Added for clarity of provisions throughout the LUB.	Addition
Dwelling Unit-Moved On	This is not technically a land use. Additionally, the requirements for the relocation of various dwelling units is found in 3.5.2. (1)(4).	Removal
General Requirements	definition is not used in the LUB.	Removal
Government of Alberta Flood Hazard Maps	Added a reference to add clarity.	Addition
Historical Resources Act	Added reference to legislation.	Addition
Home Occupation	Added to align with Business Licence Bylaw 06.23.	Addition
Home Occupation - Basic	Old definition was inaccurate. Changed to align with Business Licence Bylaw 06.23.	Change
Home Occupation - Rural	Old definition was inaccurate. Changed to align with Business Licence Bylaw 06.23.	Change
Home Occupation - Urban	Old definition was inaccurate. Changed to align with Business Licence Bylaw 06.23.	Change
Intermunicipal Subdivision and Development Appeal Board	Added reference to legislation.	Addition
Land Titles Act	Added reference to legislation.	Addition
Land Use District	Added a reference to add clarity.	Addition
Provincial Offences Procedures Act	Added reference to legislation.	Addition
Reserve Land [Bylaw #12.24]	Added to increase clarity regarding what is deemed to be "Reserve Land."	Addition
Residential Mixed-Use Development	New use added to address multiple mixed-use development uses throughout the Town, especially in the DTD.	Addition
Residential Land Use District [Bylaw #12.24]	Defines a Residential Land Use District as a ND, NCD and DTD. Added definition as "Residential Districts" were referenced throughout the LUB but never defined.	Addition
Responsible Pet Ownership Bylaw [Bylaw 12.24]	Added reference to legislation.	Addition
Safety Codes Act [Bylaw #12.24]	Added reference to legislation.	Addition
Show Home	definition is not used in the LUB.	Removal

Single Detached Dwelling	Removed as this is a duplicate of the Dwelling Unit- Single Detached.	Removal
Solar Energy System	Removed to be replaced by, to be replaced by Solar Emery System – Freestanding and Solar Energy System Rooftop.	Removal
Solar Emery System – Freestanding	Added as Use, Replaces “Solar Energy System.”	Addition
Solar Energy System Rooftop	Added as Use, Replaces “Solar Energy System.”	Addition
Subdivision and Development Regulations	Added reference to legislation.	Addition
Temporary Barriers	Added as temporary barriers will be used in conjunction with flood mitigation structures to determine what is defined as the “Protected Flood Fridge.”	Addition
Tourist Dwelling	Removed as it is now regulated by Business Licence Bylaw 06.23.	Removal

Please note, the following changes, that do not change the intent or interpretation of a provision, but are intended to add clarity or fix existing mistakes, are not recorded in the Amending Bylaw #12.24 or as a tracked changed:

- (a) General clerical changes including changes to capitalization, punctuation, numbering, font and formatting; and,
- (b) Verbal descriptions of numerical values have been added, where necessary.
- (c) The addition of prepositions and conjunctions, where these additions are intended to add clarity and do not change the nature of the provision.
- (d) The addition of abbreviations and acronyms were added to the organization or association title, where necessary.

**RECOMMENDATION:**

that Council give first reading to Land Use Amending Bylaw 12.24 and set the Public Hearing date for May 21, 2024.

**DISCUSSION:**

On April 15, 2024, the proposed changes were brought to the Committee of the Whole for review. Council did not suggest any further changes.

As per the 5.7.2 of this Bylaw, Council shall hold a public hearing prior to 2<sup>nd</sup> reading. The Public Hearing will be set for 5:30 PM on Tuesday May 21<sup>th</sup>, 2024 at the Regular Council Meeting. A public engagement session will be set for May 7<sup>th</sup> at the Badlands Community Facility (BCF) from 12:00 – 2:00 PM and from 4:00 – 6:00 PM. Residents are encouraged to attend to ask questions and offer input on the proposed changes.

**FINANCIAL IMPACT:**

Administration costs associated with holding a public hearing and public engagement session. As well as administration costs associated with amending the bylaw.

**STRATEGIC POLICY ALIGNMENT:**

Changes align with the goals established in the Municipal Development Plan and the Drumheller Valley Housing Strategy.

**COMMUNICATION STRATEGY:**

A media release has been prepared for and will be released April 23, 2024 informing residents of the purpose of these amendments, the significant changes, and the public hearing and public engagement dates. Advertisements for the Public Hearing will be issued in the Drumheller Mail for May 1<sup>st</sup> and May 8<sup>th</sup>. A public engagement session will be set for May 7<sup>th</sup> at the Badlands Community Facility (BCF).

**MOTION:**

that Council give first reading to Land Use Amending Bylaw 12.24 and set the Public Hearing date for May 21, 2024.

*Mitchell Visser*

Prepared by:  
Mitchell Visser  
Sr. Administrative  
Assistant

*Colt Maddock*

Reviewed by:  
Colt Maddock  
Development Officer in  
Training



Approved by:  
Darryl Drohomerski  
CAO

**TOWN OF DRUMHELLER  
BYLAW NUMBER 12.24  
DEPARTMENT: PLANNING & DEVELOPMENT**

*Amends Bylaw 16.20*

A BYLAW IN THE TOWN OF DRUMHELLER TO PROVIDE FOR THE AMENDMENT OF  
LAND USE BYLAW 16.20

**WHEREAS**, pursuant to *Section 640* of the Municipal Government Act, RSA2000, Chapter M-26, the Town of Drumheller (the “Town”) has adopted *Land Use Bylaw 16.20*;

**AND WHEREAS** the Town deems it desirable to amend *Land Use Bylaw 16.20* in accordance with *Section 191* of the *Municipal Government Act*;

**NOW THEREFORE**, the Town of Drumheller, in the Province of Alberta, hereby enacts as follows:

**1. SHORT NAME**

This Bylaw shall be cited as “12.24 - Land Use Amending Bylaw.”

**2. CHANGES**

2.1 The following changes shall be applied to Bylaw 16.20:

- a) General clerical changes including changes to capitalization, punctuation, numbering, font and formatting; and,
- b) Verbal descriptions of numerical values have been added, where necessary.
- c) The addition of prepositions and conjunctions, where these additions are intended to add clarity and do not change the nature of the provision.
- d) The addition of abbreviations and acronyms were added to the organization or association title, where necessary.
- e) Where appropriate, the following terms have been changed in order to create consistency:
  - I. “Alberta Safety Codes Act” is changed to “Safety Codes Act.”
  - II. “back lane” has been changed to “rear lane.”
  - III. “billboard” is changed to “billboard sign.”
  - IV. “camp” is changed to “work camp.”
  - V. “district” has been changed to “land use district.”
  - VI. “dwelling unit – secondary” and “secondary suite” had been changed to

“dwelling unit – secondary suite.”

- VII. “Dwelling – Duplex” has been changed to “Dwelling Unit – Duplex”
- VIII. “Dwelling – Multi Unit” has been changed to “Dwelling Unit – Multi Unit”
- IX. “Dwelling – Single Detached” and “single detached dwellings” have been changed to “Dwelling Unit – Single Detached.”
- X. “Land Use” has been changed to “Use.”
- XI. “lot(s)” or “propertie(s)” have have been changed to “parcel(s).”
- XII. “manufactured dwelling” has been changed to “dwelling unit – manufactured.”
- XIII. “motor vehicle” has been changed to “vehicle.”
- XIV. “municipality” is changed to “town.”
- XV. “percent” has been changed to “%.”
- XVI. “primary” had been changed to “principal.”
- XVII. “primary yard” is changed to “front yard.”
- XVIII. “residential district(s)” and “residential areas” have been changed to “residential land use district(s)”
- XIX. “residential land uses” has been changed to “residential uses.”
- XX. “Subdivision and Development Appeal Board” is changed to “Intermunicipal Subdivision and Development Appeal Board.”
- XXI. “utilites” has been changed to “public utilites”

2.2 The following changes shall be applied to Section 1:

- a) In Section 1.1:
  - I. Section 1.1.1 the sentence “is to regulate the use and development of land and buildings” is changed to “is to regulate the use and sustainable development of land and buildings;” and,
  - II. Section 1.1.1 the sentence “This Bylaw strives to enable sustainable development and all planning applications, including land use, subdivision, and development permit applications will be evaluated using the principles of the Municipal Development Plan” is changed to “All planning applications



pursuant to this Bylaw, including land use, subdivision, and development permit applications will be evaluated using the principles of the Municipal Development Plan.

- b) In Section 1.2:
  - I. Section 1.2.1 the word “action” is changed to “authority”; and,
- c) In Section 1.4:
  - I. Section 1.4.3 the words “Statutory Document” is changed to “Statutory Plan,” and;
  - II. Section 1.4.3 the words “Land Use Zoning” is changed to “Land Use Districts.”

2.3 The following changes shall be applied to Section 2:

- a) In Section 2.1:
  - I. Section 2.1.2 the web address is changed from “<http://dlu.palliserwebmap.ca/>” to “<https://gis.palliserwebmap.ca/>.”
  - II. Section 2.1.4 the word “Boundary” has been changed to “**Land Use District** boundary.”
  - III. Section 2.1.4(1) is changed from “A boundary shown as approximately following a **parcel boundary** shall be deemed to follow the **parcel boundary**” to “a **Land Use District** boundary shown as running through the centre of a **parcel**, shall be deemed to be following the nearest **parcel boundary**.”
- b) In Section 2.2:
  - I. Section 2.2.1(5) the sentence “Lands subject to an **overlay** are indicated on the maps provided in this section of the **Bylaw**” is changed to “Lands subject to an **overlay** are delineated on the Land Use Map, in accordance with Section 2.1.2 of this **Bylaw**.”
- c) In Section 2.4:
  - I. Section 2.4.1(1) the words “identified on the Land Use Map” are removed.
- d) In Section 2.5
  - I. Section 2.5.3(3) the sentence ““The elevation of the **flood construction level** is variable along the length of the Valley and is determined by the interpolation of **design flood cross sections**.” to “The elevation of the

**flood construction level** is variable along the length of the Valley and is determined by the **Development Officer** from the **Government of Alberta Flood Hazard Map** as the highest elevation on the subject **parcel**, typically found at the upstream boundary.”

- II. Section 2.5.3(6) the words “Outdoor storage” is changed to “Storage.”
- III. Section 2.5.3.(1)(1) the word “designated” is changed to “located.”
- IV. Section 2.5.4 the title “**Flood Fringe** and **High Hazard Flood Fringe Use** and Regulations” is changed to “**Flood Fringe Use** and Regulations.”

2.4 The following changes shall be applied to Section 3:

- a) In Section 3.5:
  - I. In Section 3.5.1(1)(a) “the requirements of the Alberta Safety Codes Act” is changed to “the requirements of this **Bylaw**”
  - II. In Section 3.5.1(1)(c) the sentence “No **accessory buildings** or **uses** shall be located in the **front yard** of a **residential district**” is changed to “No **accessory buildings** or uses shall be located in the **front yard** of a **residential use**.”
  - III. In Section 3.5.2(a) the sentence “Shall meet the setback requirements for an accessory building in the appropriate Land Use District, while meeting all the requirements of the Alberta Safety Codes Act” is changed to remove “while meeting all the requirements of the Alberta Safety Codes Act.”
  - IV. In Section 3.5.1(2)(c) the sentence “Shall not exceed 18 square metres lot coverage” is changed to “**Floor area** shall not exceed 18 square metres.
  - V. In Section 3.5.1(3) the sentence “The maximum **use area** for Adult Entertainment is 550 square metres” is changed to “The maximum **use area** shall be 550 square metres.”
  - VI. In Section 3.5.1(4) the sentence “May be developed only in a **Dwelling Unit**” is changed to “Shall only be developed in a **dwelling unit**.”
  - VII. In Section 3.5.1(4) the sentence “ Bed & Breakfast establishments shall conform to the following, or such standards as the Alberta Building Code may have, whichever is greater” is changed to “Bed & Breakfast establishments shall conform to the following, or the Alberta Building Code, whichever is greater.”

- VIII. Section 3.5.1(6)(a)(iii) the words “approving authority” is changed to “**Development Authority.**”
- IX. In Section 3.5.1(7)(a) the sentence “unless otherwise approved, no fence, wall, tree, hedge or other **structure**, object, or plant exceeding 1.2 metres in height shall be permitted within the **corner visibility triangle**” is changed to remove “unless otherwise approved.”
- X. In Section 3.5.1(7)(d) the sentence “Fences shall not alter or disrupt the drainage pattern as established in the approved surface drainage plan” is changed to “Fences shall not alter or disrupt the drainage pattern as established in an approved **stormwater management plan.**”
- XI. In Section 3.5.1(11)(a) the words “of the parcel” are added to the end of the provision.
- XII. Section 3.5.1(12)(d) the sentence “All animals to be kept indoors during quiet hours of the Town of Drumheller Community Standards Bylaw” is changed to “All animals shall be kept indoors during quiet hours in accordance with the Town of Drumheller Community Standards Bylaw 06.19 as amended from time to time, and is successor legislation.”
- XIII. Section 3.5.1(15)(b) the sentence “A **storage structure** shall not be permitted in residential **parcels** or where the primary land **use** of a **parcel** is residential” is changed to “A **storage structure** shall not be permitted on **parcels** that contain a **residential use.**”
- b) In Section 3.1.2 (now changed to 3.5.1.(1)):
- I. The heading “3.1.2” is changed to “3.5.1.(1).”
- II. In Section 3.5.1.(1)(1)(d) the sentence “Shall be restricted to a single storey dwelling (max. 5 meters in height) and may include an attached single car garage, unless the Dwelling Unit – Garden is located in the loft of an Accessory Building.” Is changed to 3.5.1.(1)(1)(d) “Shall be restricted to a single-storey **dwelling unit** with a maximum height of five (5) metres and 3.5.1.(1)(1)(d.1) notwithstanding subsection d), a **dwelling unit-garden** may be located in the loft of an **accessory building**, which may include an attached single car garage.
- III. In Section 3.5.1.(1)(1)(j) the word “**setback**” is changed to “**yard.**”
- IV. Section 3.5.1.(1)(2) the words “Land Use Bylaw” is changed to “**Bylaw.**”
- V. In Section 3.5.1.(1)(3) the sentence “A separate entrance door to a

secondary suite shall not be located on any front *building* elevation facing a public *street*. Notwithstanding this, a single-entry door providing access to an enclosed, shared landing area from which both the main *dwelling unit* and the secondary suite gain access, may be located on any front *building* elevation facing a public *street*” is changed to “A separate entrance door to a ***dwelling unit - secondary suite*** shall not be located on any front façade of a ***building*** facing a public ***street***. Notwithstanding this, a single-entry door providing access to an enclosed, shared landing area from which both the ***principal dwelling unit*** and the ***dwelling unit - secondary suite*** gain access, may be located on any front of a ***building*** facing a public ***street***.”

- VI. In Section 3.5.1.(1)(3)(e) “Alberta Building Code for bedrooms in basements must be met” is removed.
  - VII. In Section 3.5.1.(1)(4)(a) the sentence “Notwithstanding Section 5.10 When a ***Development Permit*** is Not Required a development permit shall be required for the relocation of any building to any ***parcel*** in the Town of Drumheller” is changed to “A development permit shall be required for the relocation of any building to any ***parcel*** in the ***Town***, except when exempted in accordance with Section 5.10.”
  - VIII. In Section 3.5.1.(1)(4)(b) the sentence “may include conditions of approval that:” is changed to “may include the following conditions of approval:”
  - IX. In Section 3.5.1.(1)(4)(b)(i) the word “located” is changed to “relocated to.”
- c) In Section 3.5.6:
- I. Section 3.5.6(6) the sentence “residential ***parcel***” is changed to “***parcel*** with a ***residential use***.”
  - II. Section 3.5.6(7)(b) the sentence “residential parcel” is changed to “***parcel*** that contains a ***residential use***.”
- d) In Section 3.5.7:
- I. Section 3.5.7(1) the sentence “Alberta Private Sewage Disposal System Standard of Practice, 1999 or a successor thereto” is changed to “***Alberta Private Sewage Systems Standard Practice***.”
- e) In Section 3.5.8:
- I. Section 3.5.8(1) the sentence “In addition to the land ***use*** rules for ***permitted*** and ***discretionary uses*** in the appropriate land use district,

the Town may impose conditions on a development permit as provided for in Architectural Guidelines attached to the title by caveat” is changed to “In addition to the rules for **permitted** and **discretionary uses** in the respective **Land Use Districts**, the **Town** may impose conditions on a development permit, as provided for in Architectural Guidelines, attached to the Certificate of Title by caveat.

- f) In Section 3.6
  - I. In Section 3.6.2(1) “Agriculture – General” is changed to “Agriculture – Pasturage”
- g) In Section 3.7, 3.8, 3.9, 3.10, 3.11:
  - I. “**Dwelling Unit - Secondary Suite**” is changed from a “Discretionary Use” to a “Permitted Use”
- h) In Section 3.7 and 3.8:
  - I. “**Dwelling Unit - Manufactured**” is changed from a “Discretionary Use” to a “Permitted Use”
  - II. “**Storage Structure**” is changed from a “Discretionary Use” to a “Permitted Use”
  - III. “**Accessory Building – Portable**” is changed from a “Discretionary Use” to a “Permitted Use”
- i) In Section 3.7:
  - I. Section 3.7.2(6) the sentence:
    - i. “Accessory Building or Structure” is changed to “Accessory Building.”
    - ii. “**Fascia Sign** associated with an approved Lodging, Commercial, or Institutional development on the same lot” is changed to “**Fascia Signs** are considered a **permitted use when** associated with an approved Lodging, Commercial, or Institutional **development** on the same **parcel.**”
  - II. Section 3.7.4(1) “Parcel Width” is changed to “Parcel Area” and “minimum 100 metres” is changed to “minimum 2.0 acres.”
  - III. Section 3.7.6(5)(v) the sentence “balconies may project into a side setback” is changed to “and may project into a side setback”
  - IV. Section 3.7.8(3) the words “the Institutional Use Category in

Subsection 3.3.2” is changed to “subsection 3.7.2(4).”

- V. Section 3.7.9(2)(b) the words “industrial and commercial properties” is changed to “**uses** listed in subsection 3.7.2(3) and 3.7.2(4).”

j) In Section 3.8:

- I. Section 3.8.2(6) the sentence:
  - i. “Accessory Building or Structure” is changed to “Accessry Building.”
  - ii. “**Fascia Sign** associated with an approved Lodging, Commercial, or Institutional development on the same lot” is changed to “**Fascia Signs** are considered a **permitted use when** associated with an approved Lodging, Commercial, or Institutional **development** on the same **parcel**.”
- II. In Section 3.8.3(1) the sentence “Dwelling units shall be limited to detached dwellings with opportunities for secondary dwelling units located in an accessory building” is changed to “**Dwelling units** shall be limited to **dwelling unit – single detached uses** with opportunities for an additional **dwelling unit – garden** or **dwelling unit – secondary suite**.”
- III. In Section 3.8.3(2) and Section 3.8.3(3) the word “ Part 4” is changed to “Part 4 of this Bylaw.”
- IV. Section 3.8.4(1) “Parcel Width” is changed to “Parcel Area” and “minimum 30 metres” is changed to “minimum 0.5 acres.”
- V. Section 3.8.6(5)(a)(iv) the sentence “an unenclosed deck, **porch** or other similar **structure**, below 0.6 metres in height” is changed to “an unenclosed deck, **porch** or other similar **structure**, below 0.6 metres in height may project up to 100% into a **front setback** or **rear setback**.”
- VI. Section 3.8.6(5)(a)(v) the sentence “eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a minimum **front setback** or **side setback** and up to 1.5 metres into a minimum **rear setback**; and” is change to remove the word “minimum”
- VII. Section 3.8.6(5)(a)(vi) the sentence “an unenclosed deck, **porch** or other similar **structure**, above 0.6 metres in height, may project up to 50% into a minimum **front setback** or minimum **rear setback**” is changed to remove the word “minimum”
- VIII. Section 3.8.6(5)(a)(vii) the sentence “balconies may project into a side

setback” is changed to “and may project into a side setback”

- IX. In Section 3.8.9(3) the words “the Institutional Use Category in Subsection 3.4.2” is changed to “subsection 3.8.2(4).”
- X. In Section 3.8.10(1) the sentence “the Commercial Use Category in Section 3.4.2” is changed to “subsection 3.8.2(3).”
- XI. Section 3.8.10(2) the words “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
- XII. Section 3.8.13(2)(b) the words “industrial and commercial properties” is changed to “**uses** listed in subsection 3.8.2(3) and 3.8.2(4).”

k)

In Section 3.9:

- I. Section 3.9.1(1) the words “building types” is changed to “building types including:.”
- II. Section 3.9.1(2) the words “the Institutional Use Category in Subsection 3.5.2” is changed to “subsection 3.9.2(4).”
- III. Section 3.9.2(5) the sentence “Accessory Building or Structure” is changed to “Accessry Building.”
- IV. In Section 3.9.3(1) and 3.9.3(2) the word “Part 4” is changed to “Part 4 of this Bylaw.”
- V. Section 3.9.4(5)(a)(iv) the sentence “an unenclosed **deck, porch** or other similar **structure** below 0.6 metres in height may project 50% into a **front setback or rear setback**” is changed to “an unenclosed deck, **porch** or other similar **structure**, below 0.6 metres in height may project up to 100% into a **front setback or rear setback.**”
- VI. Section 3.9.4(5)(a)(v) the sentence “an unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50% into a front setback or rear setback” is changed to “an unenclosed deck, **porch** or other similar **structure**, above 0.6 metres in height may project up to 50% into a **front setback or rear setback.**”
- VII. Section 3.9.4(5)(vii) the sentence “balconies may project into a side setback” is changed to “and may project into a side setback”
- VIII. Section 3.9.6(2) the sentence “Site coverage must not exceed coverage of principal building. Foot print of **Accessory Building** must not exceed 80% footprint coverage of principal building” is changed to “**Floor area** of an **accessory building** must not exceed 80% **floor area**”

coverage of the **principal building.**”

- IX. Section 3.9.7(2)(c) the sentence “Maximum 5 meters if no Dwelling Unit - Garden is associated” is changed to “Maximum 5.0 metres if not associated with a **dwelling unit – garden.**”
  - X. Section 3.9.7(3) the sentence “Institutional Use Category in Subsection 3.5.2” is changed to “subsection 3.9.2(4).”
  - XI. Section 3.9.8(1)(a) the words “the Commercial **Use** Category in Section 3.5.2” is changed to “subsection 3.9.2(3).”
  - XII. 3.9.8(1)(b) the sentence “the Residential Use Category in Section 3.5.2” is changed to “subsection 3.9.2(1).”
  - XIII. Section 3.9.8(2)(d) the words “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
  - XIV. Section 3.9.8(2) (e) the sentence “Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas” is changed to “Any parking area containing ten (10) or more parking stalls shall provide and maintain **landscaping** in the internal parking area and along the perimeter of the parking area.”
  - XV. Section 3.9.8(3)(d) the sentence “**Parcels** shall have 2 or more **access** points if required for emergency **access**” is changed to “**Parcels** shall have two (2) or more **access** points in order to provide adequate egress in the event of an emergency.”
  - XVI. Section 3.9.9(5) the sentence “The minimum number of shrubs required for a residential, mixed-use, or commercial development shall be 1 shrub per 15 square metres of landscaped area” is changed to “The minimum number of shrubs required for a **development** shall be one (1) shrub per 15 square metres of **landscaped area.**”
  - XVII. Section 3.9.11(2)(b) the words “for industrial and commercial properties” is changed to “for **uses** listed in the subsection 3.9.2(3) and 3.9.2(4).”
- I) In Section 3.10:
- I. Section 3.10.2(5) the sentence:
    - i. “Accessory Building or Structure” is changed to “Accessory Building.”
    - ii. “The following sign forms when associated with an approved Lodging, Commercial, or Institutional development on the same



lot” is changed to “The following **signs** are considered a **permitted use** when associated with an approved Lodging, Commercial, or Institutional **development** on the same **parcel**.”

- II. Section 3.10.2.(1)(2)(a) the sentence “Shall only be located at the intersection of two or more **streets** or highways, or as part of shopping centre” is changed to “Shall only be located at the intersection of two (2) or more **streets** or highways, or within the parking lot of a Commercial Use, as listed in 3.10.2(3).”
- III. Section 3.10.2. (1)(2)(b) the sentence “Should locate pumps to the side or rear of the **building**” is changed to “Pumps should be located to the side or rear of the **parcel**.”
- IV. Section 3.10.3(6)(a)(iv) the sentence “an unenclosed **deck, porch** or other similar **structure** may project 50% into a **front setback** or **rear setback**” is changed to “an unenclosed deck, **porch** or other similar **structure** may project up to 50% into a **front setback** or **rear setback**.”
- V. Section 3.10.5(2) the word “Foot print” is changed to “**Floor area**.”
- VI. Section 3.10.6(2)(b) the word “Maximum” is changed to “Maximum height.”
- VII. Section 3.10.6(2)(c) the sentence “Maximum 5 metres if no **Dwelling Unit – Garden** is associated” is changed to “Maximum height of 5.0 metres, if not associated with a **dwelling unit – garden**.”
- VIII. Section 3.10.6(3) the sentence “the Institutional Use Category in Subsection 3.6.2.” is changed to “subsection 3.10.2(4).”
- IX. Section 3.10.7(1)(a) the words “the Commercial Use Category or Institutional Use Category in Section 3.6.2” is changed to “subsection 3.10.2(3).”
- X. Section 3.10.7(1)(b) the sentence “the Residential Use Category in Section 3.6.2” is changed to “subsection 3.10.2(1).”
- XI. Section 3.10.7(2)(d) the words “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
- XII. Section 3.10.7(2)(e) the sentence “Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas” is changed to “Any parking area containing ten (10) or more parking stalls shall provide and maintain **landscaping** in the internal parking area and along the perimeter of the parking area.”

- XIII. Section 3.10.7(3)(a) the sentence “The regulations in subsections (ii) through (iv) apply only to the **uses** listed in the Residential Use Category in Section 3.5.2” is changed to “The following regulations apply only to the **uses** listed in subsection 3.10.2(1):”
- XIV. Section 3.10.7(3)(a)(v) the sentence “**Parcels** shall have 2 or more **access** points if required for emergency access” is changed to “**Parcels** shall have two (2) or more **access** points in order to provide adequate egress in the event of an emergency.”
- XV. Section 3.10.8(1) the words “the Residential Use Category in Section 3.5.2” is changed to “subsection 3.10.2(1).”
- XVI. Section 3.10.10(2) the words “industrial and commercial properties” is changed to “the **uses** listed in subsection 3.10.2(3) and 3.10.2(4).”
- m) In Section 3.11:
- I. Section 3.11.2(5) the sentence:
- i. “Accessory Building or Structure” is changed to “Accessory Building.”
- ii. “The following **sign** forms when associated with an approved Lodging, Commercial, Industrial **development** on the same lot” is to change “The following **signs** are considered a **permitted use** when associated with an approved Lodging, Commercial, Industrial **development** on the same **parcel**.”
- II. Section 3.11.3(1) the sentence “Buildings with 1 **Dwelling Unit** or in the form of a single detached dwelling are a discretionary use and shall be limited to locations in proximity to similar structures” is changed to “**Dwelling unit — single-detached** is a **discretionary use** and shall be limited to locations in proximity to similar **structures**.”
- III. Section 3.11.4(5)(a)(iv) the sentence “an unenclosed **deck, porch** or other similar **structure** below 0.6 metres in height may project 50% into a **front setback or rear setback**” is changed to “an unenclosed **deck, porch** or other similar **structure** may project up to 50% into a **front setback or rear setback**.”
- IV. Section 3.11.4(5)(a)(vii) the sentence “balconies may project into a side setback” is changed to “and may project into a side setback”
- V. Section 3.11.7(1)(a) the words “the Commercial Use Category or Institutional Use Category in Section 3.7.2” is changed to “subsection 3.11.2(3) and 3.11.2(4).”

- VI. Section 3.11.7(1)(b) the sentence “the Residential Use Category in Section 3.7.2” is changed to “subsection 3.11.2(1).”
  - VII. Section 3.11.7(2)(e) the words “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
  - VIII. Section 3.11.7(2)(f) the sentence “Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas” is changed to “Any parking area containing ten (10) or more parking stalls shall provide and maintain **landscaping** in the internal parking area and along the perimeter of the parking area.”
  - IX. Section 3.11.7(3)(e) the sentence “**Parcels** shall have 2 or more access points if required for emergency access” is changed to “**Parcels** shall have two (2) or more **access** points in order to provide adequate egress in the event of an emergency.”
  - X. Section 3.11.9(2)(a) the subsection “(ii)” is changed to “(b).”
  - XI. Section 3.11.9(2)(b) the words “the Commercial Use Category in Section 3.6.2” is changed to “subsection 3.11.2(3).”
  - XII. Section 3.11.10(2)(b) the words “industrial and commercial properties” is changed to “the **uses** listed in subsection 3.11.2(3) and 3.11.2(4).”
  - XIII. 3.11.10(3)(a) the sentence “Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the **Development Authority**. The finish of buildings should complement other structures and natural site features” is changed to “Exterior finish shall be wood, metal or similar siding, brick or stucco and shall be to the satisfaction of the **Development Authority**. The finish of buildings should complement other **structures** in the vicinity and natural **site** features.”
- n) In Section 3.12:
- I. Section 3.12.2(4) the sentence:
    - i. “Accessory Building or Structure” is changed to “Accessry Building.”
    - ii. “The following **sign** forms when associated with an approved Lodging, Commercial, Industrial **development** on the same lot” is to change “The following **signs** are considered a **permitted use** when associated with an approved Lodging, Commercial, Industrial **development** on the same **parcel**.”
  - I. Section 3.12.3(2)(a) the sentence “Should located pumps to the side or rear

of the building and provide additional **front setback area** and/or **landscaping** to better integrate the Gas Station with the public realm” is changed to “Pumps should be located to the side or rear of the **parcel** and provide additional **front setback area** and/or **landscaping** to better integrate the **gas station** with the public realm.”

- II. Section 3.12.4(3)(b) the sentence “Minimum 6 metres where the **parcel** shares a side **parcel boundary** with the Neighbourhood District or Countryside District” is changed to “Minimum 6.0 metres where the **parcel** is **adjacent** to a **residential use**.”
  - III. Section 3.12.5(3)(b) the sentence “Minimum 6 metres where the parcel shares a **side parcel boundary** with the Neighbourhood District or Countryside District” is changed to “Minimum 6.0 metres where the **parcel** is **adjacent** to a **residential use**.”
  - IV. Section 3.12.6(3) the sentence “the Institutional Use Category in Subsection 3.8.2.” is changed to “subsection 3.12.2(4).”
  - V. Section 3.12.7(2)(e) the sentence “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
  - VI. Section 3.12.7(2)(f) the sentence “Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas” is changed to “Any parking area containing ten (10) or more parking stalls shall provide and maintain **landscaping** in the internal parking area and along the perimeter of the parking area.”
  - VII. Section 3.12.7(4)(a) the words “Commercial and industrial uses” is changed to “the **uses** listed in subsection 3.12.2(3) and 3.12.2(4).”
  - VIII. Section 3.12.9(c) the word “neighbourhood” is changed to “**residential use**.”
  - IX. Section 3.12.10(2)(b) the sentence “industrial and commercial properties” is changed to “the **uses** listed in subsection 3.10.2(3) and 3.10.2(4).”
- o) In Section 3.13:
- I. Section 3.13.2(6) the sentence:
    - i. “Accessory Building or Structure” is changed to “Accessry Building.”
    - ii. “The following **sign** forms when associated with an approved Lodging, Commercial, Industrial **development** on the same lot” is to change “The following **signs** are considered a **permitted use** when associated with an approved Lodging, Commercial, Industrial

**development on the same parcel.”**

- II. In Section 3.13.3(2)(a) the sentence “Should located pumps to the side or rear of the **building** and provide additional **front setback area** and/or landscaping to better integrate the Gas Station with the public realm” is changed to “Pumps should be located to the side or rear of the **parcel** and provide additional **front setback area** and/or **landscaping** to better integrate the **gas station** with the public realm.”
- III. Section 3.13.3(4)(a)(i) the sentence “the location, type, and purpose of the camp; **adjacent** land uses” is changed to “the location, type, and purpose of the **work camp**.”
- IV. Section 3.13.3(6)(d) the words “Alberta Environmental Protection” is changed to “the Ministry of Environment and Protected Areas.”
- V. Section 3.13.5(3) the sentence “No requirement unless the **parcel** shares a **side parcel boundary** with the Neighbourhood District or the Countryside District, where the **side setback** shall be a minimum of 6 metres” is changed to “No requirement unless the **parcel** shares a **side parcel boundary** with a **residential use**, in which case the **side setback** shall be a minimum of 6.0 metres.”
- VI. Section 3.13.5(4) the sentence “No requirement unless the **parcel** shares a **rear parcel boundary** with the Neighbourhood District or the Countryside District, where the rear **setback** shall be a minimum of 6 metres” is changed to “No requirement unless the **parcel** shares a **rear parcel boundary** with a **residential use**, in which case the **rear setback** shall be a minimum of 6.0 metres.”
- VII. Section 3.13.6(3) the words “the Institutional Use Category in Subsection 3.9.2.” is changed to “subsection 3.13.2(4).”
- VIII. Section 3.13.7(2)(e) the words “perimeter planting” is changed to “**landscaping** along the perimeter of the parking area.”
- IX. Section 3.13.7(2)(f) the sentence “Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas” is changed to “Any parking area containing ten (10) or more parking stalls shall provide and maintain **landscaping** in the internal parking area and along the perimeter of the parking area.”
- X. Section 3.13.7(3)(b) the sentence “**Parcels** shall have 2 or more access points if required for emergency access, or if at the discretion of the **Development Authority**” is changed to “**Parcels** shall have two (2) or more **access** points in order to provide adequate egress in the event of an emergency, or shall be at the discretion of the **Development Authority**.”

- XI. Section 3.13.7(4)(a) the words “commercial and industrial **uses**” is changed to “the **uses** listed in in subsection 3.13.2(3) and 3.13.2(4).”
- XII. Section 3.13.10(2)(b) the sentence “industrial and commercial properties” is changed to “the **uses** listed in subsection 3.10.2(3) and 3.10.2(4).”

2.5 The following changes shall be applied to Section 4:

- (a) In Section 4.1:
  - II. Section 4.1.3 the words “amenities of the neighbourhood” is changed to “public realm.”
  - III. Section 4.1.17 the sentence “No digital **sign** shall be permitted in any location within 30 meters of any parcel boundary of a **dwelling unit** or parcel zoned for residential purposes” is changed to “No digital **sign** shall be permitted in any location within 30 metres of any **parcel boundary** that contains a **residential use**.”
- (b) In Section 4.6:
  - II. Section 4.6.5 the words “residential **parcel**” is changed to “**residential use parcel**.”
- (c) In Section 4.8:
  - II. Section 4.8.1(8) the words “**parcel** zoned” is changed to “**parcel**.”
- (d) In Section 4.9:
  - II. Section 4.9.6 the word “Bench” is changed to “**Bench sign**.”

2.6 The following changes shall be applied to Section 5:

- (a) In Section 5.2:
  - II. Section 5.2.3(10) the sentence “Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as permitted **uses** in the subject land use district” is changed to “Issue decisions for **permitted uses** in the relevant **Land Use District** and outline the terms and conditions required for the **development permit** application;”
  - III. Section 5.2.3(11) the sentence “Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **discretionary uses** in the subject land use district where, in the opinion of the **Development Officer**, the proposed **development** meets all the standards of the **Bylaw** and is compatible with surrounding **uses**; and”

is changed to “Issue decisions for **discretionary uses** in the relevant **Land Use District**, determine whether the proposed **development** meets the standards of this **Bylaw** and is compatible with surrounding uses, and outline the terms and conditions required for the **development permit** application; and,”

(b) In Section 5.3:

- II. Section 5.3.2 the sentence ““**Council** may delegate any or all of their **Subdivision Authority** powers and duties to the **CAO**, the **Development Officer**, or other employee of the **Town**” is changed to “**Council** may delegate any or all of their **Subdivision Authority** powers and duties to the **CAO**, the **Development Officer**, an external agency or other employee(s) of the **Town**.”

(c) In Section 5.5:

- II. Section 5.5.1 the sentence “The **Development Authority** or **Subdivision Authority** may approve at their discretion, with or without conditions, an application for **development** that does not comply with this **Bylaw** where the proposed **development**, with variance would not” is changed to “The **Development Officer** may grant a variance to a **permitted use development** that does not comply with this **Bylaw** if, in the **Development Officers** opinion the proposed **development** would not.”
- III. Section 5.5.2 the sentence “If a variance is granted pursuant to this section, the **Subdivision Authority** or **Development Authority** shall specify its nature in the **subdivision** or **development permit** approval” is changed to “If a variance is granted pursuant to this section, the **Development Authority** or **Subdivision Authority** shall specify its nature in the **development permit** or **subdivision** approval.”

(d) In Section 5.7:

- II. Section 5.7.1 the sentence “**Council**, on its own initiative, may amend this **Bylaw**, pursuant to the **Act**” is changed to “**Council** may amend this **Bylaw**, pursuant to the **Act**.”
- III. Section 5.7.5 the sentence “The analysis shall, among other things, consider the following impact criteria” is changed to “The analysis shall, consider the following impact criteria.”
- IV. Section 3.7.5(8) the word “appropriateness” is changed to “validity.”

(e) In Section 5.10:

- II. Section 5.10.2(1) the words “Those **Uses**” is changed to “**Uses**.”

- III. Section 5.10.2(3) the sentence “The completion of any **development** which has lawfully commenced before the passage of this **Bylaw** or any amendment to this **Bylaw**, provided that the **development** is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within twelve (12) months of the date of commencement” is changed to “The completion of a **building**, which was lawfully under construction at the date this **Bylaw** or amendments to this **Bylaw** comes into full force and effect, for which the **Development Authority** has issued a **development permit**, provided that: (a) The **building** is completed in accordance with the terms of any permit granted by the **Development Authority**, subject to the conditions of that permit, including timeframe for completion; and, (b) the **use** of the **development** is consistent with the original **development permit** issued by the **Development Authority**.”
  - IV. Section 5.10.2(7) the words “residential purposes” is changed to “**residential uses**.”
- (f) In Section 5.11:
- II. Section 5.11.2(9) the words “qualified security professional” is changed to “**qualified professional**.”
  - III. Section 5.11.3(2) the sentence “the name and address of the lawful owner of the property and/or **building sign** or **mural** is proposed to be affixed (if different from **applicant**)” is changed to “the name and address of the lawful owner of the property and/or **building** on which the **sign** or **mural** is proposed to be affixed (if different from **applicant**).”
  - IV. Section 5.11.6 the reference “7(ii)” is changed to “5.11.4.”
- (g) In Section 5.12:
- II. Section 5.12.1(2) the words “purpose statements” is changed to “general intent.”
  - III. Section 5.12.1(4) the word “neighbourhood” is changed to “public realm.”

2.7 The following changes shall be applied to Section 6:

- (a) In Section 6.2:
  - I. A-Board Sign:
    - i. The sentence “means a self-supporting **sign** with no more than 2 faces joined at the top of the **sign**, that is intended for temporary use during the hours of the business to which it relates, and that



can be placed and moved manually without mechanical aid” is changed to “means a self-supporting **sign**, designed for temporary use during the operating hours of the related business, with no more than two faces joined at the top of the **sign** that can be manually placed and moved without the need for mechanical assistance.”

II. Access:

- i. The sentence “means the place, means, or way by which pedestrians and/or vehicles shall have adequate ingress and egress to a property” is changed to “means the area and method by which persons and/or vehicles shall have sufficient ingress and egress to a **parcel** or **dwelling unit**.”

III. Accessory Building:

- i. The sentence “means a building, structure, or use which is detached from and subordinate, incidental, and directly related to the principal building or use” is changed to “means a **building** separate and subordinate to the **principal building**, the **use** of which is incidental to that **principal building** and is located on the same **parcel**.”

IV. Accessory Building – Portable:

- i. The sentence “means a temporary structure designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the Alberta Safety Code. Accessory Buildings – Portable may only be erected between October-April unless otherwise approved by the Development Authority” is changed to “means a temporary **accessory building** that is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the **Safety Codes Act**.”

V. Act:

- i. The sentence “means the Municipal Government Act, RSA 2000 c M26 as amended or replaced” is changed to “means the **Municipal Government Act**, RSA 2000 c. M- 26 as amended from time to time, and its successor legislation.”

VI. Adult Entertainment:

- i. The sentence “means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations” is changed to “means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown.”

VII. Bench Sign:

- i. The word “sign” is changed to “**bench sign**.”

VIII. Billboard Sign:

- i. The sentence “means a sign placed adjacent to, though not within, the Right-of-way that is designed and intended to provide a leasable advertising copy area on one or both sides. That advertises goods, products, services or facilities which directs persons to a different location from the site where the Sign is located” is changed to “means a **sign** placed **adjacent** to, though not within, the **right-of-way** that is intended to advertise goods, products or services directing persons to a different location from the **site** where the **sign** is located. This does not include a **freestanding sign**.”

IX. Building Permit:

- i. The words “Alberta Safety Codes Act” is changed to “**Safety Codes Act**.”

X. Bylaw:

- i. The sentence “means the Town of Drumheller Land Use Bylaw” is changed to “means the Town of Drumheller Land Use Bylaw 16.20 as amended from time to time.”

XI. Cannabis:

- i. The words “Cannabis Act” is changed to “Cannabis Act, S.C. 2018, c.16.”

XII. CAO:

- i. The sentence “mean the Chief Administrative Officer as

appointed by **Council**" is changed to "means the Chief Administrative Officer of the **Town** as appointed by **Council**."

XIII. Cemetery:

- i. The sentence "means land or a **building** for the burial or interment of the deceased" is changed to "means land or a **building** for the burial or interment of dead human bodies or human remains and registered as a cemetery in accordance with the Cemeteries Act, R.S.A. 2000, Chapter C-3 as amended from time to time, and its successor legislation."

XIV. Concept Plan:

- i. A Concept Plan is a non-statutory plan, subordinate to an **Area Structure Plan**, and may be adopted by bylaw or resolution. Concept Plans provide detailed land use direction, **subdivision** design, and **development** guidance to **Council**, administration, and the public. Concept Plans are meant to be developed within the framework of an ASP" is changed to "means a **non-Statutory Plan**, subordinate to an **Area Structure Plan**, adopted by bylaw or resolution, that provides detailed land **use** direction, **subdivision** design, and **development** guidance to **Council**, administration, and the public. **Concept plans** are meant to be developed within the framework of an **Area Structure Plan**."

XV. Confined Feeding Operation:

- i. The sentence "means an activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operations Practices Act (AOPA) through the Natural Resources Conservation Board (NRCB)" is changed to "means a land **use** that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operations Practices Act RSA 2000 Chapter A-7) through the Natural Resources Conservation Board (NRCB)."

XVI. Corner Visibility Triangle:

- i. The word "site" is changed to "**parcel**."

XVII. Culture:

- i. The words “entertainment establishment” is changed to “entertainment facility.”

XVIII. Day Home:

- i. The sentence “means a childcare facility operated from a private residence for up to 6 children up to 12 years of age and complies with the Alberta Family Day Home Standards but does include childcare programs as defined by the Child Care Licensing Act” is changed to “means a childcare facility operated from a private residence for a maximum of six (6) children up to 12 years of age and complies with the Alberta Family Day Home Standards Manual but does include a “child care program” as defined by the Early Learning and Child Care Act, RSA 2007 Chapter E-0.1.”

XIX. Development Officer:

- i. The sentence “means a development officer established pursuant to Section 5.2 of this **Bylaw**” is changed to “means the position established pursuant to Section 5.2 of this **Bylaw**.”

XX. Development Permit:

- i. The sentence “means a document that is issued under this **Bylaw** and authorizes a **development**” is changed to “means a permit that is issued in accordance with Part 5 of this **Bylaw** and authorizes a **development**.”

XXI. Dwelling Unit- Manufactured:

- i. The sentence “means a **use** where a transportable, single or multiple section **building** conforming to CSA standards at the time of construction that contains a **Dwelling Unit** and when placed on a permanent foundation is ready for **residential use** and occupancy. A **Manufactured Dwelling** includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes” is changed to “means a transportable, single or multiple section prefabricated **building** containing a dwelling unit, designed for long term occupancy when placed on a permanent foundation, and conforming to the requirements of the Canadian Standards Association (CSA) at the time of construction.”

XXII. Dwelling Unit-Multiple Unit (Attached Housing):

- i. The sentence “means a **building** designed and built to contain

three (3) or more dwellings separated from each other by a fire rated wall with each unit having separate entrances from **grade** level (For purposes of this Bylaw; linked, row, townhouses and multiplex units that meet these criteria are considered to be attached housing)” is changed to “means a **building** designed and built to contain three (3) or more dwellings separated from each other by a fire rated wall with each unit having separate entrances from **grade**.”

XXIII. Dwelling Unit – Single-Detached:

- i. The sentence “means a use where a building designed for residential use contains one principal Dwelling Unit” is changed to “means a **building** designed and built to only contain one dwelling.”

XXIV. Dwelling Unit - Secondary Suite:

- i. The sentence “Means an accessory dwelling unit that is located on the same parcel, and attached to or contained within, another dwelling unit which meets the requirements of this Bylaw and meets the requirements of the Alberta Safety Codes Act. A Principal Building containing a Dwelling Unit - Secondary may not be converted into condominiums” is changed to " means an accessory dwelling that is located on the same **parcel**, and attached to or contained within, another **dwelling unit** which meets the requirements of this **Bylaw** and meets the requirements of the **Safety Codes Act**.”

XXV. Dwelling Unit – Garden:

- i. The sentence “Means a self-contained, secondary Dwelling Unit, installed in the Rear Yard or Side Yard of a lot with an existing, permanent, single-family dwelling, usually containing cooking, eating, living, sleeping, and sanitary facilities; A Dwelling Unit – Garden may take the form of a Garden Suite, Laneway Home, or Carriage House A Dwelling Unit - Garden may take the form of a park model or manufactured home, however must be designed to complement the existing Primary Building on the site” is changed to “means a self-contained, secondary **dwelling unit**, installed in the **rear yard** or **side yard** of a **parcel** with an existing, permanent, single-family dwelling, usually containing cooking, eating, living, sleeping, and sanitary facilities.”

XXVI. Education:

- i. The sentence “means public and private places of learning for

any age including licensed childcare facilities” is changed to “means a **development** providing places of public or private learning for any age. This includes licensed childcare facilities.”

XXVII. Flood Construction Level:

- i. The word “minimum” is removed from the sentence” a minimum flow rate of 1,850 **m<sup>3</sup>/s**.

XXVIII. Freeboard [Bylaw #16.22]:

- i. the sentence “Freeboard within the **town** of Drumheller is a minimum of 0.5 metres” is removed from the end of the definition.”

XXIX. Front Parcel Boundary:

- i. The sentence “means, in the case of an interior parcel, the boundary which abuts a road and in the case of a corner parcel, means the shorter of the 2 parcel boundaries which abut a road” is changed to “means, in the case of an interior **parcel**, the **parcel boundary** opposite of the **rear parcel boundary**. In the case of a **corner parcel**, means the shorter of two (2) **parcel boundaries** which abut a **road**.”

XXX. Front Yard:

- i. The word “wall” is changed to “façade.”

XXXI. Floodway:

- i. The sentence “The river channel and adjoining lands indicated on the Flood Hazard Area Maps that would provide the pathway for flood waters in the event of a flood of a magnitude likely to occur once in one hundred years. The Floodway is the portion of the Flood Hazard Area where the flows are deepest, fastest and most destructive” is changed to “means the river channel and adjoining lands indicated on the **flood hazard area** maps that would provide the pathway for flood waters during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta. The **floodway** is the portion of the **flood hazard area** where the flows are deepest, fastest and most destructive.”

XXXII. Flood Fringe:

- i. The sentence “Those lands abutting the Floodway, the boundaries of which are indicated on the Flood Hazard Area Maps that would be inundated by floodwaters of a magnitude likely to occur once in

one hundred years. River flows in the Flood Fringe are typically shallower and slower flowing than the Floodway” is changed to “means those lands abutting the **floodway**, the boundaries of which are indicated on the **flood hazard area** maps that would be inundated by floodwaters during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta. River flows in the **flood fringe** are typically shallower and slower flowing than the **floodway**.”

XXXIII. Home Occupation – Basic:

- i. The sentence “means an **accessory use** by a resident of a **Dwelling Unit** for small-scale business activities that are undetectable from outside the **Dwelling Unit** and does not adversely affect the residential character of the property and has no client visits to the property” is changed to “means a **home occupation** that does not employ persons living outside of the **dwelling unit**, does not have client or customer visits, and does not have external **signs**.”

XXXIV. Home Occupation – Rural:

- i. The sentence “means an **accessory use** by a resident of a **Dwelling Unit** and/or **Accessory Building** for small-scale rural or agricultural-related business activities that does not adversely affect the rural character of the property and may have limited client visits to the property. Uses may include small-scale retail, services, or manufacturing” is changed to “means a **home occupation** located in the Countryside District (CSD) or Rural Development District (RDD) that may employ persons living outside of the **dwelling unit**, may have client or customer visits, and may have external **signs**.”

XXXV. Home Occupation – Urban:

- i. The sentence “means an accessory use by a resident of a Dwelling Unit and/or Accessory Building for small-scale business activities that does not adversely affect the residential character of the property and may have limited client visits to the property. Uses do not include fabrication, manufacturing, or mechanic shops” is changed to “means a **home occupation** located in the Neighbourhood District (ND), Neighbourhood Centre District (NCD) or Downtown District (DD) that may employ persons living outside of the **dwelling unit**, may have client or customer visits, and may have external **signs**.”

XXXVI. Human Services:

- i. means an establishment that provides services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury. **Uses** may include, but are not limited, assisted living facilities, treatment centres, and community support services” is changed to “means a development providing services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury. **Uses** may include, but are not limited, assisted living facilities, treatment centres, and community support services.”

XXXVII. Industrial - Cannabis Production:

- i. The sentence “means the use of land or structures for the purpose of growing, processing, infusing, packaging, testing, destroying, storing and/or shipping of cannabis used for the purposes as authorized by a license issued from the Federal Government or any amendments thereto” is changed to “means the use of land or **structures** for the purpose of growing, processing, infusing, packaging, testing, destroying, storing and/or shipping of **cannabis** used for the purposes as authorized by a license issued in accordance with the Cannabis Act, S.C. 2018, c.16.”

XXXVIII. Manufactured Home Parks:

- i. The word “title” is changed to “Certificate of Title” and “**parcels**” is changed to “lots.”

XXXIX. Municipal Planning Commission:

- i. The sentence “means the Town’s Municipal Planning Commission established pursuant to the Act” is changed to “means the **Town’s Municipal Planning Commission** established pursuant to the **Act** and Bylaw #32.08, as amended from time to time, and its successor legislation.”

XL. Mural:

- i. The words “Town of Drumheller” is changed to “**Town.**”

XLI. Overlay:

- i. The sentence “means an area which is applied over or more underlying land use district, establishing additional or alternative standards for development in addition to those of the underlying land use district. An overlay is introduced to address a special situation or achieve specific goals. Where a regulation in a district and an overlay are in conflict, the regulation in the overlay



shall apply” is changed to “means a special zoning district placed over an existing **Land Use District**, establishing additional or alternative standards for **development**, in addition to those of the underlying **Land Use District**.”

XLII. Parcel Coverage:

- i. The sentence “means the portion of the parcel area covered by all covered structures” is changed to “means the cumulative coverage of all covered **buildings** on a **parcel**.”

XLIII. Portable Sign:

- i. means a sign which is not in a permanently installed or affixed position” is changed to “means a **sign** which is not in a permanently installed or affixed position, but does not include an **a-board sign**.”

XLIV. Principal Building or Uses:

- i. The definition “Principal Building or Use” is changed to “Principal Building or Principal Use.”

XLV. Protected Flood Fringe

- i. The sentence “those lands within the Floodway or Flood Fringe protected by structural mitigation in the form of a flood berm. These lands may be flooded if dedicated flood berms fail or do not work as designed during the 1:100-year return period design flood, even if they are not overtopped and areas in Protected Flood Fringe are still susceptible to groundwater and pluvial flooding” is changed to “means those lands within the **floodway** or **flood fringe** protected by **flood mitigation structures** in the form of a flood berm and **temporary barriers** in accordance with the **Town’s** Emergency Response Plan. These lands may be flooded if dedicated flood berms fail or do not work as designed during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta, even if they are not overtopped and areas in **protected flood fringe** are still susceptible to groundwater and pluvial flooding.”

XLVI. Rear Yard:

- i. The sentence “means a **yard** extending across the full width of a **parcel** from the rear wall of the **principal building** situated on the **parcel** to the **rear parcel boundary** of the **parcel**” is changed to “means a yard extending across the full width of a

**parcel from the rear parcel boundary to the rear facade of the principal building.”**

XLVII. Sign:

- i. The sentence “means a visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea” is changed to “means a visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea and includes **a-board signs, billboard signs, fascia signs, portable signs, and projection signs.**”

XLVIII. Stop Order:

- i. The sentence “means an order issued by the **Development Authority** pursuant to Section 645 of the **Act**” is changed to “means an order issued by the **Development Authority** pursuant section 5.25 of this **Bylaw** and Section 645 of the **Act.**”

XLIX. Storage Structure:

- i. The sentence “A storage structure may be in the form of a shipping container, trailer or other structure. Shall not be connected to utilities. A storage structure may be approved on a temporary basis” is changed to “means a **structure** in the form of a shipping container, trailer or other **structure.**”

L. Subdivision:

- i. The words “one or smaller” is changed to “one or more smaller.”

LI. Town:

- i. The sentence “mean the Town of Drumheller” is changed to “means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require.”

### 3. DELETIONS

3.1 The following sections are removed from Section 2.1.4:

- (3) District boundaries not referenced specifically in subsections 2.1.4(1) and 2.1.4(2) shall be determined on the basis of the scale of the Land Use Map; and,

3.2 The following sections are removed from Section 2.5:

2.5.1 Floodway, Flood Fringe and Protected and High Hazard Flood Fringe [Bylaw #16.22]

2.5.5 Building Design in the Flood Fringes [Bylaw #16.22]:

- (1) All **buildings** in the **flood fringe** must be designed in the following manner:
  - (a) the first floor of all **buildings** must be constructed at or above the **Flood Construction Level**;
  - (b) all electrical and mechanical equipment within a **building** shall be located at or above the flood construction level; and
  - (c) a sewer back-up valve must be installed in every building.
- (2) The rules regarding building design referenced in subsection (1) do not apply to:
  - (a) an addition that does not increase the gross floor area of the building by more than 20.0 per cent of the gross floor area legally existing as of March 1, 2021
  - (b) a fence, gate, deck, landing, patio, ramp, air conditioning unit, satellite dish, hot tub, and/or above or in-ground private swimming pool. 20 Town of Drumheller Land Use Bylaw 16.20 Consolidated to include amendments to March 2023
- (3) Notwithstanding subsection (3); to buildings that increase the gross floor area of the building over 20 per cent of the gross floor area legally existing as of March 1, 2021 must:
  - (a) fully mitigate as per subsection (1) and (2).

3.3 The following section is removed from Section 2.5.6:

- (2) All buildings and structures within the Protected Flood Fringe shall be setback by a minimum of 7.5 metres from the toe or base of a flood mitigation structure.

3.4 The following sections are removed from Section 3.5.1(14):

- (a) Shall comply with all Provincial requirements.

3.5 The following sections are removed from Section 3.5.1:

<p>(16) Tourist Dwelling</p>	<p>(a) May be developed only in a Dwelling Unit.</p> <p>(b) An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied.</p> <p>(c) No Signs are permitted.</p> <p>(d) A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of the Bylaw and/or the conditions of the development permit. [Bylaw # 18.21]</p> <p>(e) Maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the Development Authority based on number of bedrooms. [Bylaw #16.22]</p> <ul style="list-style-type: none"> <li>i. no cooking facilities in guest rooms;</li> <li>ii. minimum room size of 7 m2 per single occupant and 4.6 m2 per person for multiple occupants. The maximum occupants in one room shall be two (2) adults;</li> <li>iii. window compulsory for guest room;</li> <li>iv. sanitation and potable water as required by Health Unit;</li> <li>v. smoke alarms required for each level of buildings; and</li> <li>vi. portable fire extinguisher required for each level of building</li> </ul>
<p>(17) Solar Energy System</p>	<p>(a) A <b>Solar Energy System</b> attached to a <b>building</b> shall not extend beyond the outermost edge of the roof or wall to which it is mounted.</p>
<p>(18) Tourist Dwelling</p>	<p>(a) May be developed only in a Dwelling Unit.</p> <p>(b) An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied.</p> <p>(c) No Signs are permitted.</p> <p>(d) A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of</p>

	<p>the Bylaw and/or the conditions of the development permit. [Bylaw # 18.21]</p> <p>(e) Maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the Development Authority based on number of bedrooms. [Bylaw #16.22]</p> <ul style="list-style-type: none"> <li>i. no cooking facilities in guest rooms;</li> <li>ii. minimum room size of 7 m2 per single occupant and 4.6 m2 per person for multiple occupants. The maximum occupants in one room shall be two (2) adults;</li> <li>iii. window compulsory for guest room;</li> <li>iv. sanitation and potable water as required by Health Unit;</li> <li>v. smoke alarms required for each level of buildings; and</li> <li>vi. portable fire extinguisher required for each level of building</li> </ul>
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3.6 The following sections are removed from Section 3.5.1.(1)(1):

- (b) **Parcels** with an existing **dwelling unit - secondary suite** are prohibited to have a **dwelling unit – garden** and vice versa.

3.6 The following sections are removed from Section 3.5.1.(1)(2):

- (b) The following criteria will apply to all **dwelling unit – manufactured**;

3.7 The following sections are removed from Section 3.5.1.(1)(3):

- (d) **Parcels** with an existing **dwelling unit – garden** are prohibited to have a **dwelling unit - secondary** and vice versa.

3.8 Section 3.5.2 is removed as follows:

<p>(1) Sloped Areas</p>	<ul style="list-style-type: none"> <li>(a) For hummocks, buttes, or other isolated land <b>projections</b>, slopes of greater than 20% are considered unsuitable for <b>development</b> unless otherwise determined by the <b>Development Authority</b>.</li> <li>(b) Slopes greater than 15% may require special engineering and other treatment. If these</li> </ul>
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	<p>topographic features are leveled, resulting slopes shall not exceed 20% and the leveling, compaction, and other engineering as well as environmental considerations must be to the satisfaction of relevant authorities. Related to the foregoing, satisfactory proposed contour and other plans may be required.</p> <p>(c) These sloped area definitions area meant as thresholds to identify <b>sites</b> that require more specific analysis to identify geotechnical issues and provide geotechnical recommendations for the proposed <b>development</b>. Any <b>sites</b> flatter than this are classified as suitable for <b>development</b> without further slope review.</p>
<p>(2) Earth Grading</p>	<p>(a) Protrusions of escarpments within a minimum width of 91.5 metres at its widest point shall not be removed.</p> <p>(b) All protrusions of escarpments that are removed or leveled must result in <b>grades</b> where the protrusion formerly existed of not greater than 15% not including the adjoining escarpment wall.</p> <p>(c) A maximum slope of 33% shall result for escarpment lands when protrusions are removed or leveled (i.e. for the escarpment wall formed by the cut of the former protrusions).</p>
<p>(3) Slope Stability</p>	<p>Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure.</p> <p>In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will fail over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the subgrade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a “long term” stable slope is considered to have a FS of over 1.3.</p> <p>Similar FS analysis is calculated for the predicted run-out distance at the base of a slope in the event of a land slide.</p>

<p>(4) Geotechnical Analysis and Recommendations</p>	<p>(a) A geotechnical slope assessment report is required for all proposed <b>development adjacent</b> to river valley, <b>bench</b> and coulee slopes; unless otherwise determined by the <b>Development Authority</b>.</p> <p>(b) For any proposed <b>development adjacent</b> to river valley, <b>bench</b> and coulee slopes proposing a relaxation of the <b>Town's</b> default <b>setbacks</b> from the toe or crest of a slope, a geotechnical slope assessment report is required; with no exceptions.</p> <p>(c) For any <b>development</b> proposing a relaxation of the <b>Town's</b> default <b>setbacks</b> from the toe or crest of a slope, the geotechnical slope assessment must be based on a drilled borehole data, survey contours or profiles of the slope and analysis using industry recognized numerical slope modelling software. The report must be prepared by a qualified member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</p> <p>(d) Geotechnical slope assessment reports must provide an assessment of the pre- and post-<b>development</b> slope stability in terms of FS; which supports the proposed <b>development</b> plans. The report must provide geotechnical recommendations for <b>development</b> of the property to ensure these FS conditions are maintained.</p>
<p>(5) <b>Setbacks</b></p>	<p>(a) For proposed developments, two (2) levels of top-of-slope and/or toe-of slope <b>setbacks</b> must be determined in the geotechnical slope assessment report:</p> <ul style="list-style-type: none"> <li>i. Urban <b>Development Setbacks</b> (UDS). For top-of-slope <b>development</b> a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed infrastructure or property lines of private <b>development</b>, and</li> <li>ii. Structural <b>Building Setbacks</b> (SBS). <b>Structures</b> generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed <b>structure</b> is "set back" a distance from the crest to provide this factor of safety</li> </ul> <p>(b) Default UDS <b>setbacks</b> have been developed. The</p>

	<p>intent of these <b>setbacks</b> is to provide a conservative starting point for <b>development</b> planning. The <b>Development Authority</b> may relax the default UDS <b>setbacks</b> established in subsections 3.1.2(e) and 3.1.2(f) if it is satisfied the findings of the developer's geotechnical report(s) confirm that the reduced <b>setbacks</b> will not impact slope stability.</p>
<p>(6) Default UDS <b>Setbacks</b> from Toes of Slopes</p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, <b>setbacks</b> from toes of slopes shall be as follows:</p> <ul style="list-style-type: none"> <li>i. <b>Intensive Land Use</b>        A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 3.2 metres. When a slope is steeper than 33% and higher than 27.4 metres, the minimum <b>setback</b> from the point where begins to rise steeper than 33% shall be one-third (1/3) of the height of the slope; and</li> <li>ii. <b>Extensive Land Use</b>        A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 15.2 metres. <b>Lanes</b> and utilities may be constructed within the <b>setback area</b>.</li> </ul> <p>(b) The <b>Development Authority</b> may relax the required <b>setbacks</b> established in subsections 3.1.2(c)(1) and 3.1.2(c)(2) by a maximum of 30% if it is satisfied that the reduced <b>setbacks</b> will not impact slope stability. <b>Applicants</b> will be required to provide drill testing data and a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</p>



<p>(7) Default UDS <b>Setbacks</b> from Valley or Coulee Breaks (top of the escarpment)</p>	<p>(a) The following default <b>setbacks</b> for property lines from front edge top of the escarpment (i.e. crest) apply unless otherwise determined by the <b>Development Authority</b>:</p> <ul style="list-style-type: none"> <li>i. Where the average height of slope is between 0 and 15.4 metres, the minimum <b>setback</b> from the top of the escarpment is 22.8 metres;</li> <li>ii. Where the average depth of valley is between 15.5 metres and 30.5 metres, the minimum <b>setback</b> is 45.7 metres; and; and,</li> <li>iii. Where the average depth of valley is more than 30.5 metres, the minimum <b>setback</b> is 61 metres or the height of the slope, whichever is greater.</li> </ul> <p>(b) The <b>Development Authority</b> may increase the <b>setbacks</b> established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), and 3.1.2(d)(i)(3), at their discretion, with consideration for the direction that the valley faces and other relevant factors such as soil type.</p> <p>(c) <b>Lanes</b> and utilities may not be developed within the <b>setback area</b> established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), 3.1.2(d)(i)(3), and 3.1.2(d)(i)(4) unless where agreed upon by relevant authorities to serve public reserve <b>parcels</b>.</p>
<p>(8) <b>Setbacks</b> for escarpment <b>benches</b></p>	<p>(a) The <b>setbacks</b> from the upslope toe and downslope crest of <b>bench</b> areas shall be determined by detailed geotechnical assessment conducted by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</p>

3.9 The following sections are removed from Section 3.5.6:

- (5) A holiday trailer parked on a **parcel** may be used for living and sleeping.
- (6) Accommodation by a bona fide tourist for a period not to exceed three (3) weeks.
- (7) No livestock shall be kept in any district unless otherwise permitted in the **Responsible Pet Ownership Bylaw**.

3.10 The following sections are removed from Section 3.5.7:

- (4) Livestock shall not present a public health problem 3.1.8 Minimum **site** area requirements.

3.9 Section 3.6.3 is removed:

3.6.3 Specific **Use** Standards:

(1) <b>Agriculture – General</b>	<b>Agriculture – General</b> shall be limited to the grazing and keeping of livestock.
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3.10 The following sections are removed from Section 3.7(1), 3.8(1), 3.9(1), 3.10(1) and 3.11(1) under Discretionary Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]		<b>Dwelling Unit – Move On</b>

3.11 The following sections are removed from Section 3.7(2), 3.8(2), 3.9(2), 3.10(2) and 3.11(2) under Permitted Uses:

Use Category	Permitted Uses	Discretionary Uses
(2) Lodging	<b>Tourist Dwelling</b>	

3.12 The following sections are removed from Section 3.7(6), 3.8(6), 3.9(6), 3.10(6) and 3.11(6), 3.12(6), 3.13(6) under Discretionary Uses:

Use Category	Permitted Uses	Discretionary Uses
(6) Other <b>Uses</b>		<b>Solar Energy System</b> <b>Communication Structure</b>

3.13 The following sections are removed from Section 3.9.2(1) under Permitted Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<b>Dwelling Unit – Manufactured located within an established and approved Manufactured Home Park</b>	

3.14 The following sections are removed from Section 3.11.2(1) and Section 3.11.2(6):

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<i>Residential accommodation accessory to a principal commercial use</i>	<i>Dwelling Unit – Ready-to-move (RTM)</i>
(5) Other <i>Uses</i>		<i>A-Board Sign</i>

2.13 The following sections are removed from Section 3.9.10(2)

- (c) A fence located in a **front yard** shall be a maximum height of 1.2 metre
- (d) All other fences shall be a maximum height of 1.8 metres” shall be removed

2.14 The following sections are removed from Section 3.7.3, 3.8.3, 3.11.3, respectively:

(2) <b>Dwelling Unit</b>	<i>Dwelling units</i> shall be limited to single detached dwellings with or without a secondary <b><i>dwelling unit</i></b> .
(1) <b>Dwelling Unit</b>	<i>Dwelling units</i> shall be limited to detached dwellings with opportunities for secondary <b><i>dwelling units</i></b> located in an <b><i>accessory building</i></b> .
(1) <b>Dwelling Unit</b>	Buildings with 1 <b><i>Dwelling Unit</i></b> or in the form of a single detached dwelling are a discretionary use and shall be limited to locations in proximity to similar structures. [ <b><i>Bylaw #18.21</i></b> ]

2.15 Section 3.9.12 is removed:

**3.9.12 NEIGHBOURHOOD DISTRICT – MANUFACTURED HOME PARK STANDARDS [BYLAW #16.22]**

General Intent:

The purpose of this section is to permit the placement of manufactured homes in rental parks within the Neighbourhood District. Once approved as a **manufactured home park** within the

Neighbourhood District, the following requirements overrule those of the Neighbourhood District.

3.5.13 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential	<b><i>Dwelling Unit – Manufactured</i></b>	
(2) Commercial	<b><i>Home Occupation – Basic Home Occupation – Urban</i></b>	<b><i>Retail and Service – General</i></b>
(3) Institutional	<b><i>Recreation – Non-Intensive</i></b>	
(4) Other <i>Uses</i>	<b><i>Accessory Building or Structure</i></b>	<b><i>Accessory Building – Portable</i></b>

3.5.14 **Parcel** Standards:

(1) <b>Site Area</b>	2.0 hectares (5.0 acres) for <b>site area</b>
(2) <b>Density</b>	Maximum of ten (10) units per acre.
(3) <b>Lot Area</b>	325 square metres (3500 sqft) for single wide manufactured homes.  370 square metres (4000 sqft) for double wide manufactured homes.
(4) <b>Building Height</b> Standards	<ol style="list-style-type: none"> <li>1. 5.0 metres for manufactured home</li> <li>2. 5.0 metres for accessory buildings.</li> <li>3. (c)Other <b>uses</b> at the discretion of the <b>Development Authority</b>.</li> </ol>

3.5.15 **Setbacks** for **Manufactured Homes**:

(1) <b>Front Setback</b>	Minimum 3.0 metres from any internal <i>road</i> or common parking area.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres from any internal <i>road</i> or common parking area.
(3) <b>Side Setback</b>	Minimum 1.2 metres.
(4) <b>Rear Setback</b>	Minimum 1.2 metres.

<p><b>(5) Other <i>Setbacks</i></b></p>	<p>(a) Minimum 4.5 meters between manufactured homes including any porch or addition (b)</p> <p>(b) Minimum 10.5 meters from a boundary of a park abutting a public street or highway and 3 meters from remaining park boundaries – these setbacks shall be landscaped and or fenced and protected from any further development</p>
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3.5.16 Parking, Roads and Walkways:

<p><b>(1) Vehicle Parking</b></p>	<p>(a) No on-street parking shall be permitted.</p> <p>(b) A minimum of one (1) car parking shall be provided on each manufactured home lot.</p> <p>(c) Visitor parking shall be one off-street parking stall for every four (4) manufactured home lots. Visitor parking shall be dispersed throughout the park and clearly identified.</p>
<p><b>(2) Roads and Walkways</b></p>	<p>(a) All roads in the manufactured home park shall be paved and constructed to the municipality's specifications.</p> <p>(b) Internal pedestrian walkways shall be hard-surfaced and have a minimum width of 1.5 meters</p> <p>(c) Each manufactured home lot shall abut a park roadway and have an access way with a minimum width of 4.3 m (14 ft.). (d</p> <p>(d) The removal of snow from all internal pedestrian walkways and park vehicular areas, excluding individual parking areas, shall be the responsibility of the park owner</p>

3.5.17 *Landscaping* Standards:

	<p>Each application for a manufactured home park shall be accompanied by a landscaping and site development plan.</p>
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3.5.18 Additional Standards:

	<ul style="list-style-type: none"><li>(a) No accessory building or use shall be located in the front yard of a manufactured home lot.</li><li>(b) A screened storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, etc. at a location and in a manner satisfactory to the <b>Development Authority</b>.</li><li>(c) All utility lines shall be placed underground.</li><li>(d) A minimum of 10% of the total area of the manufactured home park shall be set aside for recreational uses.</li><li>(e) Identification and directional signs shall be of a size, height and type satisfactory to the <b>Development Authority</b>.</li></ul>
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2.16 The following sections are removed from 3.11.4(5)(a):

- v. an unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50% into a front setback or rear setback;

2.17 The following sections are removed from Section 3.13.3(5):

- (a) Must adhere all Federal, Provincial and Municipal laws and regulations and shall comply with the following conditions

3.16 The following sections are removed from Section 4.1.13:

- (1) remove the **sign** including all related structural components within thirty (30) days from the date of receipt of such notice;
- (2) restore the immediate area around the **sign** to the satisfaction of the **Town**; and
- (3) bear all the costs related to such removal and restoration;

3.17 Section 5.4.3 is removed:

5.4.3 The **Municipal Planning Commission** may:

- (1) Direct the **Development Officer** to review, research, or make recommendations on any other planning and **development** matter; an
- (2) Make recommendations to **Council** on planning and **development** matters.

2.19 The following sections are removed from Section 5.5.1:

- (3) The **use** proposed is allowed by this **Bylaw**.

3.18 The following sections are removed from Section 5.10.2:

- (3) The **use** of any such **development** as is referred to in subsection (3) for the purpose of which **development** was commenced;

3.20 The following will be removed from Section 6.2:

<p><b>Communication Structure</b></p>	<p>means an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting <b>structure</b>, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:</p> <p>Freestanding Antenna System: a <b>structure</b> (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; and</p> <p><b>Building/Structure</b>-Mounted Antenna System: an Antenna System mounted on an existing <b>structure</b>, which could include a <b>building</b> wall or rooftop, a light standard, water tower, utility pole or other.</p>
<p><b>Designated Design Event</b>          [Bylaw #16.22]</p>	<p>The designated design event is the 1 in 100-year return period flood event (1% annual exceedance probability event); as determined by the Province of Alberta. The <i>Designated Design Event</i> is a regulated flood on the Red Deer River considering the upstream benefit of Dickson Dam, and an unregulated flood event on the Michichi Creek, Rosebud River and Willow Creek.</p>
<p><b>Design Flood Cross Sections</b>          [Bylaw #16.22]</p>	<p>The geodetic elevation determined by the nearest upstream cross section made available and determined from the Alberta Government Provincial Flood Hazard Mapping, available at <a href="https://floods.alberta.ca/">https://floods.alberta.ca/</a>.</p>
<p><b>Dwelling Unit – Moved On</b>          [Bylaw #16.22]</p>	<p>means a <b>single detached dwelling</b> that has previously been lived in, used as a residence or other purpose in a previous location, that has now been relocated to a new <b>parcel</b> for use as a dwelling;</p>
<p><b>General Requirements</b> [Bylaw #18.21]</p>	<p>means additional clauses outlined within an approved <b>development permit</b> not otherwise applicable to conditions, that may include but not limited to, reminders of other municipal, provincial, federal legislation, or</p>

	recommendations from the <b>town</b> not otherwise stated within this Land Use <b>Bylaw</b> .
<b>Show Home</b>	means a <b>development</b> constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a <b>subdivision</b> or <b>development</b> area.
<b>Single Detached Dwelling</b> [Bylaw #18.21] [	means a use where a <b>building</b> contains only one dwelling unit.
<b>Solar Energy System</b>	means <b>structures</b> and accessories designed to convert solar radiation into electrical or thermal energy.
<b>Tourist Dwelling</b>	means a single <b>Dwelling Unit</b> occupied by a single party of guests for a period of 28 days or less and contains sleeping and sanitary facilities, and may include cooking and eating facilities.

#### 4. ADDITIONS

4.1 The following section will be added to section 2.5.2

- (2) For the purposes of this overlay, the **flood hazard areas** are:
  - (a) **Floodway;**
  - (b) **Flood fringe;**
  - (c) **Protected flood fringe;** and
  - (d) **High hazard flood fringe.**

4.2 The following section will be added to section 2.5.3

- (10) The minimum **freeboard** height that will be added to a **flood mitigation structure** during a flood event will be 0.5 metres [Bylaw #12.24].

4.3 The following section will be added to Section 2.5.4

- (1) For lands within the **flood fringe**, the **permitted uses** and **discretionary uses** listed in the underlying **Land Use District** shall apply.
- (2) All **buildings** in the **flood fringe** must be designed in the following manner:
  - (a) the first floor of all **buildings** must be constructed at or above the **flood construction level;**
  - (b) all electrical and mechanical equipment within a **building** shall be located at or above the **flood construction level;** and



- (c) a sewer back-up valve must be installed in every **building**.
- (3) The rules regarding **building** design referenced in subsection (2) do not apply to:
  - (a) an addition that does not increase the gross **floor area** of the **building** by more than 20% of the gross **floor area** legally existing as of March 1, 2021, and;
  - (b) a fence, gate, **deck**, landing, **patio**, ramp, air conditioning unit, satellite dish, hot tub, and/or above or in-ground private swimming pool.
- (4) No **habitable area** within a **building** or **structure** shall be constructed, reconstructed, altered, moved, or extended below the specified elevation of the **flood construction level**.
- (5) **Building height** shall be measured from the specified elevation of the **flood construction level**.
- (6) An application for a **development permit** for a **parcel** located within the **flood fringe** must be accompanied by a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA), ~~qualified professional~~ demonstrating how the regulations of the Flood Hazard and the **flood construction level** are met.
- (7) All **buildings** must be set back 6.0 metres from the edge of the **floodway**.
- (8) Only those goods that are easily moveable may be stored on a **parcel** in the **flood fringe**.

4.4 The following section will be added to Section 2.5.6

- (4) Notwithstanding Section 2.5.3(7), a new **building** constructed on the foundation of an original building must maintain the original setback to the flood mitigation structure.

4.5 The following section will be added to Section 2.5

2.5.7 **High Hazard Flood Fringe Use** and Regulations [Bylaw #12.24]

- (1) For **parcels** located in the **floodway** on which a **building** exists and where the **use** of that **parcel** has been previously approved, the **use** may continue as a **permitted** or **discretionary use** provided that the use is listed in the **Land Use District** in which the **parcel** is located.
- (2) The following **uses** shall be allowed in the **floodway**, when listed as a **permitted use** or **discretionary use** in the underlying **Land Use District**:
  - (a) Agriculture – general;
  - (b) **Recreation – non-intensive**;
  - (c) Natural areas;
  - (d) Parks; and,
  - (e) **Public utilities**.
- (3) No **development** shall be allowed within the **high hazard flood fringe** that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing **development**.

- (4) New **development** and structural alterations to existing **development** is not allowed except to:
- (a) Accommodate **public utilities**, including **flood mitigation structures** and erosion control measures;
  - (b) Replace an existing **building** or **structure** on the same location and footprint, and for the same use, provided that the **flood hazard** can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the **Town**, including meeting **flood construction level** requirements; and
  - (c) Renovate an existing **building** or **structure**, provided that:
    - i. There is no increase to the **floor area** below the **flood construction level**;
    - ii. The renovation does not create a new **dwelling unit**; and,
    - iii. The renovation may not construct **decks**, docks, fences, **patios**, walls, riprap or other obstructions unless being constructed by or on behalf of the **Town** for the purpose or erosion control where the primary purpose is to protect public infrastructure.
- (5) Notwithstanding Sections 2.5.7(3) and 2.5.7(4), The **Development Authority** may approve a proposed **development** if it is determined by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) that the **flood hazard** can be overcome in a manner that is acceptable to the **Town**.

4.6 The following section will be added to Part 2:

**2.6 MANUFACTURED HOME PARK STANDARDS [BYLAW #16.22]**

2.6.1 General Intent:

- (5) Establish specific regulations for the placement of **dwelling units – manufactured** within an approved **manufactured home park**.

2.6.2 **Uses:**

Use Category	Permitted Uses	Discretionary Uses
(1) Residential	<b>Dwelling Unit – Manufactured</b>	
(2) Commercial	<b>Home Occupation – Basic</b> <b>Home Occupation – Urban</b>	<b>Retail and Service – General</b>
(3) Institutional	<b>Recreation – Non-Intensive</b>	
(4) Other <b>Uses</b>	<b>Accessory Building or Structure</b>	<b>Accessory Building – Portable</b>

2.6.3 **Parcel** Standards:

(1) <b>Site Area</b>	Maximum <b>site</b> area of 5.0 acres.
(2) <b>Density</b>	Maximum of ten (10) units per acre.
(3) Lot Area	(a) 325 square metres for single wide <b>dwelling units – manufactured</b> . (b) 370 square metres for double wide <b>dwelling units – manufactured</b> .
(4) <b>Building Height</b> Standards	(a) 5.0 metres for <b>dwelling units – manufactured</b> . (b) 5.0 metres for <b>accessory buildings</b> . (c) Other <b>uses</b> at the discretion of the <b>Development Authority</b> .

2.6.4 **Setbacks for Manufactured Homes:**

(1) <b>Front Setback</b>	Minimum 3.0 metres from any internal <b>road</b> or common parking area.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres from any internal <b>road</b> or common parking area.
(3) <b>Side Setback</b>	Minimum 1.2 metres.
(4) <b>Rear Setback</b>	Minimum 1.2 metres.
(5) Other <b>Setbacks</b>	(a) Minimum 4.5 metres between each <b>dwelling unit – manufactured</b> including any <b>porch</b> or addition. (b) Minimum 10.5 metres from a boundary of a <b>manufactured home park</b> abutting a public <b>street</b> or highway and 3.0 metres from other <b>manufactured home park</b> boundaries. (c) <b>Setbacks</b> shall be <b>landscaped</b> and or <b>screened</b> and protected from any further <b>development</b> .

2.6.5 **Parking, Roads and Walkways:**

(1) Vehicle Parking	(a) No on-street parking shall be permitted. (b) A minimum of one (1) parking stall shall be provided on each lot.
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	(c) Visitor parking shall consist of one (1) off-street parking stall for every four (4) lots. Visitor parking shall be dispersed throughout the park and shall be clearly identified.
(2) Roads and Walkways	<p>(a) All <b>roads</b> in the <b>manufactured home park</b> shall be paved and constructed to the specifications of the <b>Town</b>.</p> <p>(b) Internal pedestrian walkways shall be hard-surfaced and have a minimum width of 1.5 metres.</p> <p>(c) Each lot shall abut a park roadway and have an <b>access</b> way with a minimum width of 4.3 metres.</p> <p>(d) The removal of snow from all internal pedestrian walkways, <b>roads</b> and communal parking stalls, shall be the responsibility of the <b>manufactured home park</b> owner.</p>

2.6.6 **Landscaping** Standards:

(1) General <b>Landscaping</b> Standards	Each application for a <b>manufactured home park</b> shall be accompanied by a <b>landscaping</b> and <b>site development</b> plan.
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2.6.7 Additional Standards:

(1) General Additional Standards	<p>(a) No <b>accessory building</b> or <b>use</b> shall be located in the <b>front yard</b> of a lot.</p> <p>(b) A <b>screened</b> storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, and other large vehicles at a location and in a manner satisfactory to the <b>Development Authority</b>.</p> <p>(c) All <b>public utility</b> lines shall be placed underground.</p> <p>(d) A minimum of 10% of the total area of the <b>manufactured home park</b> shall be set aside for recreational <b>uses</b>.</p> <p>(e) Identification and directional <b>signs</b> shall be of a size, height and type satisfactory to the <b>Development Authority</b>.</p>
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4.7 The following will be added to Section 3.5.1(1):

- (e) In a **Residential Land Use District**, an existing **principal building** must be present on a **parcel** before an **accessory building** can be developed.

4.8 The following will be added to Section 3.5.1(20):

<p>(20) <b>Solar Energy System – Freestanding</b> [Bylaw #12.24]</p>	<p>(a) Is considered an <b>accessory building</b> and must abide by the standards of Section 3.1.1 (1).</p> <p>(b) Shall not be located in the front yard, secondary front yard, or side yard of the parcel.</p> <p>(c) Shall not exceed a maximum height of 1.8 metres from the grade.</p> <p>(d) Shall be screened from adjacent parcels with a fence or landscaping.</p> <p>(e) Shall be positioned in a manner to not direct glare onto an adjacent parcel or right-of-way.</p>
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4.9 The following will be added to Section 3.5.1(21):

<p>(21) <b>Solar Energy System – Rooftop</b> [Bylaw #12.24]</p>	<p>(a) Shall not project more than 1.0 metres above the roof line in <b>Residential Land Use Districts</b>.</p> <p>(b) Shall not project more than 1.8 metres above the roof line in all other <b>Land Use Districts</b>.</p> <p>(c) The attachment of a solar energy device to a <b>principal</b> or <b>accessory building</b> shall not exceed the maximum <b>building</b> height of the applicable <b>Land Use District</b>.</p> <p>(d) Solar energy devices attached to a principal or accessory building should be integrated with the roof of the structure.</p>
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4.10 The following will be added to Section 3.5.1.(1)(1):

- (m) may take the form of a **dwelling unit — manufactured**, but must be designed to complement the existing **principal building**.

4.11 The following will be added to Section 3.5.2

<p>(1) General Provisions [Bylaw #12.24]</p>	<p>(a) A geotechnical slope assessment report prepared by a qualified Geotechnical Engineer is required for all proposed development adjacent to river valley, bench and coulee slopes; unless otherwise determined by the Development Authority.</p> <p>(b) The Development Authority may increase the setbacks established in the section 3.5.2(2) and 3.5.2(3) at their discretion based on the evidence</p>
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	submitted in a geotechnical slope assessment.
(2) Toe of Slope Setback [Bylaw #12.24]	(a) Unless otherwise determined by the Development Authority, the minimum setback from the toe of slopes shall be as follows: <ul style="list-style-type: none"> <li>i. 9.1 metres, when the height of the slope is greater than 3.2 metre; or,</li> <li>ii. One-third (1/3) the height of the slope, from the point where the slope begins to rise steeper than 33%, when a slope is steeper than 33% and higher than 27.4 metres.</li> </ul>
(3) Top of Slope Setback [Bylaw #12.24]	(a) Unless otherwise determined by the Development Authority, the minimum setback from the front edge top of slopes, shall be as follows: <ul style="list-style-type: none"> <li>i. 22.8 metres, when the average height of the slope is between 0.0 and 15.4 metres;</li> <li>ii. 45.7 metres, when the average depth of the valley is between 15.5 metres and 30.5 metres; and,</li> <li>iii. 61 metres, or the height of the slope, whichever is greater, when the average depth of the valley is more than 30.5 metres.</li> </ul>

4.12 the following will be added to Section 3.7.6(5)(a):

- (vi) an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 100% into a front setback or rear setback;
- (vi) an unenclosed deck, porch or other similar structure, above 0.6 metres in height, may project up to 50% into a front setback or rear setback;

4.11 The following will be added to Section 3.7(1), 3.8(1) under Discretionary Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]		<b><i>Manufactured Home Park</i></b>

4.12 The following will be added to Section 3.7(6), 3.8(6), 3.9(5),3.10(5) 3.11(5) 3,12(4), and 3.13(6) under Permitted Use:

Use Category	Permitted Uses	Discretionary Uses
(4) Other Uses	<i>Solar Energy System — Freestanding</i> <i>Solar Energy System — Rooftop</i>	

Use Category	Permitted Uses	Discretionary Uses
(5) Other Uses	<i>Solar Energy System — Freestanding</i> <i>Solar Energy System — Rooftop</i>	

Use Category	Permitted Uses	Discretionary Uses
(6) Other Uses	<i>Solar Energy System — Freestanding</i> <i>Solar Energy System — Rooftop</i>	

4.13 The following will be added to Section 3.10(1) under Discretionary Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]		<i>Mixed-Use Development</i>

4.14 The following will be added to Section 3.11(1) under Permitted Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<i>Mixed-Use Development</i>	

4.15 The following will be added to Section 3.11(5) and 3.10(5) under Discretionary Uses:

Use Category	Permitted Uses	Discretionary Uses

(1) Residential [Bylaw #16.22]		<b>Storage Structure</b>
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4.16 The following will be added to Section 3.7.3:

(3.1) <b>Solar Energy System – Rooftop</b>	Shall not project more than 1.8 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.17 The following will be added to Section 3.8.3:

(4.1) <b>Solar Energy System - Rooftop</b>	Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.18 The following will be added to Section 3.9.3:

(3.1) <b>Solar Energy System – Rooftop</b>	Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.19 The following will be added to Section 3.10.2.(1):

(3.1) <b>Solar Energy System – Rooftop</b>	Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.20 The following will be added to Section 3.11.3:

(2.1) <b>Solar Energy System - Rooftop</b>	Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.21 The following will be added to Section 3.12.3:

(3.1) <b>Solar Energy System - Rooftop</b>	Shall not project more than 1.8 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
(4) Additional Standards	All <b>uses</b> shall mitigate any potential <b>nuisance</b> , such as noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, to the satisfaction of the <b>Development Authority</b> .

4.22 The following will be added to Section 3.13.3:



(6.1) <b>Solar Energy System – Rooftop</b>	Shall not project more than 1.8 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
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4.23 The following will be added to Section 4.1:

4.1.18 Only two (2) **signs** will be permitted per **parcel** at any time.

4.24 The following will be added to Section 5.4:

- (3) Direct the **Development Officer** to review, research, or make recommendations on any other planning and **development** matter; and
- (4) Make recommendations to **Council** on planning and **development** matters.

4.25 The following will be added to Section 5.5.1:

- (4) Involve a variance of any **setback**, **building height**, and **site coverage** by more than 20%.

4.26 The following will be added to Section 5.5:

- 5.5.3 The **Development Officer** shall refer all applications that require a variance over 20% to the **Municipal Planning Commission**.
- 5.5.4 The **Municipal Planning Commission** may grant a variance for **setbacks**, **building** heights, and **site** coverage up to 50%.
- 5.5.5 The **Subdivision Authority** may approve at their discretion, with or without conditions, an application for a **development** that does comply with this **Bylaw** where the proposed **development**, with variance would not:
  - (1) Unduly interfere with the amenities of the neighbourhood; or
  - (2) Materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

4.27 The following will be added to Section 5.26:

- 5.26.1 Any proposed change of **use** for a **building** that is not the same **use** previously operating requires a **development permit** regardless of the length the building has been vacant.”
- 5.26.2 Any **building** that has been vacant for more than six (6) months requires a **development permit** for a change in occupancy regardless of the previous **use**”
- 5.26.3 Notwithstanding Section 5.26.2, If a building has been vacant less than six (6) months and the proposed **use** is similar to the previous **use** a **development permit** is not required.

4.11 The following will be added to Section 6.2:

<b>Agriculture – Pasturage</b>	means a <b>development</b> limited to the grazing and keeping of
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	livestock.
<b>Alberta Private Sewage Disposal System Standard of Practice</b> [Bylaw #12.24]	means the design standards, installation standards, and material requirements for on-site private sewage systems handling less than 25 cubic metres of sewage volume per day.
<b>Direct Control District</b> [Bylaw #12.24]	means a land use designation for parcels that, because of unique characteristics or innovative design, requires specific regulations unavailable in other <b>land use districts</b> .
<b>Dwelling Unit</b> [Bylaw #12.24]	means a: (b) <b>dwelling unit – duplex;</b> (c) <b>dwelling unit – manufactured;</b> (d) <b>dwelling unit – multiple unit (apartment);</b> (e) <b>dwelling unit – multiple unit (attached housing);</b> (f) <b>dwelling unit – single-detached;</b> (g) <b>dwelling unit – secondary suite; and,</b> (h) <b>dwelling unit – garden.</b>
<b>Government of Alberta Flood Hazard Maps</b> [Bylaw #12.24]	means the maps demonstrating the risk of flooding within the <b>Town</b> . The maps can be accessed at <a href="http://floods.alberta.ca">floods.alberta.ca</a> .
<b>Historical Resources Act</b> [Bylaw #12.24]	means the Historical Resources Act, RSA 2000, c H-9, as amended from time to time, and its successor legislation.
<b>Home Occupation</b> [Bylaw #12.24]	means an <b>accessory use</b> by a resident of a <b>dwelling unit</b> for small-scale business activities that do not adversely affect the residential character of the property.
<b>Intermunicipal Subdivision and Development Appeal Board Bylaw</b> [Bylaw #12.24]	means the Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21, as amended from time to time, and its successor legislation.
<b>Land Titles Act</b> [Bylaw #12.24]	means the Land Title Act, RSA 2000, c L-4, as amended from time to time, and its successor legislation.
<b>Land Use District</b> [Bylaw #12.24]	means the areas within the jurisdiction of the <b>Town</b> that have been delineated in Section 2 of this <b>Bylaw</b> , and in accordance with the <b>Act</b> .
<b>Residential Mixed-Use</b> [Bylaw #12.24]	means a <b>development</b> that has both a residential <b>use</b> and

	a commercial <b>use</b> within a shared building, with the commercial <b>use</b> located on the ground floor. A <b>Residential Mixed-Use Development</b> may contain the commercial <b>uses</b> listed as permitted and discretionary for the respective <b>land use district</b> where the <b>Residential Mixed-Use Development</b> is located.
<b>Provincial Offences Procedures Act</b> [Bylaw #12.24]	means the Provincial Offences Procedures Act RSA, c P-34, as amended from time to time, and its successor legislation.
<b>Reserve Land</b> [Bylaw #12.24]	means any <b>parcel</b> designated as municipal reserve, environmental reserve, municipal and school reserve, school reserve, conservation reserve, or community services reserve, as defined in the <b>Act</b> or noted as community reserve on a Certificate of Title.
<b>Residential Land Use District</b> [Bylaw #12.24]	means: (a) Neighbourhood District (b) Neighbourhood Centre District (c) Downtown District
<b>Residential Use</b> [Bylaw #12.24]	means a particular usage that falls under the residential <b>use</b> category designated for each specific <b>Land Use District</b> .
<b>Responsible Pet Ownership Bylaw</b> [Bylaw #12.24]	means the Responsible Pet Ownership Bylaw 06.13, as amended from time to time, and its successor legislation.
<b>Safety Codes Act</b> [Bylaw #12.24]	means the Safety Codes Act, RSA 2000, C. S-1, as amended from time to time, and its successor legislation.
<b>Solar Energy System – Freestanding</b> [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy which is placed on the ground.
<b>Solar Energy System – Rooftop</b> [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy mounted to the roof of a <b>building</b> or <b>structure</b> .
<b>Subdivision and Development Regulations</b> [Bylaw #12.24]	means the Subdivision and Development Regulation, A/R 84/2022, as amended from time to time, and its successor legislation.
<b>Temporary Barriers</b> [Bylaw #12.24]	means <b>adaptive fill</b> or any other structure temporarily installed during a flooding event in accordance with the

	<b>Town's</b> Emergency Response Plan.
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# Town of Drumheller

## Land Use Bylaw

Bylaw: 16.20 | December 7, 2020

Consolidated to include amendments to March 2023



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## Amendments to Land Use Bylaw 16.20

Bylaw No.	Date	Description
14.21	July 28, 2021	Amends Land Use District Map for a portion of lands described as Lot 2, Block C, Plan 891 1337, Lot 1 Plan 761 0349 and SE 'ASec.29, TWP 28, RGE 19, W4M, in the Town of Drumheller, from Badlands District (BD), Rural Development District (RDD), and Neighborhood District (ND) to Employment District (ED).
18.21	September 13, 2021	Textual Amendments package – September 2021  Includes; addition to general requirements for Flood Hazard Overlay, additional categories for Signs requirements, additional uses and descriptions, and alterations to clerical errors.
16.22	March 6, 2023	Textual Amendments package Includes additional regulations for:  <ul style="list-style-type: none"> <li>    Dwelling Unit types</li> <li>    - Murals</li> <li>    - Industrial Uses within the Employment District</li> <li>    - Manufactured Home Parks</li> <li>    - Discretionary Uses</li> </ul> Removal of mapping within Bylaw  Complete rewriting of Flood Hazard Overlay to Flood Hazard Areas and make terminology consistent with Alberta Government  Reclassification for all Dwelling Units to provide more clarity.
12.24	June 3, 2024	Amendments include the following changes: <ul style="list-style-type: none"> <li>• General Clerical Changes</li> <li>• Multiple changes to the Flood Overlay section</li> <li>• Addition of “High Hazard Flood Fringe” provisions</li> <li>• Simplification of the Slope Stability Section</li> <li>• Removal of Tourist Dwelling</li> <li>• Changes to Solar Systems</li> <li>• Removal of Communications Structures</li> <li>• Changes to Variance Powers</li> <li>• Changed Secondary Suites to a Permitted Use in all Land Use Districts</li> <li>• Addition of Mixed-Use Development as a use</li> </ul>

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# 1. Purpose and Authority

## 1.1 GENERAL PURPOSE

- 1.1.1 The purpose of this **Bylaw**, entitled the “Town of Drumheller Land Use Bylaw,” is to regulate the **use** and **sustainable development** of land and **buildings** in the Town of Drumheller, pursuant to Part 17 of the **Act**. All planning applications pursuant to this **Bylaw**, including This **Bylaw** strives to enable sustainable **development** and all planning applications, including land **use**, **subdivision**, and **development permit** applications will be evaluated using the principles of the **Municipal Development Plan**.

## 1.2 AUTHORITY

- 1.2.1 The authority action of the **Town**, in the adoption of this **Bylaw**, is authorized under the **Act**, as amended.
- 1.2.2 No person shall commence any **development** within the **Town** except in compliance with this **Bylaw**.
- 1.2.3 This **Bylaw** is implemented to advance the vision, principles, and policies established in the **Municipal Development Plan** and any other Statutory Plan or non-Statutory Plan.

## 1.3 APPLICABILITY

- 1.3.1 The provisions of this **Bylaw** apply to all lands and **buildings** within the boundaries of the **Town**, pursuant to Part 17 of the **Act**.
- 1.3.2 Compliance with the requirements of this **Bylaw** does not exempt any person from the requirements of any Statutory Plan.
- 1.3.3 Nothing in this **Bylaw** exempts a person from obtaining a **development permit** as required by this or any other bylaw.
- 1.3.4 In addition to the requirements of this **Bylaw**, a person is required to comply with all federal, provincial, and other municipal legislation.
- 1.3.5 The provisions for this **Bylaw**, when in conflict, shall take precedence over those of other municipal bylaws.

## 1.4 TRANSITION

- 1.4.1 This **Bylaw** shall come into force and take effect on March 1, 2021. Land Use Bylaw 10-08, as amended, is hereby repealed.
- 1.4.2 Applications for **subdivision** or **development** which were submitted prior to adoption of this **Bylaw** shall be evaluated under the provisions of Land Use Bylaw 10-08, as amended.
- 1.4.3 Where a Land use designation in a previously approved **Area Structure Plan** or other Statutory Plan Document does not align with the Land Use Districts is Land Use Zoning of this **Bylaw**, an application for **subdivision** or **development** shall be considered by the **Development Authority** and the most similar **Land Use District** considered.

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## 2. Maps and Overlays

### 2.1 LAND USE MAPS

2.1.1 The **Town** is hereby divided into the following eight (8) **Land Use Districts**:

- (1) Badlands District;
- (2) Rural Development District;
- (3) Countryside District;
- (4) Neighbourhood District;
- (5) Neighbourhood Centre District;
- (6) Downtown District;
- (7) Tourism Corridor District; and,
- (8) Employment District.

2.1.2 The **Land Use Districts** listed in Section 2.1.1 are delineated on the Palliser Web GIS Portal, which shall be known as the “Land Use Map.” For the most current interactive view of the **Land Use Districts** scan the QR code below or enter the web address <https://gis.palliserwebmap.ca/>. ~~<http://dlu.palliserwebmap.ca/>~~ [Bylaw #16.22]



2.1.3 The Land Use Map may be amended or replaced by bylaw from time to time.

2.1.4 Where the location of a district boundary on the Land Use Map is not clearly understood, the following rules shall apply:

- (1) A **Land Use District** boundary shown as running through the centre of a parcel, approximately following a parcel boundary shall be deemed to be following the nearest parcel boundary;
- (2) A **Land Use District** boundary shown as following a **road, lane**, railway, stream, or canal shall be deemed to follow the centre line thereof; and,
- (3) ~~[Removed by Bylaw #12.24] District boundaries not referenced specifically in subsections 2.1.4(1) and 2.1.4(2) shall be determined on the basis of the scale of the Land Use Map; and,~~
- (4) A **Land Use District** boundary location which cannot be resolved shall be referred to the **Development Authority** to decide on the boundary location.

Page removed - [Bylaw #16.22]

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## 2.2 OVERLAYS OVERVIEW

### 2.2.1 Purpose:

- (1) The purpose of an **overlay** is to facilitate the implementation of specific goals and objectives contained in the **Municipal Development Plan**, including protecting **development** from environmental hazards ~~and vice versa~~ and identifying opportunities for growth and **development**.
- (2) The regulations established within an **overlay** apply in addition to the regulations of the underlying **Land Use District**.
- (3) Only those regulations explicitly addressed in an **overlay** are impacted by the **overlay**. All remaining regulations from the underlying **Land Use District** remain in effect.
- (4) If there is a conflict between the regulations of an **overlay** and the underlying **Land Use District**, the **overlay** shall take precedence.
- (5) Lands subject to an **overlay** are [delineated on the Land Use Map, in accordance with Section 2.1.2 two \(2\) of this Bylaw](#). ~~indicated on the maps provided in this section of the~~

## 2.3 DEVELOPMENT OPPORTUNITY OVERLAY

### 2.3.1 General Intent:

- (1) To identify lands within the **Town** that are suitable for growth and **development**.

### 2.3.2 **Uses** and Regulations:

- (1) **Uses** lawfully existing at the date of adoption of this **Bylaw** are permitted to continue.
- (2) No **subdivision** or **development** is allowed without an approved **Area Structure Plan**.
- (3) Following the approval of an **Area Structure Plan** by the **Development Authority**, the **uses** and regulations of the underlying **Land Use District** shall apply.

## 2.4 WAYNE VALLEY NEIGHBOURHOOD OVERLAY

### 2.4.1 General Intent:

- (1) The following alternate regulations shall apply to all **parcels** located within the Wayne Valley Neighbourhood Overlay. ~~identified on the Land Use Map~~. The purpose of the Wayne Valley Neighbourhood Overlay is to retain the unique characteristics of the Wayne Valley.

### 2.4.2 **Parcel** Width Standards:

(1) <b>Parcel</b> Width	No minimum.
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2.4.3 **Setbacks for Principal Buildings:**

(2)	<b>Front Setback</b>	Minimum 6.0 metres.
(3)	<b>Secondary Front Setback</b>	Minimum 4.5 metres.
(4)	<b>Side Setback</b>	Minimum 1.5 metres.
(5)	<b>Rear Setback</b>	Minimum 7.5 metres.

2.4.4 **Setbacks for Accessory Buildings:**

(1)	<b>Front Setback</b>	Minimum 6.0 metres.
(2)	<b>Secondary Front Setback</b>	Minimum 4.5 metres.
(3)	<b>Side Setback</b>	Minimum 1.0 metres.
(4)	<b>Rear Setback</b>	Minimum 7.0 metres.

2.4.5 **Parcel Coverage Standards:**

(1)	<b>Parcel Coverage</b>	No maximum.
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2.4.6 **Building Height Standards:**

(1)	<b>Parcel Coverage</b>	Maximum 11 metres.
(2)	<b>Accessory Building</b>	Maximum 7.5 metres.

**2.5 FLOOD HAZARD AREAS**

2.5.1 [\[Removed by Bylaw 12.24\] Floodway Use and Regulations \[Bylaw #16.22\]](#)

2.5.2 General Intent:

- (1) To identify **flood hazard areas** ~~lands~~ within the **Town** ~~that are susceptible to flooding during high water events~~ and to regulate the **use** and **development** of land within ~~these areas, susceptible to flooding~~
- (2) For the purposes of this overlay, the **flood hazard areas** are:
  - (a) **Floodway**;
  - (b) **Flood fringe**;
  - (c) **Protected flood fringe**; and
  - (d) **High hazard flood fringe**.

2.5.3 General Regulation:

- (1) For **parcels** located in the **flood hazard areas** (~~*Floodway, Flood Fringe, Protected Flood Fringe or High Hazard Flood Fringe*~~), the requirements of Section 2.5 apply and prevail when there is any conflict between the requirements of this Section and any other requirements of this **Bylaw**.
- (2) Each **development** and **subdivision** application shall be reviewed against the **Government of Alberta Flood Hazard Maps** and existing protection reviewed to confirm the suitability of the **site** for **development**.
- (3) ~~The elevation of the **flood construction level** is variable along the length of the Valley and is determined by the **Development Officer** from the **Government of Alberta Flood Hazard Map** as the highest elevation on the subject **parcel**, typically found at the upstream boundary.~~ ~~is variable along the length of the Valley and is determined by the interpolation of **design flood cross sections**.~~
- (4) No new **cemeteries** shall be constructed within the **flood hazard areas**.
- (5) All electrical, heating, air conditioning, and other mechanical equipment shall be located at or above the specified elevation of the **flood construction level**.
- (6) ~~**Outdoor**~~ Storage of chemicals, explosives, flammable liquids, and/or toxic or waste materials that cannot be readily removed in the event of a flood is prohibited.
- (7) All new **buildings** and **structures** within the **flood hazard areas** shall be **setback** by a minimum of 7.5 metres from the toe or base of a **flood mitigation structure**.
- (8) No **subdivision** of any **parcel** greater than 1.2 hectares shall be approved unless undertaken in conformity with an approved **Area Structure Plan**, or if the **development** is considered **infill**.
- (9) No **habitable area** within a **building** or **structure** shall be constructed, reconstructed, altered, moved, or extended below the specified elevation of the **flood construction level**.
- (10) The minimum **freeboard** height that will be added to a **flood mitigation structure** during a flood event will be 0.5 metres [Bylaw #12.24].

2.5.3.(1) **Floodway Use** and Regulations [Bylaw #16.22]:

- (1) For **parcels** located in the **floodway** on which a **building** exists and where the **use** of that **parcel** has been previously approved, the **use** may continue as a **permitted** or **discretionary use** provided that the **use** is listed in the **Land Use District** in which the **parcel** is ~~located~~ designated.
- (2) The following **uses** shall be allowed in the **floodway**, when listed as a **permitted use** or **discretionary use** in the underlying **Land Use District**:
  - (a) **Agriculture – general**;
  - (b) **Recreation – non-intensive**;
  - (c) Natural areas;
  - (d) Parks; and,
  - (e) **Public utilities**.

- (3) No **development** shall be allowed within the **floodway** that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing **development**.
- (4) New **development** and structural alterations to existing **development** is not allowed except to:
  - (a) Accommodate **public utilities**, including **flood mitigation structures** and erosion control measures;
  - (b) Replace an existing **building** or **structure** on the same location and footprint, and for the same **use**, provided that the flood hazard can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA), and in a manner that is acceptable to the **Town**, including meeting **flood construction level** requirements; and
  - (c) Renovate an existing **building** or **structure**, provided that:
    - i. There is no increase to the **floor area** below the **flood construction level**;
    - ii. The renovation does not create a new **dwelling unit**, and,
    - iii. The renovation may not construct **decks**, docks, fences, **patios**, walls, riprap or other obstructions unless being constructed by or on behalf of the **Town** for the purpose or erosion control where the primary purpose is to protect public infrastructure.

2.5.4 **Flood Fringe and High-Hazard Flood Fringe Use** and Regulations [\[Bylaw # 12.24\]](#)

- (1) [For lands within the flood fringe, the permitted uses and discretionary uses listed in the underlying Land Use District shall apply.](#)
- (2) [All buildings in the flood fringe must be designed in the following manner:](#)
  - (a) [the first floor of all buildings must be constructed at or above the flood construction level;](#)
  - (b) [all electrical and mechanical equipment within a building shall be located at or above the flood construction level; and](#)
  - (c) [a sewer back-up valve must be installed in every building.](#)
- (3) [The rules regarding building design referenced in subsection \(2\) do not apply to:](#)
  - (a) [an addition that does not increase the gross floor area of the building by more than 20% of the gross floor area legally existing as of March 1, 2021, and;](#)
  - (b) [a fence, gate, deck, landing, patio, ramp, air conditioning unit, satellite dish, hot tub, and/or above or in-ground private swimming pool.](#)
- (4) [No habitable area within a building or structure shall be constructed, reconstructed, altered, moved, or extended below the specified elevation of the flood construction level.](#)
- (5) [Building height shall be measured from the specified elevation of the flood construction level.](#)

- (6) An application for a **development permit** for a **parcel** located within the **flood fringe** must be accompanied by a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA), **qualified professional** demonstrating how the regulations of the Flood Hazard and the **flood construction level** are met.
- (7) All **buildings** must be set back 6.0 metres from the edge of the **floodway**.
- (8) Only those goods that are easily moveable may be stored on a **parcel** in the **flood fringe**.

2.5.5 [Removed by Bylaw #12.24]

2.5.6 **Protected Flood Fringe Use** and Regulations [Bylaw #16.22]

- (1) For lands within the **protected flood fringe**, the **permitted uses** and **discretionary uses** listed in the underlying **Land Use Districts** shall apply.
- (2) [Removed by #Bylaw 12.24]. All buildings and structures within the Protected Flood Fringe shall be setback by a minimum of 7.5 metres from the toe or base of a flood mitigation structure.
- (3) The first floor of all **buildings** shall be constructed with first floor to the 1:20 year flood, as determined by the **Government of Alberta Flood Hazard Maps**.
- (4) Notwithstanding Section 2.5.3(7), a new **building** constructed on the foundation of an original building must maintain the original setback to the flood mitigation structure.

2.5.7 **High Hazard Flood Fringe Use** and Regulations [Bylaw #12.24]

- (1) For **parcels** located in the **floodway** on which a **building** exists and where the **use** of that **parcel** has been previously approved, the **use** may continue as a **permitted** or **discretionary use** provided that the use is listed in the **Land Use District** in which the **parcel** is located.
- (2) The following **uses** shall be allowed in the **floodway**, when listed as a **permitted use** or **discretionary use** in the underlying **Land Use District**:
  - (a) Agriculture – general;
  - (b) **Recreation – non-intensive**;
  - (c) Natural areas;
  - (d) Parks; and,
  - (e) **Public utilities**.
- (3) No **development** shall be allowed within the **high hazard flood fringe** that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing **development**.
- (4) New **development** and structural alterations to existing **development** is not allowed except to:

- (a) Accommodate **public utilities**, including **flood mitigation structures** and erosion control measures;
- (b) Replace an existing **building or structure** on the same location and footprint, and for the same use, provided that the **flood hazard** can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the **Town**, including meeting **flood construction level** requirements; and
- (c) Renovate an existing **building or structure**, provided that:
  - i. There is no increase to the **floor area** below the **flood construction level**;
  - ii. The renovation does not create a new **dwelling unit**; and,
  - iii. The renovation may not construct **decks**, docks, fences, **patios**, walls, riprap or other obstructions unless being constructed by or on behalf of the **Town** for the purpose or erosion control where the primary purpose is to protect public infrastructure.
- (5) Notwithstanding Sections and 2.5.7(3) and 2.5.7(4), The **Development Authority** may approve a proposed **development** if it is determined by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) that the **flood hazard** can be overcome in a manner that is acceptable to the **Town**.

**2.6 NEIGHBOURHOOD DISTRICT – MANUFACTURED HOME PARK STANDARDS [BYLAW #16.22]**

2.6.1 General Intent:

- (1) Establish specific regulations for the placement of **dwelling units – manufactured** within an approved **manufactured home park**. The purpose of this section is to permit the placement of manufactured homes in rental parks within the Neighbourhood District. Once approved as a **manufactured home park** within the Neighbourhood District, the following requirements overrule those of the Neighbourhood District.

2.6.2 **Uses:**

Use Category	Permitted Uses	Discretionary Uses
(1) Residential	<b>Dwelling Unit – Manufactured</b>	
(2) Commercial	<b>Home Occupation – Basic Home Occupation – Urban</b>	<b>Retail and Service – General</b>
(3) Institutional	<b>Recreation – Non-Intensive</b>	
(4) Other <b>Uses</b>	<b>Accessory Building or</b>	<b>Accessory Building –</b>

	<b>Structure</b>	<b>Portable</b>
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2.6.3 **Parcel Standards:**

(1) <b>Site Area</b>	Maximum <b>site</b> area of 5.0 acres, 2.0 hectares ( <del>5.0 acres</del> ) for <b>site area</b>
(2) <b>Density</b>	Maximum of ten (10) units per acre.
(3) Lot Area	(f) 325 square metres ( <del>3500 sqft</del> ) for single wide <b>dwelling units – manufactured</b> . (g) 370 square metres ( <del>4000 sqft</del> ) for double wide <b>dwelling units – manufactured</b> .
(4) <b>Building Height Standards</b>	(a) 5.0 metres for <b>dwelling units – manufactured</b> . (b) 5.0 metres for <b>accessory buildings</b> . (c) Other <b>uses</b> at the discretion of the <b>Development Authority</b> .

2.6.4 **Setbacks for Manufactured Homes:**

(1) <b>Front Setback</b>	Minimum 3.0 metres from any internal <b>road</b> or common parking area.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres from any internal <b>road</b> or common parking area.
(3) <b>Side Setback</b>	Minimum 1.2 metres.
(4) <b>Rear Setback</b>	Minimum 1.2 metres.
(5) Other <b>Setbacks</b>	(a) Minimum 4.5 metres between each <b>dwelling unit – manufactured</b> including any <b>porch</b> or addition. (b) Minimum 10.5 metres from a boundary of a <b>manufactured home park</b> abutting a public <b>street</b> or highway and 3.0 metres from other <b>manufactured home park</b> boundaries. (c) <b>Setbacks</b> shall be <b>landscaped</b> and or <b>screened</b> and protected from any further <b>development</b> .

2.6.5 **Parking, Roads and Walkways:**



<p>(1) Vehicle Parking</p>	<p>(a) No on-street parking shall be permitted.</p> <p>(b) A minimum of one (1) <del>car parking parking stall</del> shall be provided on each <del>dwelling unit—manufactured</del> lot.</p> <p>(c) Visitor parking shall <del>consist of be</del> one (1) off-street parking stall for every four (4) <del>dwelling unit—manufactured</del> lots. Visitor parking shall be dispersed throughout the park and <del>shall be</del> clearly identified.</p>
<p>(2) Roads and Walkways</p>	<p>(a) All <b>roads</b> in the <b>manufactured home park</b> shall be paved and constructed to the <del>municipality's</del> specifications <u>of the Town</u>.</p> <p>(b) Internal pedestrian walkways shall be hard-surfaced and have a minimum width of 1.5 metres.</p> <p>(c) Each <del>dwelling unit—manufactured</del> lot shall abut a park roadway and have an <b>access</b> way with a minimum width of 4.3 metres.</p> <p>(d) The removal of snow from all internal pedestrian walkways, <del>park vehicular areas</del> <u>roads</u> and communal parking stalls <del>excluding individual parking areas</del>, shall be the responsibility of the <u>manufactured home park</u> <del>park</del> owner.</p>

2.6.6 **Landscaping** Standards:

<p>(1) <u>General Landscaping Standards</u></p>	<p>Each application for a <b>manufactured home park</b> shall be accompanied by a <b>landscaping</b> and <b>site development</b> plan.</p>
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2.6.7 Additional Standards:

<p>(1) <a href="#">General Additional Standards</a></p>	<p>(a) No <b>accessory building</b> or <b>use</b> shall be located in the <b>front yard</b> of a <del>dwelling unit—manufactured</del> lot.</p> <p>(b) A <b>screened</b> storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, <a href="#">and other large vehicles etc.</a> at a location and in a manner satisfactory to the <b>Development Authority</b>.</p> <p>(c) All <b>public utility</b> lines shall be placed underground.</p> <p>(d) A minimum of 10% of the total area of the <b>manufactured home park</b> shall be set aside for recreational <b>uses</b>.</p> <p>(e) Identification and directional <b>signs</b> shall be of a size, height and type satisfactory to the <b>Development Authority</b>.</p>
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### 3. Land Use Districts

#### 3.5 RULES THAT APPLY TO ALL LAND USE DISTRICTS

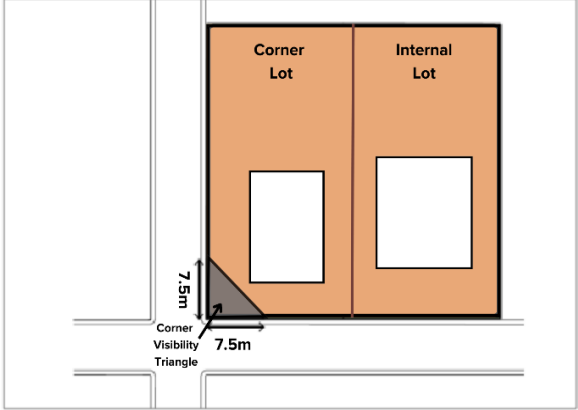
##### 3.5.1 Specific Use Standards:

<p>(1) <b>Accessory Buildings</b></p>	<p>(a) No <b>accessory building</b> shall be used as a <b>dwelling unit</b> unless the <b>building</b> meets the requirements of <a href="#">this Bylaw</a>, <a href="#">the Alberta Safety Codes Act</a>.</p> <p>(b) A <b>structure</b> which is attached to the <b>principal building</b> by a roof, floor, or a foundation is not an <b>accessory building</b>, it is considered part of the <b>principal building</b> and shall comply with all requirements applicable to the <b>principal building</b>.</p> <p>(c) No <b>accessory buildings</b> or <b>uses</b> shall be located in the <b>front yard of a residential use</b>; <del>in a of a residential district</del> the <b>Development Authority</b> may permit the <b>development</b> of an <b>accessory building</b> and/or <b>use</b> in the <b>front yard</b> under special circumstances dictated by <b>site</b> conditions [Bylaw #16.22].</p> <p>(d) An <b>accessory building</b> shall be located at least 2.0 metres from any <b>principal building</b> [Bylaw #16.22].</p> <p>(e) <a href="#">In a Residential Land Use District, an existing principal building must be present on a parcel before an accessory building can be developed</a> [Bylaw #12.24].</p>
<p>(2) <b>Accessory Buildings – Portable</b> [Bylaw #18.21]</p>	<p>(a) Shall meet the <b>setback</b> requirements for an <b>accessory building</b> in the appropriate <a href="#">Land Use District</a>, <del>while meeting all the requirements of the Alberta Safety Code</del>.</p> <p>(b) <del>Accessory Buildings – Portable</del> May only be erected between October and April unless otherwise approved by the <b>Development Authority</b>.</p> <p>(c) <a href="#">Floor area</a> shall not exceed 18 square metres [Bylaw #16.22]. <del>lot coverage</del>.</p>
<p>(3) <b>Adult Entertainment</b></p>	<p>(a) The maximum <b>use area</b> <del>shall be for adult entertainment</del> is 550 square metres.</p> <p>(b) Shall not include any exterior display related to the <b>use</b>.</p>



<p>(4) <b>Bed &amp; Breakfast</b></p>	<p>(a) <del>Shall only</del> <del>May</del> be developed <del>only</del> in a <b>dwelling unit</b>.</p> <p>(b) One (1) <b>sign</b> is permitted, in accordance with Part 4 of this <b>Bylaw</b>.</p> <p>(c) Bed &amp; Breakfast establishments shall conform to the following, or <del>such standards as</del> the Alberta Building Code <del>may have</del>, whichever is greater [Bylaw #16.22]:</p> <ul style="list-style-type: none"> <li>i. no cooking facilities in guest rooms;</li> <li>ii. minimum room size of 7.0 square metres per single occupant and 4.0 square metres per person for multiple occupants;</li> <li>iii. window compulsory for guest room;</li> <li>iv. sanitation and potable water, as required by Health Unit;</li> <li>v. smoke alarms required for each level of the <b>building</b>; and,</li> <li>vi. portable fire extinguisher required for each level of the <b>building</b>.</li> </ul>
<p>(5) <b>Campground</b></p>	<p>(a) Where possible, existing topography and natural features such as tree stands shall be integrated in the <b>site</b> design.</p> <p>(b) The whole <b>site</b> perimeter shall be <b>landscaped</b> sufficiently at the discretion of the <b>Development Authority</b>.</p>

<p>(6) Drive Through Facility</p>	<p>(a) May have outdoor speakers provided they are:</p> <ul style="list-style-type: none"> <li>i. Not located within 20 metres of a <b>parcel boundary</b> of any <b>parcel</b> designated Neighbourhood District, Neighbourhood Centre District, or Countryside District; or</li> <li>ii. Separated from a <b>parcel boundary</b> of any <b>parcel</b> designated Neighbourhood District, Neighbourhood Centre District, or Countryside District by a <b>building</b>; and,</li> <li>iii. Appropriately <b>screened</b> and/or designed so that the noise from the speaker does not adversely affect <b>adjacent residential land uses</b> <del>parcels</del> with <b>residential uses</b> at the discretion of the <b>Development Authority</b> <del>approving authority</del>. [Bylaw #16.22].</li> </ul> <p>(b) Drive through aisles shall be appropriately <b>screened</b> from <b>adjacent Residential uses</b> <del>residential land uses</del>. [Bylaw #16.22].</p> <p>(c) Shall not have any drive through aisles in a <b>setback area</b>.</p> <p>(d) Shall not have pedestrian <b>access</b> that crosses a drive through aisle.</p> <p>(e) Shall provide queuing space for five (5) vehicles on <b>site</b> per order board or order window at the discretion of the <b>Development Authority</b> [Bylaw #16.22].</p>
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<p>(7) Fences [Bylaw #16.22]</p>	<p>(a) <del>Unless otherwise approved,</del> No fence, wall, tree, hedge or other <b>structure</b>, object, or plant exceeding 1.2 metres in height shall be permitted within the <b>corner visibility triangle</b>.</p>  <p>(b) <del>In all district's</del> Materials <b>used</b> to construct fences can be wood, brick, stone, concrete, metal, vinyl, or other professionally finished materials at the discretion of the <b>Development Authority</b>.</p> <p>(c) Barbed wire and/or electric fences are prohibited in all <b>Residential Land Use Districts</b>, <del>and for all other Land Use Districts</del> shall be considered at the discretion of the <b>Development Authority</b>.</p> <p>(d) Fences shall not alter or disrupt the drainage pattern as established in <del>an</del>the approved <b>stormwater management plan</b>. <del>surface drainage plan</del>.</p>
<p>(8) <b>Home Occupation - Basic</b></p>	<p>(a) Shall not employ any person not residing in the <b>dwelling unit</b>.</p> <p>(b) No client or customer visits are permitted.</p> <p>(c) <del>The home occupation - basic</del> shall be contained within the <b>principal building</b>.</p> <p>(d) <b>Outdoor storage</b> of materials, commodities, or finished products related to the <b>use</b> is prohibited. <del>and</del></p> <p>(e) No <b>signs</b> are permitted.</p>

<p>(9) <b>Home Occupation - Rural</b></p>	<p>(a) Shall not employ more than ten (10) people not residing in the <b>dwelling unit</b>.</p> <p>(b) May include a <b>day home</b>.</p> <p>(c) <b>Outdoor storage</b> of materials, commodities, or finished products related to the <b>use</b> is permitted.</p> <p>(d) One (1) <b>sign</b> is permitted, in accordance with Part 4 <a href="#">of this Bylaw</a>.</p> <p>(e) A <b>development permit</b> for a <b>home occupation - rural</b> may be revoked at any time if, in the opinion of the <b>Development Authority</b>, the operator of the <b>home occupation - rural</b> has violated any provisions of the <b>Bylaw</b> and/or the conditions of the <b>development permit</b>.</p> <p>(f) If the holder of any <b>home occupation - rural development permit</b> relocates within the <a href="#">Town municipality</a>, a new <b>development permit</b> is required for the new location [Bylaw #18.21].</p>
<p>(10) <b>Home Occupation - Urban</b></p>	<p>(a) Shall not employ more than four (4) people not residing in the <b>dwelling unit</b>.</p> <p>(b) May include a <b>day home</b>.</p> <p>(c) <b>Outdoor storage</b> of materials, commodities, or finished products related to the <b>use</b> is prohibited.</p> <p>(d) One (1) <b>sign</b> is permitted, in accordance with Part 4 <a href="#">of this Bylaw</a>.</p> <p>(e) A <b>development permit</b> for a <b>home occupation - urban</b> may be revoked at any time if, in the opinion of the <b>Development Authority</b>, the operator of the <b>home occupation - urban</b> has violated any provisions of the <b>Bylaw</b> and/or the conditions of the <b>development permit</b>.</p> <p>(f) If the holder of any <b>home occupation - urban development permit</b> relocates within the <a href="#">Town municipality</a>, a new <b>development permit</b> is required for the new location [Bylaw #18.21].</p>
<p>(11) <b>Industrial Uses</b></p>	<p>(g) Industrial <b>uses</b> on <b>parcels</b> that do not have <b>lane access</b> must provide a minimum 4.5 metres <b>side setback</b> on one (1) side <a href="#">of the parcel</a>.</p>

<p>(12) <b>Kennel</b></p>	<p>(a) Must be a minimum of 150 metres from an approved <b>dwelling unit</b> at the time of approval of the <b>kennel use</b> unless the <b>dwelling unit</b> is located on the same <b>parcel</b> as the <b>kennel</b> [Bylaw #16.22].</p> <p>(b) A <b>development permit</b> for a <b>kennel</b> shall only be approved for a term not exceeding three (3) years.</p> <p>(c) Upon expiration of a <b>development permit</b>, a new application shall be evaluated with consideration of any prior complaints and/or nearby intensification of <b>Residential Land Use Districts</b>.</p> <p>(d) All animals <del>shall to</del> be kept indoors during quiet hours <u>in accordance with the of the Town of Drumheller Community Standards Bylaw 06.19 as amended from time to time, and its successor legislation</u> [Bylaw #16.22].</p>
<p>(13) <b>Recreation Vehicle Resort</b></p>	<p>(a) Where possible, existing topography and natural features such as tree stands shall be integrated in the <b>site</b> design.</p> <p>(b) The whole <b>site</b> perimeter shall be <b>landscaped</b> sufficiently at the discretion of the <b>Development Authority</b>.</p> <p>(c) No <b>recreation vehicle</b> shall be located elsewhere than on a designated <b>recreation vehicle parcel</b>.</p> <p>(d) Only one (1) <b>recreation vehicle</b> is permitted to be located on a designated <b>recreation vehicle parcel</b>.</p> <p>(e) A designated <b>recreation vehicle parcel</b> shall be a minimum 140 square metres in size.</p> <p>(f) A maximum of sixty-two (62) designated <b>recreation vehicle parcels</b> shall be permitted per gross developable hectare.</p>
<p>(14) <b>Restricted Substance Retail</b> [Bylaw #18.21]</p>	<p>(a) <del>[Removed by Bylaw #12.24] Shall comply with all Provincial requirements.</del></p> <p>(b) <b>Restricted substance retail</b> for the sale of liquor shall not be located closer than 150 metres to any school at the time of the <b>development permit</b> application as measured from the closest point of the subject <b>parcel boundary</b> to the closest point of proposed <b>parcel boundary</b>.</p> <p>(c) <b>Restricted substance retail</b> for the sale of liquor shall not be located within 300 metres of any other liquor store, when measured</p>

	<p>from the closest point of an existing liquor store to the closest point of the proposed liquor store.</p>
<p>(15) <b>Storage Structure</b> [Bylaw #18.21]</p>	<p>(a) A <b>storage structure</b> shall meet the <b>setback</b> requirements for an <b>accessory building</b> in the appropriate <b>Land Use District</b>.</p> <p>(b) A <b>storage structure</b> shall not be permitted <del>on residential parcels that contain a residential use, or where the primary land use of a parcel is residential.</del></p> <p>(c) A <b>storage structure</b> shall be <b>screened</b> from view and may require exterior finishing to be in general conformance with the <b>principal building</b> or surrounding <b>development</b>.</p> <p>(d) Shall not be <b>used</b> as a <b>sign</b>.</p> <p>(e) A <b>storage structure</b> may be approved on a temporary basis at the discretion of the <b>Development Authority</b>.</p> <p>(f) A <b>storage structure</b> shall be for cold storage only and shall not connect to <b>public utilities</b> [Bylaw #16.22].</p>
<p>(16) <del>[Removed by Bylaw #12.24] Tourist Dwelling</del></p>	<p><del>May be developed only in a Dwelling Unit;</del></p> <p><del>An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied;</del></p> <p><del>No Signs are permitted.</del></p> <p><del>A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of the Bylaw and/or the conditions of the development permit. [Bylaw # 18.21]</del></p> <p><del>Maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the Development Authority based on number of bedrooms. [Bylaw #16.22]</del></p> <p><del>no cooking facilities in guest rooms;</del></p> <p><del>minimum room size of 7 m2 per single occupant and 4.6 m2 per person for multiple occupants. The maximum</del></p>

	<p>occupants in one room shall be two (2) adults;</p> <p>window compulsory for guest room;</p> <p>sanitation and potable water as required by Health Unit;</p> <p>smoke alarms required for each level of buildings; and</p> <p>portable fire extinguisher required for each level of building.</p>
<p>(17) <a href="#">[Removed by Bylaw #12.24]</a> <del>Solar Energy System</del></p>	<p><del>A <b>Solar Energy System</b> attached to a <b>building</b> shall not extend beyond the outermost edge of the roof or wall to which it is mounted.</del></p>
<p>(18) <a href="#">[Removed by Bylaw #12.24]</a> <del>Tourist Dwelling</del></p>	<p><del>May be developed only in a Dwelling Unit;</del></p> <p><del>An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied;</del></p> <p><del>No Signs are permitted.</del></p> <p><del>A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of the Bylaw and/or the conditions of the development permit. [Bylaw # 18.21]</del></p> <p><del>Maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the Development Authority based on number of bedrooms. [Bylaw #16.22]</del></p> <p><del>no cooking facilities in guest rooms;</del></p> <p><del>minimum room size of 7 m2 per single occupant and 4.6 m2 per person for multiple occupants. The maximum occupants in one room shall be two (2) adults;</del></p> <p><del>window compulsory for guest room;</del></p> <p><del>sanitation and potable water as required by Health Unit;</del></p> <p><del>smoke alarms required for each level of</del></p>

		<p><del>buildings; and</del></p> <p><del>portable fire extinguisher required for each level of building.</del></p>
(19)	Wind Energy System	(a) <b>Wind energy systems</b> shall not exceed 25 metres in height unless otherwise approved by the <b>Development Authority</b> .
(20)	<u><b>Solar Energy System – Freestanding</b></u> [Bylaw #12.24]	<p>(a) <u>Is considered an <b>accessory building</b> and must abide by the standards of Section 3.1.1 (1).</u></p> <p>(b) <u>Shall not be located in the front yard, secondary front yard, or side yard of the parcel.</u></p> <p>(c) <u>Shall not exceed a maximum height of 1.8 metres from the grade.</u></p> <p>(d) <u>Shall be screened from adjacent parcels with a fence or landscaping.</u></p> <p>(e) <u>Shall be positioned in a manner to not direct glare onto an <b>adjacent parcel</b> or <b>right-of-way</b>.</u></p>
(21)	<u><b>Solar Energy System – Rooftop</b></u> [Bylaw #12.24]	<p>(a) <u>Shall not project more than 1.0 metres above the roof line in <b>Residential Land Use Districts</b>.</u></p> <p>(b) <u>Shall not project more than 1.8 metres above the roof line in all other <b>Land Use Districts</b>.</u></p> <p>(c) <u>The attachment of a solar energy device to a <b>principal</b> or <b>accessory building</b> shall not exceed the maximum <b>building</b> height of the applicable <b>Land Use District</b>.</u></p> <p>(d) <u>Solar energy devices attached to a <b>principal</b> or <b>accessory building</b> should be integrated with the roof of the <b>structure</b>.</u></p>



3.5.1.(1) Specific Design Standards – **Dwelling Units:**

<p>(1) <b>Dwelling Unit – Garden</b> [Bylaw #16.22]</p>	<p>(a) Only one shall be permitted per <b>parcel</b> and must be detached from the <b>principal building</b> as a standalone <b>structure</b>, or as a <b>dwelling unit</b> (loft) above an <b>accessory building</b>. <b>Dwelling units</b> attached to an existing <b>principal building</b> in any manner shall be considered a <b>dwelling unit - secondary suite</b>.</p> <p>(b) <del>[Removed by Bylaw #12.24] <b>Parcels with an existing dwelling unit – secondary suite are prohibited to have a dwelling unit – garden and vice-versa.</b></del></p> <p>(c) The <b>subdivision</b> of the property to create two (2) <b>parcels</b>, one for the <b>principal building</b> and one (1) for the <b>dwelling unit – garden</b> is prohibited.</p> <p>(d) Shall be restricted to a single-storey <b>dwelling unit with a maximum height of five (5) metres, (max. 5.0 metres in height) and may include an attached single car garage.</b></p> <p>(d.1) <del>notwithstanding subsection e), a <b>dwelling unit-garden</b> may be located in the loft of an <b>accessory building</b>, which may include an attached single car garage. unless the <b>dwelling unit – garden</b> is located in the loft of an <b>accessory building</b>.</del></p> <p>(e) With all applications, <b>Development Authority</b> will take into consideration the potential effect of the <b>development</b> on the privacy of <b>adjacent parcels</b> in regard to such potential issues as window placement, landings for entrances, outdoor amenity space, and <b>building height</b>.</p> <p>(f) Shall be designed to complement the existing <b>principal building</b> on the <b>site</b>. The appearance and quality of the finishing materials of the <b>dwelling unit – garden</b> must reflect the fact that it is a <b>dwelling unit</b>.</p> <p>(g) Shall be separated from the <b>principal building</b> by a minimum of 4.0 metres and a minimum of 1.2 metres from all other <b>accessory buildings</b>.</p> <p>(h) <b>Rear setbacks</b> and <b>side setbacks</b> must meet requirements for <b>accessory buildings</b>.</p> <p>(i) Only one (1) servicing connection per <b>public utility</b> will be permitted (water, sewer) per <b>parcel</b>. The <b>public utilities</b> must be first</p>
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	<p>connected to the <b>principal building</b>, and then fed to the <b>dwelling unit – garden</b>. Installation of all services and <b>public utilities</b> are at the cost of the developer.</p> <p>(j) Shall not be constructed within the <b>front yardsetback</b> of the <b>principal building</b>.</p> <p>(k) All parcels with a <b>dwelling unit – garden</b> shall have a driveway that provides access to the <b>dwelling unit – garden</b> from <b>side yard</b> or <b>rear yard</b>.</p> <p>(l) Shall only be permitted to have one (1) civic address.</p> <p>(m) <u>may take the form of a <b>dwelling unit - manufactured</b>, but must be designed to complement the existing <b>principal building</b>.</u></p>
<p>(2) <b>Dwelling Unit – Manufactured</b> [Bylaw #16.22]</p>	<p>(a) Will be a <b>discretionary use</b> unless established within a <b>manufactured home park</b> defined under this <u>Land Use Bylaw</u>.</p> <p>(b) <u>[Removed by Bylaw #12.24] The following criteria will apply to all <b>dwelling unit – manufactured</b>;</u></p> <p>(c) In determining the suitability of a <b>dwelling unit – manufactured</b> for placement on a <b>parcel</b>, consideration shall be given to its condition and appearance in context with the <b>adjacent parcels</b>.</p> <p>(d) The undercarriage of a <b>dwelling unit – manufactured</b> shall be <b>screened</b> from view by the foundation or by skirting within thirty (30) days of placement of the <b>dwelling unit – manufactured</b>.</p> <p>(e) All accessory <b>structures</b> such as stairways and landings, <b>patios, decks</b>, and skirting shall be of complementary quality and design to the <b>dwelling unit – manufactured</b>.</p> <p>(f) All <b>dwelling unit – manufactured</b> shall be provided with stairways and landings to all entrances within forty-five (45) days of their placement.</p>

<p>(3) <b>Dwelling Unit — Secondary Suite</b> [Bylaw #16.22]</p>	<p>(a) A maximum of one (1) <b>dwelling unit – secondary suite</b> may be permitted per <b>parcel</b> where a <b>dwelling unit – single detached</b> exists.</p> <p>(b) A separate entrance door to a <b>dwelling unit - secondary suite</b> shall not be located on any front <del>façade of a building elevation</del> facing a public <b>street</b>. Notwithstanding this, a single-entry door providing access to an enclosed, shared landing area from which both the <b>principal dwelling unit</b> and the <b>dwelling unit - secondary suite</b> gain access, may be located on any front <del>of a building elevation</del> facing a public <b>street</b>.</p> <p>(c) A <b>principal building</b> containing a <b>dwelling unit - secondary suite</b> may not be converted into condominiums.</p> <p>(d) <del>[Removed by Bylaw #12.24] Parcels with an existing <b>dwelling unit – garden</b> are prohibited to have a <b>dwelling unit - secondary</b> and vice versa.</del></p> <p>(e) A <b>dwelling unit - secondary suite</b> shall have a maximum of two (2) bedrooms. <del>Alberta Building Code for bedrooms in basements must be met.</del></p> <p>(f) A <b>dwelling unit - secondary suite</b> shall not be permitted on the same <b>parcel</b> as a <b>bed and breakfast</b> establishment or <b>home occupation</b>.</p>
<p>(4) Relocation of <b>Buildings</b></p>	<p>(a) <del>Notwithstanding Section 5.10 wWhen a development permit is nNot rRequired</del> A <b>development permit</b> shall be required for the relocation of any <b>building</b> to any <b>parcel</b> in the <b>Town of Drumheller</b>, <del>except when exempted in accordance with Section 5.10.</del></p> <p>(b) A <b>development permit</b> for the relocation of a <b>building</b> may include <del>the following</del> conditions of approval <del>that</del>:</p> <ol style="list-style-type: none"> <li>i. the <b>building</b> and the proposed location of the <b>building</b> meets the requirements of the <b>Land Use District</b> in which the <b>building</b> is to be <del>relocated to</del>;</li> <li>ii. the <b>building</b> is compatible with the character of the neighbourhood in which the <b>building</b> is to be relocated</li> </ol>

	<p>to; and</p> <p>iii. the <b>building</b> be renovated to a satisfactory condition within a specified time.</p>
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3.5.2 **Development** Near Steep Slopes:

<p>(1) <a href="#">General Provisions [Bylaw #12.24]</a></p>	<p>(a) <a href="#">A geotechnical slope assessment report prepared by a qualified Geotechnical Engineer is required for all proposed development adjacent to river valley, bench and coulee slopes; unless otherwise determined by the Development Authority.</a></p> <p>(b) <a href="#">The Development Authority may increase the setbacks established in the section 3.5.2(2) and 3.5.2(3) at their discretion based on the evidence submitted in a geotechnical slope assessment.</a></p>
<p>(2) <a href="#">Toe of Slope Setback [Bylaw #12.24]</a></p>	<p>(a) <a href="#">Unless otherwise determined by the Development Authority, the minimum setback from the toe of slopes shall be as follows:</a></p> <ul style="list-style-type: none"> <li>i. <a href="#">9.1 metres, when the height of the slope is greater than 3.2 metre; or,</a></li> <li>ii. <a href="#">One-third (1/3) the height of the slope, from the point where the slope begins to rise steeper than 33%, when a slope is steeper than 33% and higher than 27.4 metres.</a></li> </ul>
<p>(3) <a href="#">Top of Slope Setback [Bylaw #12.24]</a></p>	<p>(a) <a href="#">Unless otherwise determined by the Development Authority, the minimum setback from the front edge top of slopes, shall be as follows:</a></p> <ul style="list-style-type: none"> <li>i. <a href="#">22.8 metres, when the average height of the slope is between 0.0 and 15.4 metres;</a></li> <li>ii. <a href="#">45.7 metres, when the average depth of the valley is between 15.5 metres and 30.5 metres; and,</a></li> <li>iii. <a href="#">61 metres, or the height of the slope, whichever is greater, when the average depth of the valley is more than 30.5 metres.</a></li> </ul>
<p>(1) <del>Sloped Areas</del></p>	<p>(b) <del>For hummocks, buttes, or other isolated land <b>projections</b>, slopes of greater than 20% are considered unsuitable for <b>development</b> unless otherwise determined by the <b>Development Authority</b>.</del></p>

	<p>(c) Slopes greater than 15% may require special engineering and other treatment. If these topographic features are leveled, resulting slopes shall not exceed 20% and the leveling, compaction, and other engineering as well as environmental considerations must be to the satisfaction of relevant authorities. Related to the foregoing, satisfactory proposed contour and other plans may be required.</p> <p>(d) These sloped area definitions are meant as thresholds to identify <b>sites</b> that require more specific analysis to identify geotechnical issues and provide geotechnical recommendations for the proposed <b>development</b>. Any <b>sites</b> flatter than this are classified as suitable for <b>development</b> without further slope review.</p>
(2) — Earth Grading	<p>(a) Protrusions of escarpments within a minimum width of 91.5 metres at its widest point shall not be removed.</p> <p>(b) All protrusions of escarpments that are removed or leveled must result in <b>grades</b> where the protrusion formerly existed of not greater than 15% not including the adjoining escarpment wall.</p> <p>(c) A maximum slope of 33% shall result for escarpment lands when protrusions are removed or leveled (i.e. for the escarpment wall formed by the cut of the former protrusions).</p>
(3) — Slope Stability	<p>Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure.</p> <p>In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will fail over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the subgrade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a “long term” stable slope is considered to have</p>

	<p>a FS of over 1.3.</p> <p>Similar FS analysis is calculated for the predicted run-out distance at the base of a slope in the event of a land slide.</p>
<p>(4) <del>Geotechnical Analysis and Recommendations</del></p>	<p>(a) <del>A geotechnical slope assessment report is required for all proposed <b>development adjacent</b> to river valley, <b>bench</b> and coulee slopes; unless otherwise determined by the <b>Development Authority</b>.</del></p> <p>(b) <del>For any proposed <b>development adjacent</b> to river valley, <b>bench</b> and coulee slopes proposing a relaxation of the <b>Town's</b> default <b>setbacks</b> from the toe or crest of a slope, a geotechnical slope assessment report is required; with no exceptions.</del></p> <p>(c) <del>For any <b>development</b> proposing a relaxation of the <b>Town's</b> default <b>setbacks</b> from the toe or crest of a slope, the geotechnical slope assessment must be based on a drilled borehole data, survey contours or profiles of the slope and analysis using industry recognized numerical slope modelling software. The report must be prepared by a qualified member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</del></p> <p>(d) <del>Geotechnical slope assessment reports must provide an assessment of the pre- and post-<b>development</b> slope stability in terms of FS; which supports the proposed <b>development</b> plans. The report must provide geotechnical recommendations for <b>development</b> of the property to ensure these FS conditions are maintained.</del></p>
<p>(5) <del><b>Setbacks</b></del></p>	<p>(a) <del>For proposed developments, two (2) levels of top of slope and/or toe of slope <b>setbacks</b> must be determined in the geotechnical slope assessment report:</del></p> <ul style="list-style-type: none"> <li><del>i. <b>Urban <i>Development Setbacks</i> (UDS).</b> For top of slope <b>development</b> a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed infrastructure or property lines of private <b>development</b>; and</del></li> <li><del>ii. <b>Structural <i>Building Setbacks</i> (SBS).</b></del></li> </ul>

	<p><b>Structures</b> generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed <b>structure</b> is “set back” a distance from the crest to provide this factor of safety.</p> <p>(b) <del>Default UDS <b>setbacks</b> have been developed. The intent of these <b>setbacks</b> is to provide a conservative starting point for <b>development</b> planning. The <b>Development Authority</b> may relax the default UDS <b>setbacks</b> established in subsections 3.1.2(e) and 3.1.2(f) if it is satisfied the findings of the developer’s geotechnical report(s) confirm that the reduced <b>setbacks</b> will not impact slope stability.</del></p>
<p>(6) <del>Default UDS <b>Setbacks</b> from Toes of Slopes</del></p>	<p>(a) <del>Unless otherwise determined by the <b>Development Authority</b>, <b>setbacks</b> from toes of slopes shall be as follows:</del></p> <p>i. <del><b>Intensive Land Use</b></del>  A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 3.2 metres. When a slope is steeper than 33% and higher than 27.4 metres, the minimum <b>setback</b> from the point where begins to rise steeper than 33% shall be one third (1/3) of the height of the slope; and</p> <p>ii. <del><b>Extensive Land Use</b></del>  A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 15.2 metres. <b>Lanes</b> and utilities may be constructed within the <b>setback area</b>.</p> <p>(b) <del>The <b>Development Authority</b> may relax the required <b>setbacks</b> established in subsections 3.1.2(e)(1) and 3.1.2(e)(2) by a maximum of 30% if it is satisfied that the reduced <b>setbacks</b> will not impact slope stability. <b>Applicants</b> will be required to provide drill testing data and a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</del></p>



<p>(7) <del>Default UDS <b>Setbacks</b> from Valley or Coulee Breaks (top of the escarpment)</del></p>	<p>(a) <del>The following default <b>setbacks</b> for property lines from front edge top of the escarpment (i.e. crest) apply unless otherwise determined by the <b>Development Authority</b>:</del></p> <ul style="list-style-type: none"> <li><del>ii. Where the average height of slope is between 0 and 15.4 metres, the minimum <b>setback</b> from the top of the escarpment is 22.8 metres;</del></li> <li><del>ii. Where the average depth of valley is between 15.5 metres and 30.5 metres, the minimum <b>setback</b> is 45.7 metres; and; and;</del></li> <li><del>iii. Where the average depth of valley is more than 30.5 metres, the minimum <b>setback</b> is 61 metres or the height of the slope, whichever is greater.</del></li> </ul> <p>(b) <del>The <b>Development Authority</b> may increase the <b>setbacks</b> established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), and 3.1.2(d)(i)(3), at their discretion, with consideration for the direction that the valley faces and other relevant factors such as soil type.</del></p> <p>(c) <del><b>Lanes</b> and utilities may not be developed within the <b>setback area</b> established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), 3.1.2(d)(i)(3), and 3.1.2(d)(i)(4) unless where agreed upon by relevant authorities to serve public reserve <b>parcels</b>.</del></p>
<p>(8) <del><b>Setbacks</b> for escarpment benches</del></p>	<p>(a) <del>The <b>setbacks</b> from the upslope toe and downslope crest of <b>bench</b> areas shall be determined by detailed geotechnical assessment conducted by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</del></p>

3.5.3 **Development** on Land Subject to Undermining or Subsidence Conditions:

- (1) Prior to issuing a **development permit**, approving an application to amend this **Bylaw**, approving an application for **subdivision**, or approving an application to amend a Statutory Plan for land which has potential undermining or subsidence conditions, the **Development Authority** may require a geo-technical study prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.

3.5.4 **Development** on Land Containing or Potentially Containing Historic and/or Palaeontological Resources:

- (1) Prior to issuing a **development permit**, approving an application to amend this **Bylaw**, approving an application for **subdivision**, or approving an application to amend a Statutory Plan for land that contains or may contain **historic resources**, including palaeontological resources, the **Development Authority** shall ensure that appropriate provincial approval has been obtained as per the **Historical Resources Act**.
- (2) If a **historic resource**, such a palaeontological resource, is found during the course of **development** activities, all **development** activities must cease and the resource must be reported immediately to the Province as per the **Historical Resources Act**, even if the **Historical Resource Act** approval was already issued for the **development**.

3.5.5 Design, Character, and Appearance of **Buildings** and **Landscaping**:

- (1) The design, siting, external finish, architectural appearance, and **landscaping** of any **building** or **structure** requiring a **development permit** shall be to the satisfaction of the **Development Authority** having due regard to:
  - (a) The policies and objectives contained within the **Town's** Statutory Plans;
  - (b) The character of existing **development** in this **Land Use District**;
  - (c) The effect on **adjacent Land Use District(s)** and **parcels**;
  - (d) The effect on natural site features, views, streetscapes, mobility, and **historic resources**; and,
  - (e) Other factors such as sunlight and privacy.
- (2) The quality and extent of **landscaping** established on a **site**, as per an approved **development permit**, shall be the minimum standard to be maintained on the **site** for the life of the **development**. **Soft landscaping** shall be maintained in a healthy living condition, and any tree or shrub, required to meet the minimum standards of this **Bylaw**, that does not survive, or becomes diseased, shall be replaced in the next growing season.

3.5.6 Objects Prohibited or Restricted in Yards [Bylaw #16.22]:

- (1) No persons shall allow ~~ameter~~ vehicle for stock car races, ~~ameter~~ vehicle which has all or part of its superstructure removed, or ~~ameter~~ vehicle which is in a dilapidated or unsightly condition to remain or be parked on a **parcel** unless it is suitably housed or **screened** to the satisfaction of the **Development Authority**.

- (2) Not more than two (2) **recreational vehicles** shall be stored or parked on a **parcel** unless associated with an approved **retail and service – heavy development**. Where possible all **recreational vehicle** shall be stored to the rear of a **parcel**.
- (3) ~~[Removed by Bylaw #12.24] A holiday trailer parked on a **parcel** may be used for living and sleeping.~~
- (4) ~~[Removed by Bylaw #12.24] Accommodation by a bona fide tourist for a period not to exceed three (3) weeks.~~
- (5) ~~[Removed by Bylaw #12.24] No livestock shall be kept in any district unless otherwise permitted in the **Responsible Pet Ownership Bylaw**.~~
- (6) Industrial and commercial equipment including vehicles shall not be stored on within 50 metres of a ~~residential~~ **parcel with a residential use** unless **screened** to the satisfaction of the **Development Authority**.
- (7) No person shall keep or permit in any part of a **yard** in any **Residential Land Use District**:
  - (a) Any dilapidated vehicle for more than fourteen (14) days;
  - (b) No more than one (1) unregistered/uninsured vehicle shall be kept on a ~~residential~~ **parcel that contains a residential use** and it shall not be located within the **front yard**;
  - (c) Any object or chattel which, in the opinion of the **Development Authority**, is unsightly or tends to adversely affect the amenities of the **Land Use District**; and,
  - (d) Any excavation, storage or piling up of material required during the construction stage unless all safety measures are undertaken; 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.

3.5.7 Special Requirements [Bylaw #16.22]:

- (1) All private sewage systems shall comply with **setback** provisions of the **Alberta Private Sewage Systems Standard Practice**. ~~Alberta Private Sewage Disposal System Standard of Practice, 1999 or a successor thereto.~~
- (2) The **Development Authority** may prescribe **screening** and **landscaping** requirements for any **development**.
- (3) Garbage and waste material must be stored in weather and animal proof containers and **screened** from **adjacent sites** and public thoroughfares.
- (4) ~~[Removed by Bylaw #12.24] Livestock shall not present a public health problem 3.1.8 Minimum **site** area requirements~~

3.5.8 Architectural Controls and Guidelines [Bylaw #16.22]:

- (1) In addition to the ~~land use~~ rules for **permitted** and **discretionary uses** in the ~~respective appropriate~~ **Land Use District**, the **Town** may impose conditions on a

**development permit**, as provided for in Architectural Guidelines, attached to the [Certificate of Title](#) by caveat.

### 3.6 BADLANDS DISTRICT

#### 3.6.1 General Intent:

- (1) To protect, conserve, and enhance natural areas and their scenic or aesthetic values, and retain a healthy ecological function throughout the Valley. The Badlands District consists of lands that remain in or are reverting to a wilderness condition, including lands unsuitable for **development** due topography, hydrology, or vegetation.

#### 3.6.2 **Uses:**

Use Category	Permitted Uses	Discretionary Uses
(1) Agricultural		<b>Agriculture – <u>Pasturage General</u></b>
(2) Institutional	<b>Recreation – Non-intensive</b>	
<del>(3) Other Uses</del>		

#### 3.6.3 ~~[Removed by Bylaw #12.24] Specific Use Standards:~~

<del>(1) Agriculture – General</del>	<del>Agriculture – General shall be limited to the grazing and keeping of livestock.</del>
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### 3.7 RURAL DEVELOPMENT DISTRICT

#### 3.7.1 General Intent:

- (1) To support agricultural activities throughout the Valley while also enabling low **density** residential and supportive commercial and institutional **uses**.

#### 3.7.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<b><i>Dwelling Unit – Single Detached</i></b>  <u><i>Dwelling Unit – Secondary Suite</i></u>  <u><i>Dwelling Unit – Manufactured</i></u>	<u><i>Dwelling Unit – Manufactured</i></u>  <u><i>Dwelling Unit – Move On</i></u>  <u><i>Dwelling Unit – Secondary Suite</i></u>  <b><i>Dwelling Unit – Garden</i></b>  <u><i>Manufactured Home Park</i></u>
(2) Lodging	<b><i>Bed &amp; Breakfast</i></b>  <u><i>Tourist Dwelling</i></u>	<b><i>Campground</i></b>  <b><i>Recreation Vehicle Resort</i></b>
(3) Commercial	<b><i>Artist Studio</i></b> <b><i>Home Occupation – Rural</i></b> <b><i>Home Occupation – Basic</i></b>	<b><i>Restaurant/Café</i></b>  <b><i>Kennel</i></b>
(4) Institutional	<b><i>Recreation – Non-Intensive</i></b>	<b><i>After Life Care Cemetery</i></b> <b><i>Culture</i></b> <b><i>Government</i></b> <b><i>Human Services</i></b> <b><i>Recreation – Intensive</i></b>
(5) Agricultural	<b><i>Agriculture – General</i></b>	<b><i>Agriculture – Intensive</i></b>
(6) Other <b><i>Uses</i></b>	<b><i>Accessory Building or Structure</i></b>  <u><i>Accessory Building – Portable</i></u>  <u><i>Solar Energy System – Freestanding</i></u>  <u><i>Solar Energy System –</i></u>	<u><i>Accessory Building – Portable</i></u>  <b><i>Billboard Sign</i></b>  <b><i>Freestanding Sign</i></b>  <b><i>Projecting Sign</i></b>  <u><i>Storage Structure</i></u>

	<u><a href="#">Rooftop Storage Structure</a></u> <u><a href="#">Fascia Signs are considered a permitted use when</a></u> associated with an approved Lodging, Commercial, or Institutional <b>development</b> on the same <b>parcel</b> [Bylaw #16.22]	<u><a href="#">Solar Energy System</a></u> <u><a href="#">Wind Energy System</a></u> <u><a href="#">Communication Structure</a></u>
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3.7.3 Specific **Use** Standards:

(1) <b>Accessory Buildings</b>	An <b>accessory building</b> shall be located a minimum of 4.5 metres from any <b>principal building</b> .
(2) <u><a href="#">[Removed by Bylaw #12.24] Dwelling Unit</a></u>	<del><i>Dwelling units shall be limited to dwelling unit – single-detached with or without a dwelling unit – secondary suite.</i></del>
(3) <b>Dwelling Unit – Manufactured</b> [Bylaw #16.22]	(a) The minimum width of a <b>dwelling unit – manufactured</b> shall be 7.3 metres. (b) <b>Dwelling unit – manufactured</b> constructed greater than ten (10) years from the time of <b>development permit</b> application may only be approved at the discretion of the <b>Development Authority</b> . (c) The massing, design and appearance of a <b>dwelling unit – manufactured</b> shall be consistent with <b>adjacent development</b> to the satisfaction of the <b>Development Authority</b> , and may be required to include enhanced design elements that add visual interest such as: <ol style="list-style-type: none"> <li>i. a <b>porch</b> or veranda on the front façade;</li> <li>ii. horizontal wall articulation on the front façade;</li> <li>iii. the use of thick columns or brackets on roof overhangs;</li> <li>iv. dormers, gables, cross gables or varied pitches for articulated roof lines;</li> <li>v. large or bay windows on the front façade, with strong window trim;</li> </ol>

	<ul style="list-style-type: none"> <li>vi. architectural features or other detailing over entrances;</li> <li>vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and,</li> <li>viii. the use of trim and moldings that contrast the exterior siding.</li> </ul>
(3.1) <a href="#">Solar Energy System – Rooftop [Bylaw #12.24]</a>	<a href="#">Shall not project more than 1.8 metres above the roof line of any <b>principal</b> or <b>accessory building</b>.</a>
(4) Additional Standards	No <b>use</b> shall cause or create any nuisance, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b> .

3.7.4 **Parcel** Width Standards:

(1) <b>Parcel</b> <del>Area</del> <del>Width</del>	Minimum <del>2.0 acres</del> <del>100 metres</del> .
(2) Additional <b>Parcel</b> Width Standards	There is no minimum <b>parcel</b> width for a <b>recreation vehicle resort</b> .

3.7.5 Residential **Density**:

(1) Residential <b>Density</b>	Maximum two (2) <b>dwelling units</b> per <b>parcel</b> .
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3.7.6 **Setbacks** for **Principal Buildings**:

(1) <b>Front Setback</b>	<ul style="list-style-type: none"> <li>(a) Minimum 7.5 metres from a Municipal <b>road</b>.</li> <li>(b) Minimum 40 metres from a Provincial <b>road</b>.</li> </ul>
(2) <b>Secondary Front Setback</b>	<ul style="list-style-type: none"> <li>(a) Minimum 7.5 metres from a Municipal <b>road</b>.</li> <li>(b) Minimum 40 metres from a Provincial <b>road</b>.</li> </ul>
(3) <b>Side Setback</b>	Minimum 5.0 metres.
(4) <b>Rear Setback</b>	Minimum 15 metres.



<p>(5) <b>Projections into Setbacks</b></p>	<p>(a) The following features may project into a <b>setback</b>:</p> <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps;</li> <li>ii. <b>signs</b>;</li> <li>iii. fences;</li> <li>iv. eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a front <b>setback</b> or <b>side setback</b> and up to 1.5 metres into a <b>rear setback</b>; and,</li> <li>v. <b>balconies</b> may project up to 1.5 metres into a <b>front setback</b> or <b>rear setback</b> and may <del>project into a <b>side setback</b></del>. <del>Balconies may project into a <b>side setback</b></del>, but must maintain a minimum of 1.2 metres from the <b>side parcel boundary</b>.</li> <li>vi. <u>an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 100% into a front setback or rear setback [Bylaw #12.24].</u></li> <li>vii. <u>an unenclosed deck, porch or other similar structure, above 0.6 metres in height may project up to 50% into a front setback or rear setback [Bylaw #12.24].</u></li> </ul>
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3.7.7 **Setbacks for Accessory Buildings:**

<p>(1) <b>Front Setback</b></p>	<p>(a) Minimum 7.5 metres from a Municipal <b>road</b>. (b) Minimum 40 metres from a Provincial <b>road</b>.</p>
<p>(2) <b>Secondary Front Setback</b></p>	<p>(a) Minimum 7.5 metres from a Municipal <b>road</b>. (b) Minimum 40 metres from a Provincial <b>road</b>.</p>
<p>(3) <b>Side Setback</b></p>	<p>Minimum 4.5 metres.</p>
<p>(4) <b>Rear Setback</b></p>	<p>Minimum 7.5 metres.</p>

3.7.8 **Building Height Standards:**

(1)	<b>Principal Building</b>	Maximum 14 metres.
(2)	<b>Accessory Building</b>	Maximum 11 metres.
(3)	Additional <b>Building Height</b> Standards	There is no maximum <b>building height</b> for <b>uses</b> listed in <a href="#">the Institutional Use Category in Subsection subsection 3.7.2(4)</a> .

3.7.9 Additional Standards

<p>(1) <b>Subdivision</b></p>	<p>(a) A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b>.</p> <p>(b) A <b>subdivision</b> may require an approved <b>Area Structure Plan</b> and/or <b>concept plan</b> at the discretion of the <b>Subdivision/Development Authority</b> [Bylaw #18.21].</p>
<p>(2) <b>Stormwater Management</b></p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade</b> a <b>parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <b>rearback lane</b>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">uses listed in subsection 3.7.2(3) and 3.7.2(4)</a>. <del>industrial and commercial properties.</del></p>

### 3.8 COUNTRYSIDE DISTRICT

#### 3.8.1 General Intent:

- (1) To provide opportunities for low **density** residential **development** and support commercial **uses** in locations that enable a transition from rural to urban. **Development** shall be rural in nature, with low **density development** on large **parcels**. **Dwelling unit – single detached uses** and **accessory buildings** are the predominant **building** form.

#### 3.8.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<b>Dwelling Unit – Single Detached</b>  <u>Dwelling Unit – Manufactured</u>  <u>Dwelling Unit – Secondary Suite</u>	<del>Dwelling Unit – Manufactured</del>  <del>Dwelling Unit – Secondary Suite</del>  <del>Dwelling Unit – Move On</del> <b>Dwelling Unit – Garden</b> <u>Manufactured Home Park</u>
(2) Lodging	<b>Bed &amp; Breakfast</b>  <del>Tourist Dwelling</del>	<b>Campground</b>  <b>Recreation Vehicle Resort</b>
(3) Commercial	<b>Artist Studio</b> <b>Home Occupation – Rural</b> <b>Home Occupation – Basic</b>	<b>Kennel</b> <b>Restricted Substance Retail</b> <b>Restaurant/Café</b> <b>Retail &amp; Service – General</b>
(4) Institutional	<b>Culture</b> <b>Education</b> <b>Government</b> <b>Health Services</b> <b>Human Services</b> <b>Recreation – Intensive</b> <b>Recreation – Non-Intensive</b>	<b>Cemetery</b>
(5) Agricultural	<b>Agriculture - General</b>	
(6) Other <b>Uses</b>	<b>Accessory Building</b> <del>or Structure</del>	<del>Accessory Building – Portable</del>

	<p><u><a href="#">Accessory Building – Portable</a></u></p> <p><u><a href="#">Solar Energy System – Freestanding</a></u></p> <p><u><a href="#">Solar Energy System – Rooftop</a></u></p> <p><u><a href="#">Storage Structure</a></u></p> <p><b>Fascia Signs</b> <u>are</u> considered a <u>permitted use</u> associated with an approved Lodging, Commercial, or Institutional <b>development</b> on the same <b>parcel</b>. [Bylaw #16.22]</p>	<p><del><u><a href="#">Storage Structure</a></u></del></p> <p><b>Freestanding Sign</b></p> <p><b>Projecting Sign</b></p> <p><del><u><a href="#">Solar Energy System</a></u></del></p> <p><del><u><a href="#">Communication Structure</a></u></del></p>
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3.8.3 Specific **Use** Standards:

(1) <u><a href="#">[Removed by Bylaw #12.24]</a></u> <del><u><a href="#">Dwelling Unit</a></u></del>	<del><u><a href="#">Dwelling units</a></u> shall be limited to <del><u><a href="#">dwelling unit – single detached uses</a></u></del> with opportunities for <del><u><a href="#">garden</a></u></del>; <del><u><a href="#">secondary dwelling units</a></u></del> located in an <del><u><a href="#">accessory building</a></u></del>.</del>
(2) <b>Restaurant/Café</b>	<p>(a) The maximum use area for a <b>restaurant/café</b> is 300 square metres.</p> <p>(b) One (1) <b>sign</b> is permitted, in accordance with Part 4 <u><a href="#">of this Bylaw</a></u>.</p>
(3) Retail & Service	<p>(a) The maximum <b>use area</b> for retail &amp; service is 300 square metres.</p> <p>(b) Permanent outdoor display, service, and/or storage is not permitted.</p> <p>(c) One (1) <b>sign</b> is permitted, in accordance with Part 4 <u><a href="#">of this Bylaw</a></u>.</p>
(4) <b>Dwelling Unit – Manufactured</b> [Bylaw #16.22]	<p>(a) The minimum width of a <b>dwelling unit – manufactured</b> shall be 7.3 metres.</p> <p>(b) <b>A dwelling unit – manufactured</b> constructed greater than ten (10) years from the time of <b>development permit</b> application may only be approved at the discretion of the <b>Development Authority</b>.</p> <p>(c) The massing, design and appearance of a <b>dwelling unit – manufactured</b> shall be consistent with <b>adjacent development</b> to the satisfaction of the <b>Development</b></p>

	<p><b>Authority</b>, and may be required to include enhanced design elements that add visual interest such as:</p> <ol style="list-style-type: none"> <li>i. a <b>porch</b> or veranda on the front façade;</li> <li>ii. horizontal wall articulation on the front façade;</li> <li>iii. the <b>use</b> of thick columns or brackets on roof overhangs;</li> <li>iv. dormers, gables, cross gables or varied pitches for articulated roof lines;</li> <li>v. large or bay windows on the front façade, with strong window trim;</li> <li>vi. architectural features or other detailing over entrances;</li> <li>vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and,</li> <li>viii. the <b>use</b> of trim and moldings that contrast the exterior siding.</li> </ol>
(4.1) <b>Solar Energy System – Rooftop</b> [Bylaw #12.24]	Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b> .
(5) Additional Standards	No <b>use</b> shall cause or create any <b>nuisance</b> , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b> .

3.8.4 **Parcel** Width Standards:

(1) <b>Parcel Area Width</b>	Minimum <del>0.5 acres. 30 metres.</del>
(2) Additional <b>Parcel</b> Width Standards	There is no minimum <b>parcel</b> width for a <b>recreation vehicle resort</b> .

3.8.5 Residential **Density**:

(1) Residential <b>Density</b>	Maximum two (2) <b>dwelling units</b> per <b>parcel</b> .
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3.8.6 **Setbacks** for **Principal Buildings**:

(1)	<b>Front Setback</b>	Minimum 10 metres.
(2)	<b>Secondary Front Setback</b>	Minimum 7.5 metres.
(3)	<b>Side Setback</b>	Minimum 3.0 metres.
(4)	<b>Rear Setback</b>	Minimum 10 metres.
(5)	<b>Projections into Setbacks</b>	<p>(a) The following features may project into a <b>setback</b>:</p> <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps;</li> <li>ii. <b>signs</b>;</li> <li>iii. fences;</li> <li>iv. <u>an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 100% into a front setback or rear setback;</u><del>an unenclosed deck, porch or other similar structure, below 0.6 metres in height;</del></li> <li>v. <u>an unenclosed deck, porch or other similar structure, above 0.6 metres in height may project up to 50% into a front setback or rear setback;</u><del>an unenclosed deck, porch or other similar structure, above 0.6 metres in height, may project up to 50% into a minimum front setback or minimum rear setback;</del></li> <li>vi. eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a minimum <b>front setback</b> or <b>side setback</b> and up to 1.5 metres into a minimum <b>rear setback</b>; and,</li> <li>vii. <b>balconies</b> may project up to 1.5 metres in a <b>front setback</b> or <b>rear setback</b> <u>and may</u><del>;</del> <u>Balconies may</u> project into a <b>side setback</b>, but must maintain a minimum of 1.2 metres from the <b>side parcel boundary</b>.</li> </ul>

3.8.7 **Setbacks for Accessory Buildings:**

(1)	<b>Front Setback</b>	Minimum 10 metres.
(2)	<b>Secondary Front Setback</b>	Minimum 7.5 metres.
(3)	<b>Side Setback</b>	Minimum 3.0 metres.
(4)	<b>Rear Setback</b>	Minimum 10 metres.

3.8.8 **Parcel Coverage** Standards:

(1)	Maximum <b>Parcel Coverage</b>	25%
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3.8.9 **Building Height** Standards:

(1)	<b>Principal Building</b>	Maximum 14 metres.
(2)	<b>Accessory Building</b>	Maximum 7.5 metres.
(3)	Additional <b>Building Height</b> Standards	There is no maximum <b>building height</b> for <b>uses</b> listed in <a href="#">the Institutional Use Category in Subsection subsection 3.8.2(4)</a> .

3.8.10 Parking, Loading and Access Standards:

(1)	Bicycle Parking	Where bicycle parking is provided for <b>uses</b> listed in <a href="#">the Commercial Use Category in Section subsection 3.8.2(3)</a> , bicycle parking shall be located close to the entrance of the <b>principal building</b> , but shall not impede pedestrian circulation or <b>access</b> to the <b>building</b> .
(2)	Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any <b>development</b> in the Countryside District.</p> <p>(b) Surface parking areas shall not be allowed unless associated with a <b>development</b>.</p> <p>(c) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <a href="#">landscaping along the perimeter of the parking area</a>, <del>perimeter planting</del>.</p>

3.8.11 **Landscaping** Standards:



<p>(1) General <b>Landscaping</b> Standards</p>	<p>The <b>front yard</b> shall be <b>landscaped</b> with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other <b>hard landscaping</b> may be acceptable but shall not exceed 25% of the <b>landscaped area</b>.</p>
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3.8.12 **Screening** and Fences:

<p>(1) <b>Screening</b></p>	<p>(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b>, excluding <b>lanes</b>.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b>.</p>
<p>(2) Fences [Bylaw #16.22]</p>	<p>(a) A fence located in a <b>front yard</b> shall be a maximum height of 1.2 metres.</p> <p>(b) All other fences shall be a maximum height of 1.8 metres.</p> <p>(c) No fence, wall, tree, hedge or other <b>structure</b>, object, or plant exceeding 1.2 metres in height shall be permitted within the <b>corner visibility triangle</b>.</p>

3.8.13 Additional Standards:

<p>(1) <b>Subdivision</b></p>	<p>A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b>.</p>
<p>(2) <b>Stormwater Management</b></p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade a parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <b>rearback lane</b>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">uses listed in 3.8.2(3) and 3.8.2(4)</a> <b>industrial and commercial properties</b></p>

### 3.9 NEIGHBOURHOOD DISTRICT

#### 3.9.1 General Intent:

- (1) To enable primarily ground-oriented residential **development** with an emphasis on diverse, walkable neighbourhoods with varying built forms and housing typologies. To achieve complete communities, as envisioned in the **Municipal Development Plan**, select non-residential **uses** such as small-scale **restaurants/café**s, **offices**, **home occupations**, **education**, and personal services are allowed.
- (2) **Development** shall be predominantly residential and may have a wide range of **building** types including: single detached, duplex, rowhouses, and **dwelling unit – secondary suites**. All **development**, regardless of **use**, shall have a built form that is consistent with surrounding residential properties, with the exception of **uses** listed in the Institutional Use Category in Subsection 3.5.2-subsection 3.9.2(4).

#### 3.9.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<p><b>Dwelling Unit – Duplex</b></p> <p><b>Dwelling Unit – Multi Unit (Apartment)</b></p> <p><b>Dwelling Unit – Multi Unit (Attached)</b></p> <p><b>Dwelling Unit – Single Detached</b></p> <p><u>Dwelling Unit – Secondary Suite</u></p> <p><u>Dwelling Unit – Manufactured located within an established and approved Manufactured Home Park</u></p>	<p><b>Dwelling Unit – Manufactured</b></p> <p><u>Dwelling Unit – Move On</u></p> <p><u>Dwelling Unit – Secondary Suite</u></p> <p><b>Dwelling Unit – Garden</b></p> <p><b>Manufactured Home Park</b></p>
(2) Lodging	<p><b>Bed &amp; Breakfast</b></p> <p><u>Tourist Dwelling</u></p>	<b>Campground</b>
(3) Commercial	<p><b>Artist Studio</b></p> <p><b>Home Occupation – Urban</b></p> <p><b>Home Occupation – Basic</b></p>	<p><b>Restricted Substance Retail</b></p> <p><b>Restaurant/Café</b></p> <p><b>Retail &amp; Service – General Office</b></p>

(4) Institutional	<b>Culture</b> <b>Education</b> <b>Government</b> <b>Health Services</b> <b>Human Services</b> <b>Recreation – Non-Intensive</b>	<b>Recreation – Intensive</b> [Bylaw #16.22]
(5) Other <i>Uses</i>	<b>Accessory Building <del>or</del> Structure</b> <u><a href="#">Solar Energy System – Freestanding</a></u> <u><a href="#">Solar Energy System - Rooftop</a></u>	<b>Accessory Building – Portable</b> <b>Bench Sign</b> [Bylaw #16.22] <b>Fascia Sign</b> <b>Freestanding Sign</b> <b>Projecting Sign</b>

3.9.3 Specific *Use* Standards:

(1) <b>Restaurant/Café</b>	(a) The maximum use area for a <b>Restaurant/Cafés</b> 300 square metres. (b) One (1) <b>sign</b> is permitted, in accordance with Part 4 <u><a href="#">of this Bylaw.</a></u>
(2) Retail & Service	(a) The maximum <b>use area</b> for retail & service is 300 square metres. (b) Permanent outdoor display, service, and/or <b>outdoor storage</b> is not permitted. (c) One (1) <b>sign</b> is permitted, in accordance with Part 4 <u><a href="#">of this Bylaw.</a></u>
(3) <b>Dwelling Unit – Manufactured</b> [Bylaw #16.22]	(a) The minimum width of a <b>dwelling unit – manufactured</b> shall be 7.3 metres. (b) <b>Dwelling unit – manufactured constructed</b> greater than ten (10) years from the time of <b>development permit</b> application may only be approved at the discretion of the <b>Development Authority</b> . (c) The massing, design and appearance of a <b>dwelling unit – manufactured</b> shall be consistent with <b>adjacent development</b> to the satisfaction of the <b>Development Authority</b> , and may be required to include enhanced design elements that add visual interest such as: viii. a <b>porch</b> or veranda on the front

	<p>façade;</p> <p>ix. horizontal wall articulation on the front façade;</p> <p>x. the use of thick columns or brackets on roof overhangs;</p> <p>xi. dormers, gables, cross gables or varied pitches for articulated roof lines;</p> <p>xii. large or bay windows on the front façade, with strong window trim;</p> <p>xiii. architectural features or other detailing over entrances;</p> <p>xiv. changes in exterior siding materials, textures and colors to break up long wall expanses; and,</p> <p>xv. the use of trim and moldings that contrast the exterior siding.</p>
(3.1)	<p><a href="#">Solar Energy System – Rooftop</a> [Bylaw #12.24]</p>
	<p><a href="#">Shall not project more than 1.0 metres above the roof line of any principal or accessory building.</a></p>
(4)	<p>Additional Standards</p>
	<p>No <b>use</b> shall cause or create any <b>nuisance</b>, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b>.</p>

3.9.4 **Setbacks for Principal Building:**

(1)	<b>Front Setback</b>	(a) Minimum 3.0 metres. (b) Maximum 6.0 metres.
(2)	<b>Secondary Front Setback</b>	(a) Minimum 3.0 metres (b) Maximum 6.0 metres.
(3)	<b>Side Setback</b>	Minimum 1.2 metres.
(4)	<b>Rear Setback</b>	Minimum 6.0 metres.

<p>(5) <b>Projections into Setbacks</b></p>	<p>(a) The following features may project into a <b>setback</b>:</p> <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps;</li> <li>ii. <b>signs</b>;</li> <li>iii. fences;</li> <li>iv. <u>an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 100% into a front setback or rear setback, an unenclosed deck, porch or other similar structure below 0.6 metres in height may project 50% into a front setback or rear setback [Bylaw #16.22];</u></li> <li>v. <u>an unenclosed deck, porch or other similar structure, above 0.6 metres in height may project up to 50% into a front setback or rear setback, an unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50% into a front setback or rear setback [Bylaw #16.22];</u></li> <li>vi. Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a <b>front setback</b> or <b>side setback</b> and up to 1.5 metres into a <b>rear setback</b>; and,</li> <li>vii. <b>Balconies</b> may project up to 1.5 metres in a <b>front setback</b> or <b>rear setback</b> <u>and Balconies</u> may project into a <b>side setback</b>, but must maintain a minimum of 1.2 metres from the <b>side parcel boundary</b>.</li> </ul>
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3.9.5 **Setbacks for Accessory Buildings:**

(1) <b>Front Setback</b>	<b>Principal building front setback</b> plus 1.0 metre.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres.
(3) <b>Side Setback</b>	Minimum 1.2 metres.

(4) <b>Rear Setback</b>	Minimum 1.2 metres.
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3.9.6 **Parcel Coverage** Standards:

(1) Maximum <b>Parcel Coverage</b>	70%
(2) <b>Accessory Building</b>	<del>Site coverage must not exceed coverage of principal building.</del> Floor area Footprint of an <b>accessory building</b> must not exceed 80% <del>floor area footprint</del> coverage of <del>the principal building</del> [Bylaw #16.22].

3.9.7 **Building Height** Standards:

(1) <b>Principal Building</b>	Maximum 11 metres.
(2) <b>Accessory Building</b> [Bylaw #16.22]	(a) Must not exceed height of <b>principal building</b> . (b) Maximum of 7.5 metres, if associated with a <b>dwelling unit - garden</b> . (c) Maximum 5.0 metres if <del>not associated with a dwelling unit – garden. is associated.</del> (d) Must not have overhead doors greater than 3.0 metres in height.
(3) Additional <b>Building Height</b> Standards	There is no maximum <b>building height</b> for <b>uses</b> listed <del>in the Institutional Use Category</del> in subsection <u>3.9.2(4)</u> .

3.9.8 **Parking, Loading, and Access** Standards:

(1) <b>Bicycle Parking</b>	(a) Where bicycle parking is provided for <b>uses</b> listed in <del>subsection the Commercial Use Category in Section 3.9.2(3)</del> , bicycle parking shall be located close to the entrance of the <b>principal building</b> , but shall not impede pedestrian circulation or <b>access</b> to the <b>building</b> . (b) Where bicycle parking is provided for <b>uses</b> listed in <del>subsection the Residential Use Category in Section 3.5.2-3.9.2(1)</del> , bicycle parking shall be located and secured within a <b>principal building</b> or <b>accessory building</b> .
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<p>(2) Vehicle Parking</p>	<p>(a) There is no minimum required number of parking stalls for any <b>development</b> in the Neighbourhood District.</p> <p>(b) Parking areas and/or <b>structures</b> shall be located to the side or rear of a <b>building</b>, or underground, wherever possible.</p> <p>(c) Surface parking areas and/or parking <b>structures</b> shall not be allowed unless located on the same <b>parcel</b> as a <b>development</b>.</p> <p>(d) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <u>landscaping along the perimeter of the parking area</u>. <del>perimeter planting.</del></p> <p>(e) Any parking area containing ten (10) or more parking stalls <u>shall provide and maintain landscaping in the internal parking area and along the perimeter of the parking area.</u> <del>should incorporate internal islands/planting areas.</del></p>
<p>(3) Vehicle <b>Access</b></p>	<p>(a) Where a <b>parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, all <b>access</b> to the <b>parcel</b> must be from the <b>lane</b>.</p> <p>(b) Where a <b>corner parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, <b>access</b> may be either from the <b>lane</b> or the <b>street</b>.</p> <p>(c) In the absence of a <b>lane</b>, <b>access</b> should be from the <b>secondary front yard</b>. Where <b>access</b> from a <b>secondary front yard</b> is not possible, <b>access</b> may be located on the <u>primary front yard</u>.</p> <p>(d) <b>Parcels</b> shall have two (2) or more <b>access</b> points <u>in order to provide adequate egress in the event of an emergency.</u> <del>if required for emergency access.</del></p>

3.9.9 **Landscaping** Standards:

<p>(1) General <b>Landscaping</b> Standards</p>	<p>The <b>front yard</b> shall be <b>landscaped</b> with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other <b>hard landscaping</b> may be acceptable but shall not exceed 25% of the <b>landscaped area</b>.</p>
<p>(2) <b>Landscaped Area</b></p>	<p>All portions of a <b>parcel</b> not covered by <b>structures</b>, parking, or vehicular circulation areas shall be</p>



	<b>landscaped.</b>
(3) Number of Trees	<p>(a) The minimum number of trees required for a residential <b>development</b> shall be one (1) tree per 45 square metres of <b>landscaped area</b>, or a minimum of two (2) trees per <b>parcel</b>, whichever is greater.</p> <p>(b) The minimum number of trees required for a mixed-use or commercial <b>development</b> shall be one (1) tree per 35 square metres of <b>landscaped area</b>.</p>
(4) Tree Size	Minimum height of 2.0 metres <del>and</del> or 40 millimetres in caliper.
(5) Number of Shrubs	The minimum number of shrubs required for a <del>residential, mixed-use, or commercial</del> <b>development</b> shall be one (1) shrub per 15 square metres of <b>landscaped area</b> .

3.9.10 **Screening**, Fences, and Hedges:

(1) <b>Screening</b>	<p>(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b>, excluding <b>lanes</b>.</p> <p>(b) <b>Outdoor storage</b> of commercial materials and equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b>.</p>
(2) Fences and Hedges [Bylaw #16.22]	<p>(a) A fence or hedge located in a <b>front yard</b> or a <b>secondary front yard</b> shall be a maximum height of 1.2 metres.</p> <p>(b) All other fences or hedges shall be a maximum height of 1.8 metres.</p> <p>(c) <del>[Removed by Bylaw #12.24]. A fence located in a <b>front yard</b> shall be a maximum height of 1.2 metres.</del></p> <p>(d) <del>[Removed by Bylaw #12.24]. All other fences shall be a maximum height of 1.8 metres.</del></p> <p>(e) No fence, wall, tree, hedge or other <b>structure</b>, object, or plant exceeding 1.2 metres in height shall be permitted within the <b>corner visibility triangle</b>.</p>

3.9.11 Additional Standards:

<p>(1)     <b>Subdivision</b></p>	<p>A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b>.</p>
<p>(2)     <b>Stormwater Management</b></p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade a parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <a href="#">rearback lane</a>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications <a href="#">for uses listed in the subsection 3.9.2(3) and 3.9.2(4)</a>.<del> for industrial and commercial properties.</del></p>

3.9.12     [\[Removed by Bylaw #12.24\]](#)

### 3.10 NEIGHBOURHOOD CENTRE DISTRICT

#### 3.10.1 General Intent:

- (1) To provide opportunities for focused community activity that functions as the social and economic heart of a neighbourhood. **Development** supports a high-quality pedestrian experience and thriving small business environment. **Buildings** should be oriented towards the **street**, with the possibility of having **residential uses** located on upper floors and commercial **uses** at **grade**.

#### 3.10.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<p><b>Dwelling Unit – Duplex</b></p> <p><b>Dwelling Unit – Multi Unit (Apartment)</b></p> <p><b>Dwelling Unit – Multi Unit (Attached)</b></p> <p><b>Dwelling Unit – Single Detached</b></p> <p><u><b>Dwelling Unit – Secondary Suite</b></u></p>	<p><b>Dwelling Unit – Manufactured</b></p> <p><del><u><b>Dwelling Unit – Move On</b></u></del></p> <p><del><u><b>Dwelling Unit – Secondary Suite</b></u></del></p> <p><b>Dwelling Unit – Garden</b></p> <p><u><b>Residential Mixed-Use Development</b></u></p>
(2) Lodging	<p><b>Bed &amp; Breakfast</b></p> <p><b>Hotel/Motel</b></p> <p><del><u><b>Tourist Dwelling</b></u></del></p>	
(3) Commercial	<p><b>Artist Studio</b></p> <p><b>Entertainment Facility</b></p> <p><b>Home Occupation – Urban</b></p> <p><b>Home Occupation – Basic</b></p> <p><b>Restaurant/Café</b></p> <p><b>Retail &amp; Service – General Office</b></p>	<p><b>Car Wash</b></p> <p><b>Gas Station</b></p> <p><b>Restricted Substance Retail</b></p> <p><b>Drinking Establishment</b></p>
(4) Institutional	<p><b>Culture</b></p> <p><b>Education</b></p> <p><b>Government</b></p> <p><b>Health Services</b></p> <p><b>Human Services</b></p> <p><b>Recreation – Non-Intensive</b></p>	<p><b>Recreation – Intensive</b> [Bylaw #16.22]</p>

(5) Other <i>Uses</i>	<p><b><u>Accessory Building or Structure</u></b></p> <p><b><u>Solar Energy System – Freestanding</u></b></p> <p><b><u>Solar Energy System – Rooftop</u></b></p> <p>The following <b><i>signs</i></b> are considered a <b><i>permitted use forms</i></b> when associated with an approved Lodging, Commercial, or Institutional <b><i>development</i></b> on the same <b><i>parcel</i></b>: [Bylaw #16.22]</p> <p><b><i>A-Board Sign</i></b></p> <p><b><i>Fascia Sign</i></b></p> <p><b><i>Freestanding Sign</i></b></p> <p><b><i>Projecting Sign</i></b></p>	<p><b><i>Accessory Building – Portable</i></b></p> <p><b><i>Portable Sign</i></b></p> <p><b><u>Storage Structure</u></b></p>
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3.10.2.(1) Specific *Use* Standards:

(1) <b><i>Car Wash</i></b>	<p>(a) Minimum <b><i>site</i></b> area shall be 550 square metres and shall accommodate queuing space for two (2) vehicles prior to entering the washing area and queuing space for one (1) vehicle upon leaving the washing area.</p> <p>(b) Shall be limited to the washing of vehicles with a gross vehicle weight of 4,000 kilograms or less.</p>
(2) <b><i>Gas Station</i></b>	<p>(a) Shall only be located at the intersection of two (2) or more <b><i>streets</i></b> or highways, or <u>within the parking lot of a Commercial Use, as listed in 3.10.2(3), as per shopping centre.</u></p> <p>(b) <u>Pumps should be located</u> <del>Should locate pumps</del> to the side or rear of the <b><i>parcel building</i></b> and provide additional <b><i>front setback area</i></b> and/or <b><i>landscaping</i></b> to better integrate the <b><i>gas station</i></b> with the public realm.</p> <p>(c) The pumps shall be located a minimum of 4.5 metres from the <b><i>building</i></b>.</p>
(3) <b><i>Dwelling Unit – Manufactured</i></b> [Bylaw #16.22]	<p>(a) The minimum width of a <b><i>dwelling unit – manufactured</i></b> shall be 7.3 metres.</p>

	<p>(b) <b>Dwelling unit – manufactured</b> constructed greater than ten (10) years from the time of <b>development permit</b> application may only be approved at the discretion of the <b>Development Authority</b>.</p> <p>(c) The massing, design and appearance of a <b>dwelling unit – manufactured</b> shall be consistent with <b>adjacent development</b> to the satisfaction of the <b>Development Authority</b>, and may be required to include enhanced design elements that add visual interest such as:</p> <ul style="list-style-type: none"> <li>i. a <b>porch</b> or veranda on the front façade;</li> <li>ii. horizontal wall articulation on the front façade;</li> <li>iii. the use of thick columns or brackets on roof overhangs;</li> <li>iv. dormers, gables, cross gables or varied pitches for articulated roof lines;</li> <li>v. large or bay windows on the front façade, with strong window trim;</li> <li>vi. architectural features or other detailing over entrances;</li> <li>vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and</li> <li>viii. the use of trim and moldings that contrast the exterior siding.</li> </ul>
(3.1) <a href="#">Solar Energy System – Rooftop [Bylaw #12.24]</a>	<a href="#">Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b>.</a>
(4) Additional Standards	No <b>use</b> shall cause or create any <b>nuisance</b> , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b> .

3.10.3 **Setbacks for Principal Buildings:**

(1) <b>Front Setback</b>	Maximum 3.0 metres.
(2) <b>Secondary Front Setback</b>	Maximum 3.0 metres.
(3) <b>Side Setback</b>	Minimum 1.2 metres.

(4) <b>Rear Setback</b>	Minimum 3.0 metres.
(5) Additional <b>Setback</b> Standards [Bylaw #16.22]	<p>(a) There is no maximum <b>front setback, secondary front setback, side setback, or rear setback</b> for <b>car washes</b> and <b>gas stations</b>.</p> <p>(b) The minimum <b>front setback, secondary front setback, side setback, or rear setback</b> is 3.0 metres for <b>car washes</b> and <b>gas stations</b>.</p>
(6) <b>Projections</b> into <b>Setbacks</b> [Bylaw #16.22]	<p>(a) The following features may project into a setback;</p> <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps;</li> <li>ii. <b>signs</b>;</li> <li>iii. fences;</li> <li>iv. <u>an unenclosed deck, porch or other similar structure, may project up to 50% into a front setback or rear setback</u>, <del>an unenclosed deck, porch or other similar structure may project into 50% of the front setback or rear setback</del> [Bylaw #16.22];</li> <li>v. eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a <b>front setback</b> or <b>side setback</b> and up to 1.5 metres into a <b>rear setback</b>; and,</li> <li>vi. <b>balconies</b> may project up to 1.5 metres into a <b>front setback</b> or <b>rear setback</b> and may project into a <b>side setback</b>, but must maintain a minimum of 1.2 metres from <i>the side parcel boundary</i>.</li> </ul>

3.10.4 **Setbacks for Accessory Buildings:**

(1) <b>Front Setback</b>	<b>Principal building front setback</b> plus 1.0 metre.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres.
(3) <b>Side Setback</b>	Minimum 1.2 metres.

(4) <b>Rear Setback</b>	Minimum 1.2 metres.
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3.10.5 **Parcel Coverage** Standards:

(1) Maximum <b>Parcel Coverage</b>	80%
(2) <b>Accessory Building</b>	<u>Floor area Footprint</u> of <b>accessory building</b> must not exceed 80% coverage of the <b>principal building</b> [Bylaw #16.22].

3.10.6 **Building Height** Standards:

(1) <b>Principal Building</b>	Maximum 14 metres.
(2) <b>Accessory Building</b> [Bylaw #16.22]	<ul style="list-style-type: none"> <li>(a) Must not exceed height of the <b>principal building</b>.</li> <li>(b) Maximum <u>height</u> of 7.5 metres, if associated with a <b>dwelling unit – garden</b>.</li> <li>(c) Maximum <u>height of</u> 5.0 metres, if not <u>associated with a dwelling unit – garden.</u> <del>is associated</del></li> <li>(d) Must not have overhead doors greater than 3.0 metres in height.</li> </ul>
(3) Additional <b>Building Height</b> Standards	(a) There is no maximum <b>building height</b> for <b>uses</b> listed in <u>the Institutional Use Category in</u> subsection <u>3.10.2(4)</u> .

3.10.7 **Parking, Loading, and Access** Standards:

(1) Bicycle Parking	<ul style="list-style-type: none"> <li>(a) Where bicycle parking is provided for uses listed in <u>the Commercial Use Category or Institutional Use Category in Section subsection 3.10.2(3)</u>, bicycle parking shall be located close to the entrance of the <b>principal building</b>, but shall not impede pedestrian circulation or <b>access</b> to the <b>building</b>.</li> <li>(b) Where bicycle parking is provided for <b>uses</b> listed in <u>the Residential Use Category in Section subsection 3.10.2(1)</u>, bicycle parking shall be located and secured within the <b>principal building</b> or <b>accessory building</b>.</li> </ul>
(2) Vehicle Parking	(a) There is no minimum required number of parking stalls for any <b>development</b> in the

	<p>Neighbourhood Centre District.</p> <p>(b) Parking areas and/or <b>structures</b> shall be located to the side or rear of a <b>building</b>, or underground, wherever possible.</p> <p>(c) Surface parking areas and/or parking <b>structures</b> shall not be allowed unless associated with a <b>development</b>.</p> <p>(d) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <u>landscaping along the perimeter of the parking area</u><del>perimeter planting</del>.</p> <p>(e) Any parking area containing ten (10) or more parking stalls <u>shall provide and maintain landscaping in the internal parking area and along the perimeter of the parking area</u><del>should incorporate internal islands/planting areas</del>.</p>
<p>(3) Vehicle <b>Access</b></p>	<p>(a) The <u>following</u> regulations apply only to the <b>uses</b> listed in <u>subsection 3.10.2(1): the Residential Use Category in Section</u></p> <ol style="list-style-type: none"> <li>i. Where a <b>parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, all <b>access</b> to the <b>parcel</b> must be from the <b>lane</b>.</li> <li>ii. Where a <b>corner parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, <b>access</b> may be either from the <b>lane</b> or the <b>street</b>.</li> <li>iii. In the absence of a <b>lane</b>, <b>access</b> should be from the <b>secondary front yard</b>. Where <b>access</b> from a <b>secondary front yard</b> is not possible, <b>access</b> may be located on the primary <b>front yard</b>.</li> <li>iv. <b>Access</b> to parking areas and/or <b>structures</b> shall be no wider than 6.0 metres <b>adjacent</b> to the <b>front parcel boundary</b></li> <li>v. <b>Parcels</b> shall have two (2) or more <b>access</b> points <u>in order to provide adequate egress in the event of an emergency</u><del>if required for emergency access</del>.</li> </ol>

3.10.8 **Landscaping** Standards:



(1) General <b>Landscaping</b> Standards	For <b>uses</b> listed in <a href="#">the Residential Use Category in Section subsection 3.10.2(1)</a> the <b>front yard</b> shall be <b>landscaped</b> with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other <b>hard landscaping</b> may be acceptable but shall not exceed 25% of the <b>landscaped area</b> .
(2) <b>Landscaped Area</b>	All portions of a <b>site</b> not covered by <b>structures</b> , parking, or vehicular circulation areas shall be <b>landscaped</b> .
(3) Number of Trees	(a) The minimum number of trees required for a residential <b>development</b> shall be one (1) tree per 45 square metres of <b>landscaped area</b> , or a minimum of two (2) trees per <b>parcel</b> , whichever is greater.  (b) The minimum number of trees required for a mixed-use or commercial <b>development</b> shall be one (1) tree per 35 square metres of <b>landscaped area</b> .
(4) Tree Size	Minimum height of 2.0 metres <del>and</del> or 40 millimetres in caliper.
(5) Number of Shrubs	The minimum number of shrubs required for a residential, mixed-use, or commercial <b>development</b> shall be one (1) shrub per 15 square metres of <b>landscaped area</b> .

3.10.9 **Screening**, Fences, and Hedges:

(1) <b>Screening</b>	(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b> , excluding <b>lanes</b> .  (b) Outside storage of commercial materials and equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b> .
(2) Fences and Hedges [Bylaw #16.22]	(a) A fence or hedge located in a <b>front yard</b> shall be a maximum height of 1.2 metres.  (b) All other fences or hedges shall be a maximum height of 1.8 metres.  (c) No fence, wall, tree, hedge or other <b>structure</b> , object, or plant exceeding 1.2 metres in height shall be permitted within the <b>corner visibility triangle</b> at the discretion of the <b>Development Authority</b> .

3.10.10 Additional Standards:

<p>(1) <b>Subdivision</b></p>	<p>(a) A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b>.</p>
<p>(2) <b>Stormwater Management</b></p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade</b> a <b>parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <b>rear back lane</b>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">the uses listed in subsection 3.10.2(3) and 3.10.2(4).</a> <del>industrial and commercial properties.</del></p>

### 3.11 DOWNTOWN DISTRICT

#### 3.11.1 General Intent:

- (1) To support an active, thriving, mixed-use downtown with high quality public spaces, successful businesses, pedestrian connectivity, and street-level activity. **Development** is characterized by a larger scale of mixed-use **buildings** than is possible elsewhere in the Valley. New **development** enables a diverse streetscape with a strong relationship between **buildings** and the **street**. Residential **development** consists primarily of **buildings** with multiple **dwelling units**, and in many cases, ground floor commercial **uses**.

#### 3.11.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	<p><b>Dwelling Unit – Duplex</b></p> <p><b>Dwelling Unit – Multi Unit (Apartment)</b></p> <p><b>Dwelling Unit – Multi Unit (Attached)</b></p> <p><u>Dwelling Unit – Secondary Suite</u></p> <p><u>Residential Mixed-Use Development</u></p> <p><u>Residential accommodation accessory to a principal commercial use</u></p>	<p><del>Dwelling Unit – Secondary Suite</del></p> <p><b>Dwelling Unit – Single Detached</b></p> <p><del>Dwelling Unit – Ready-to-move (RTM)</del></p> <p><del>Dwelling Unit – Move On</del></p>
(2) Lodging	<p><b>Bed &amp; Breakfast</b></p> <p><b>Hotel/Motel</b></p> <p><del>Tourist Dwelling</del></p>	
(3) Commercial	<p><b>Artist Studio</b></p> <p><b>Drinking Establishment</b></p> <p><b>Entertainment Facility</b></p> <p><b>Home Occupation – Urban</b></p> <p><b>Home Occupation – Basic</b></p> <p><b>Restaurant/Café</b></p> <p><b>Retail &amp; Service – General Office</b></p>	<p><b>Adult Entertainment</b></p> <p><b>Restricted Substance Retail</b></p> <p><b>Brewery/Distillery</b></p>
(4) Institutional	<b>Culture</b>	<b>After Life Care</b>

	<b>Education</b> <b>Government</b> <b>Health Services</b> <b>Human Services</b> <b>Recreation – Intensive</b> <b>Recreation – Non-Intensive</b>	
(5) Other <b>Uses</b>	<del><b>Accessory Building or Structure</b></del> <u><b>Solar Energy System — Freestanding</b></u> <u><b>Solar Energy System — Rooftop</b></u> The following <b>signs</b> are considered a <u><b>permitted use forms</b></u> when associated with an approved Lodging, Commercial, Industrial <b>development</b> on the same <b>parcel</b> . [Bylaw #16.22] <b>A-Board Sign</b> <b>Fascia Sign</b> <b>Freestanding Sign</b> <b>Projecting Sign</b>	<del><b>A-Board Sign</b></del> <b>Portable Sign</b> <b>Mural [Bylaw #16.22]</b> <u><b>Storage Structure</b></u> <u><b>Solar Energy System</b></u> <del><b>Communication Structure</b></del>

3.11.3 Specific **Use** Standards:

(1) <del><u>[Removed by Bylaw #12.24]</u></del> <del><b>Dwelling Unit</b></del>	Buildings with 1 <del><b>Dwelling unit — single-detached</b></del> in the form of a <del><b>single detached dwelling</b></del> are a <del><b>discretionary use</b></del> and shall be limited to locations in proximity to similar <del><b>structures</b></del> [Bylaw #18.21].
(2) <b>Hotel/Motel</b>	Vehicle <b>access</b> and parking areas, including any <b>structures</b> , shall not be located between a <b>street</b> and a façade of the <b>building</b> .
(2.1) <u><b>Solar Energy System – Rooftop</b></u> [Bylaw #12.24]	<u>Shall not project more than 1.0 metres above the roof line of any <b>principal</b> or <b>accessory building</b>.</u>
(3) Additional Standards	No <b>use</b> shall cause or create any <b>nuisance</b> , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b> .

3.11.4 **Setbacks for Principal Buildings:**

(1) <b>Front Setback</b>	Maximum 3.0 metres.
(2) <b>Secondary Front Setback</b>	Maximum 3.0 metres.
(3) <b>Side Setback</b>	0.0 metres where a fire wall is provided otherwise a minimum of 1.2 metres.
(4) <b>Rear Setback</b>	0.0 metres where a fire wall is provided otherwise a minimum of 1.2 metres.
(5) <b>Projections into Setbacks</b>	<p>(a) The following features may project into a <b>setback</b>:</p> <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps;</li> <li>ii. <b>signs</b>;</li> <li>iii. fences;</li> <li>iv. <u>an unenclosed deck, porch or other similar structure may project up to 50% into a front setback or rear setback; an unenclosed deck, porch or other similar structure may project into 50% of the front setback or rear setback</u> [Bylaw #16.22];</li> <li>v. <u>[Removed by Bylaw #12.24]an unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50% into a front setback or rear setback;</u></li> <li>vi. eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a <b>front setback</b> or <b>side setback</b> and up to 1.5 metres into a <b>rear setback</b>; and</li> <li>vii. <b>balconies</b> may project up to 1.5 metres in a <b>front setback</b> or <b>rear setback</b> <u>and balconies</u> may project into a <b>side setback</b>, but must maintain a minimum of 1.2 metres from the <b>side parcel boundary</b>.</li> </ul>

3.11.5 **Setbacks for Accessory Buildings:**

(1) <b>Front Setback</b>	<b>Principal building front setback</b> plus 1.0 metre.
(2) <b>Secondary Front Setback</b>	<b>Principal building secondary front setback</b> plus 1.0 metre.
(3) <b>Side Setback</b>	0.0 metres.
(4) <b>Rear Setback</b>	0.0 metres.

3.11.6 **Building Height** Standards:

(1) <b>Principal Building</b>	(a) Minimum 6.0 metres. (b) Maximum 20 metres.
(2) <b>Accessory Building</b>	Maximum 7.5 metres.

3.11.7 Parking, Loading, and **Access** Standards:

(1) Bicycle Parking	(a) Where bicycle parking is provided for <b>uses</b> listed in <a href="#">subsection the Commercial Use Category or Institutional Use Category in Section 3.7.2-3.11.2(3) and 3.11.2(4)</a> , bicycle parking shall be located close to the entrance of the <b>principal building</b> , but shall not impede pedestrian circulation or <b>access</b> to the <b>building</b> .  (b) Where bicycle parking is provided for <b>uses</b> listed in <a href="#">subsection the Residential Use Category in Section 3.11.2(1)</a> , bicycle parking shall be located and secured within a <b>principal building</b> or <b>accessory building</b> .
(2) Vehicle Parking	(a) There is no minimum required number of parking stalls for any <b>development</b> in the Downtown District.  (b) Off-site vehicle parking (i.e. <b>street</b> parking) may be considered as a portion of the parking strategy for a <b>development</b> , at the discretion of the <b>Development Authority</b> .  (c) Parking areas and/or <b>structures</b> shall be located to the side or rear of a <b>building</b> , or underground, wherever possible.  (d) Surface parking areas and/or parking <b>structures</b> shall not be allowed unless associated with a <b>development</b> .

	<p>(e) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <u>landscaping along the perimeter of the parking area.</u> <del>perimeter planting</del></p> <p>(f) Any parking area containing ten (10) or more parking stalls shall provide and maintain <u>landscaping in the internal parking area and along the perimeter of the parking area.</u> <del>should incorporate internal islands/planting areas.</del></p>
(3) Vehicle <b>Access</b>	<p>(a) Where a <b>parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, all <b>access</b> to the <b>parcel</b> must be from the <b>lane</b>.</p> <p>(b) Where a <b>corner parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, <b>access</b> may be either from the <b>lane</b> or the <b>street</b>.</p> <p>(c) In the absence of a <b>lane</b>, <b>access</b> should be from the <b>secondary front yard</b>. Where <b>access</b> from a <b>secondary front yard</b> is not possible, <b>access</b> may be located on the primary <b>front yard</b>.</p> <p>(d) <b>Access</b> to parking areas and/or <b>structures</b> shall be no wider than 6.0 metres <b>adjacent</b> to the <b>front parcel boundary</b>.</p> <p>(e) <b>Parcels</b> shall have two (2) or more <b>access</b> points <u>in order to provide adequate egress in the event of an emergency.</u> <del>if required for emergency access.</del></p>

3.11.8 **Landscaping** Standards:

(1) General <b>Landscaping</b> Standards	The <b>front yard</b> shall be <b>landscaped</b> with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other <b>hard landscaping</b> may be acceptable but shall not exceed 25% of the <b>landscaped area</b> .
(2) <b>Landscaped Area</b>	All portions of a <b>site</b> not covered by <b>structures</b> , parking, or vehicular circulation areas shall be <b>landscaped</b> .
(3) Number of Trees	(a) The minimum number of trees required for a residential <b>development</b> shall be one (1) tree per 45 square metres of <b>landscaped area</b> , or a minimum of two (2) trees per <b>parcel</b> , whichever is greater.

	(b) The minimum number of trees required for a mixed-use or commercial <b>development</b> shall be one (1) tree per 35 square metres of <b>landscaped area</b> .
(4) Tree Size	Minimum height of 2.0 metres <del>and</del> or 40 millimetres in caliper.
(5) Number of Shrubs	The minimum number of shrubs required for a residential, mixed-use, or commercial <b>development</b> shall be one (1) shrub per 15 square metres of <b>landscaped area</b> .

3.11.9 **Screening, Fences, and Hedges:**

(1) <b>Screening</b>	<p>(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b>, excluding <b>lanes</b>.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b>.</p>
(2) Fences and Hedges	<p>(a) Notwithstanding subsection <del>(b)(iii)</del>, a fence or hedge located in a <b>front yard</b> shall be a maximum height of 1.2 metres.</p> <p>(b) With the exception of <b>home occupation – urban</b> and <b>home occupation – basic, uses</b> listed in <del>the Commercial Use Category in Section subsection 3.11.2(3)</del> shall not have fences or hedges in a <b>front yard</b>.</p> <p>(c) All other fences or hedges shall be a maximum height of 1.8 metres.</p>

3.11.10 Additional Standards:

(1) <b>Subdivision</b>	A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b> .
(2) <b>Stormwater Management</b>	(a) Unless otherwise determined by the <b>Development Authority</b> , the <b>applicant</b> shall be required to <b>grade</b> a <b>parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <del>rear</del> <b>back lane</b> , the <b>street</b> , and/or



	<p>a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">the uses listed in subsection 3.11.2(3) and 3.11.2(4).</a> <del>industrial and commercial properties.</del></p>
<p>(3) Character, Design and Appearance of <b>Buildings</b> [Bylaw #16.22]</p>	<p>(a) Exterior finish <del>shall be to be</del> wood, metal or similar siding, brick or stucco <a href="#">and shall be to</a> the satisfaction of the <b>Development Authority</b>. The finish of <b>buildings</b> should complement other <b>structures</b> <a href="#">in the vicinity</a> and natural <b>site</b> features.</p> <p>(b) Roller shutters must be located on the inside of windows and <b>screened</b> from the outside if provided.</p>

### 3.12 TOURISM CORRIDOR DISTRICT

#### 3.12.1 General Intent:

- (1) To support large scale commercial **development** with a regional draw. **Development** will be primarily low-**density** commercial **uses** on a variety of **parcel** sizes and configurations to accommodate a diverse range of economic development opportunities.

#### 3.12.2 **Uses:**

Use Category	Permitted Uses	Discretionary Uses
(1) Lodging		<i>Hotel/Motel</i>
(2) Commercial	<i>Artist Studio</i> <i>Drinking Establishment</i> <i>Entertainment Facility</i> <i>Restaurant/Café</i> <i>Retail &amp; Service – General</i> <i>Retail &amp; Service – Heavy Office</i>	<i>Adult Entertainment</i> <i>Car Wash</i> <i>Drive Through Facility</i> <i>Gas Station</i> <i>Restricted Substance Retail</i>
(3) Institutional	<i>After Life Care</i> <i>Culture</i> <i>Education</i> <i>Government</i> <i>Health Services</i> <i>Recreation – Intensive</i> <i>Recreation – Non-Intensive</i>	
(4) Other <b>Uses</b>	<i>Accessory Building <del>or</del> Structure</i> <i>Solar Energy System – Freestanding</i> <i>Solar Energy System – Rooftop</i> The following <b>signs are considered permitted forms</b> when associated with an approved Lodging, Commercial, Industrial <b>development</b> on the same	<i>Billboard Sign</i> <i>Freestanding Sign</i> <i>Portable Sign</i> <i>Projecting Sign</i> <i>Rooftop Sign</i> <i>Storage Structure</i> <i>Solar Energy System</i> <i>Communication Structure</i>

	<del>parcel:lot</del> [Bylaw #16.22] <b>A-Board Sign</b> <b>Fascia Sign</b>	
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3.12.3 Specific **Use** Standards:

(1) <a href="#">[Removed by Bylaw #12.24] Additional Standards</a>	(a) <a href="#">[Removed by Bylaw #12.24] All uses shall mitigate any potential nuisance, such as noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, to the satisfaction of the Development Authority</a>
(2) <b>Car Wash</b>	(a) Minimum <b>site</b> area shall be 550 square metres and shall accommodate queuing space for two (2) vehicles prior to entering the washing area and queuing space for one (1) vehicle upon leaving the washing area.  (b) Shall be limited to the washing of vehicles with a gross vehicle weight of 4,000 kilograms or less.
(3) <b>Gas Station</b>	(a) <del>Should located pumps</del> Pumps should be <a href="#">located</a> to the side or rear of the <a href="#">parcel building</a> and provide additional <b>front setback area</b> and/or <b>landscaping</b> to better integrate the <b>gas station</b> with the public realm.  (b) The pumps shall be located a minimum of 4.5 metres from the <b>building</b> .
(3.1) <a href="#">Solar Energy System – Rooftop</a> [Bylaw #12.24]	<a href="#">Shall not project more than 1.8 metres above the roof line of any principal or accessory building.</a>
(4) <a href="#">Additional Standards</a>	<a href="#">All uses shall mitigate any potential nuisance, such as noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, to the satisfaction of the Development Authority.</a>

3.12.4 **Setbacks for Principal Buildings:**

(1) <b>Front Setback</b>	Minimum 3.0 metres.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres.
(3) <b>Side Setback</b>	(a) Minimum 3.0 metres.

	(b) Minimum 6.0 metres where the <b>parcel is adjacent to a residential use.</b> shares a <b>side parcel boundary</b> with the <del>Neighbourhood District or Countryside District.</del>
(4) <b>Rear Setback</b>	Minimum 6.0 metres.
(5) <b>Projections into Setbacks</b>	(a) The following features may project into a <b>setback</b> : <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps; and,</li> <li>ii. <b>signs</b>.</li> </ul>

3.12.5 **Setbacks for Accessory Buildings:**

(1) <b>Front Setback</b>	Minimum 3.0 metres.
(2) <b>Secondary Front Setback</b>	Minimum 3.0 metres.
(3) <b>Side Setback</b>	(a) Minimum 3.0 metres. (b) Minimum 6.0 metres where the <b>parcel is adjacent to a residential use.</b> shares a <b>side parcel boundary</b> with the <del>Neighbourhood District or Countryside District.</del>
(4) <b>Rear Setback</b>	Minimum 6.0 metres.

3.12.6 **Building Height Standards:**

(1) <b>Principal Building</b>	Maximum 14 metres.
(2) <b>Accessory Building</b>	Maximum 7.5 metres.
(3) Additional <b>Building Height Standards</b>	There is no maximum <b>building height</b> for <b>uses</b> listed in <del>the Institutional Use Category in Subsection 3.8.2-subsection 3.12.2(4).</del>

3.12.7 **Parking, Loading, and Access Standards:**

(1) <b>Bicycle Parking</b>	Where bicycle parking is provided, bicycle parking shall be located close to the entrance of the <b>principal building</b> , but shall not impede pedestrian circulation
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	or <b>access</b> to the <b>building</b> .
(2) Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any <b>development</b> in the Tourism Corridor District.</p> <p>(b) Off-site vehicle parking (i.e. <b>street</b> parking) may be considered as a portion of the parking strategy for a <b>development</b>, at the discretion of the <b>Development Authority</b>.</p> <p>(c) Parking areas and/or <b>structures</b> shall be located to the side or rear of a <b>building</b>, or underground, wherever possible.</p> <p>(d) Surface parking areas and/or parking <b>structures</b> shall not be allowed unless associated with a <b>development</b>.</p> <p>(e) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <u>landscaping along the perimeter of the parking area</u>. <del>perimeter planting</del></p> <p>(f) Any parking area containing ten (10) or more parking stalls <u>shall provide and maintain landscaping in the internal parking area and along the perimeter of the parking area.</u> <del>should incorporate internal islands/planting areas.</del></p>
(3) Vehicle <b>Access</b>	<p>(a) In the absence of a <b>lane</b>, <b>access</b> should be from the <b>secondary front yard</b>. Where <b>access</b> from a <b>secondary front yard</b> is not possible, <b>access</b> may be located on the <u>primary front yard</u>.</p> <p>(b) Vehicle <b>access</b> to parking areas and/or <b>structures</b> shall be no wider than 6.0 metres <b>adjacent</b> to the <b>front parcel boundary</b>.</p> <p>(c) <b>Parcels</b> shall have <u>two</u> (2) or more <b>access</b> points if required for emergency <b>access</b>.</p>
(4) Additional Parking, Loading, and <b>Access</b> Standards	<p>(a) All <u>the uses listed in subsection 3.12.2(3) and 3.12.2(4)-commercial and industrial uses</u> shall provide sufficient space and <b>access</b> for loading vehicles to the satisfaction of the <b>Development Authority</b>.</p> <p>(b) All <b>loading areas</b> shall be a minimum of 2.5 metres wide.</p> <p>(c) All <b>loading areas</b> shall provide no less than 3.6 metres overhead clearance.</p>

	<p>(d) All <b>loading areas</b> shall be <b>hard surfaced</b> if the <b>access</b> is from a <b>street</b> or land which is <b>hard surfaced</b>.</p> <p>(e) <b>Access</b> to all <b>loading areas</b> shall be from a public <b>road</b>, a <b>lane</b>, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting <b>streets</b> or <b>lanes</b>.</p>
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3.12.8 **Landscaping Standards:**

(1) <b>Landscaped Area</b>	All portions of a <b>site</b> not covered by <b>structures</b> , parking, or vehicular circulation areas shall be <b>landscaped</b> .
(2) Number of Trees	The minimum number of trees required for a mixed-use or commercial <b>development</b> shall be one (1) tree per 35 square metres of <b>landscaped area</b> .
(3) Tree Size	Minimum height of 2.0 metres <del>and</del> or 40 millimetres in caliper.
(4) Number of Shrubs	The minimum number of shrubs required for a mixed-use or commercial <b>development</b> shall be one (1) shrub per 15 square metres of <b>landscaped area</b> .

3.12.9 **Screening, Fences, and Hedges:**

(1) <b>Screening</b>	<p>(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b>, excluding <b>lanes</b>.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b>.</p>
(2) Fences and Hedges [Bylaw #16.22]	<p>(a) A fence located in a <b>front yard</b> shall be a maximum height of 1.2 metres. Fences within <b>front yards</b> with a height of over 1.2 metres shall be <b>setback</b> from the <b>road</b> at a distance at the discretion of the <b>Development Authority</b>.</p> <p>(b) All other fences or hedges shall be a maximum height of 1.8 metres.</p> <p>(c) All <b>sites</b> which abut a <b>residential use neighbourhood</b> shall provide visual <b>screening</b> of at least 1.5 metres.</p>

3.12.10 Additional Standards:

<p>(1) <b>Subdivision</b></p>	<p>A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b>.</p>
<p>(2) <b>Stormwater Management</b></p>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade a parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <b>rear back lane</b>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">the uses listed in subsection 3.10.2(3) and 3.10.2(4). industrial and commercial properties</a></p>

### 3.13 EMPLOYMENT DISTRICT

#### 3.13.1 General Intent:

- (1) To support a wide range of employment opportunities in areas that integrate industrial, institutional, commercial, and recreational **uses** that require larger **parcels**.

#### 3.13.2 **Uses:**

<b>Use Category</b>	<b>Permitted Uses</b>	<b>Discretionary Uses</b>
(1) Lodging		<b>Hotel/Motel</b> <b>Work Camp</b> [Bylaw #16.22]
(2) Commercial	<b>Artist Studio</b> <b>Drinking Establishment</b> <b>Entertainment Facility</b> <b>Kennel</b> <b>Restaurant/Café</b> <b>Retail &amp; Service – General</b> <b>Retail &amp; Service – Heavy</b> <b>Office</b>	<b>Adult Entertainment</b> <b>Car Wash</b> [Bylaw #16.22] <b>Drive Through Facility</b> <b>Gas Station</b> <b>Restricted Substance</b> <b>Retail</b> <b>Brewery/Distillery</b>
(3) Industrial	<b>Industrial – Light</b>	<b>Industrial – Heavy</b> <b>Industrial – Cannabis</b> <b>Production</b> [Bylaw #16.22]
(4) Institutional	<b>Culture</b> <b>Education</b> <b>Government</b> <b>Health Services</b> <b>Recreation – Intensive</b> <b>Recreation – Non-Intensive</b>	<b>After Life Care</b>
(5) Agricultural	<b>Agriculture – Intensive</b>	



(6) Other <i>Uses</i>	<p><b>Accessory Building or Structure</b></p> <p><b>Solar Energy System – Freestanding</b></p> <p><b>Solar Energy System – Rooftop</b></p> <p>The following <b>signs</b> are considered a <b>permitted use sign</b> when associated with an approved Lodging, Commercial, Industrial <b>development</b> on the same <b>parcel</b>: [Bylaw #16.22]</p> <p><b>Fascia Sign</b></p> <p><b>Freestanding Sign</b></p>	<p><b>Portable Sign</b></p> <p><b>Projecting Sign</b></p> <p><b>Solar Energy System</b></p> <p><b>Communication Structure</b></p>
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3.13.3 Specific *Use* Standards:

(1) <b>Car Wash</b>	Minimum <b>site</b> area shall be 550 square metres and shall accommodate queuing space for two (2) vehicles prior to entering the washing area and queuing space for one (1) vehicle upon leaving the washing area.
(2) <b>Gas Station</b>	<p>(a) <b>Pumps</b> should <b>be</b> located <b>pumps</b> to the side or rear of the <b>parcel building</b> and provide additional <b>front setback area</b> and/or <b>landscaping</b> to better integrate the <b>gas station</b> with the public realm.</p> <p>(b) The pumps shall be located a minimum of 4.5 metres from the <b>building</b>.</p>
(3) <b>Industrial Uses</b>	Industrial <b>uses</b> on <b>parcels</b> that do not have <b>lane access</b> must provide a minimum 4.5 metre <b>side setback</b> on one (1) side of the <b>parcel</b> .
(4) <b>Work Camp</b> [Bylaw #16.22]	<p>(a) An application for a <b>development permit</b> for a <b>work camp</b> must provide the following information:</p> <ul style="list-style-type: none"> <li>i. the location, type, and purpose of the <b>work camp</b>; <b>adjacent land uses</b>;</li> <li>ii. the method of supplying water, sewage and waste disposal to the camp. If a private sewage system is proposed, the proposed method of sewage disposal must comply with the</li> </ul>

	<p>current <b>Alberta Private Sewage Systems Standard Practice</b> and be to the satisfaction of the health authority; the number of persons proposed to reside in the <b>work camp</b>;</p> <ul style="list-style-type: none"> <li>iii. demonstrated approval from Alberta Environment if the <b>work camp</b> is located on Crown land;</li> <li>iv. the start date of the <b>development</b>, date of occupancy, and removal date of the <b>work camp</b>; and</li> <li>v. reclamation measures once the <b>work camp</b> is no longer needed.</li> </ul> <p>(b) A <b>development permit</b> for a <b>work camp</b> shall not be approved unless:</p> <ul style="list-style-type: none"> <li>i. it is directly associated with a <b>development</b> or business situated within the area;</li> <li>ii. it is deemed compatible with surrounding <b>development</b> and <b>land uses</b> by the <b>Development Authority</b>;</li> <li>iii. sufficient <b>screening</b> is provided from surrounding <b>land-uses</b> as determined by the <b>Development Authority</b>;</li> <li>iv. it shall be for a temporary period of time in accordance with the timelines of a work project as specified by the <b>Development Authority</b>;</li> <li>v. all required <b>access</b> provisions are provided to the satisfaction of the <b>Development Authority</b> at the sole cost of the developer</li> <li>vi. the developer provides undertakings and guarantees acceptable to the <b>Development Authority</b>, that the <b>work camp</b> will be removed and the subject <b>site</b> returned to its original condition upon completion as it was before the <b>work camp</b> was developed.</li> </ul>
(5) <b>Industrial – Cannabis Production</b> Facility [Bylaw	(a) <del>[Removed by bylaw #12.24]Must adhere all Federal, Provincial and Municipal laws and</del>

<p>#16.22]</p>	<p><del>regulations and shall comply with the following conditions:</del></p> <ul style="list-style-type: none"> <li>(a) As a condition of <b>development</b> and prior to the operation of the facility, the owner must provide a copy of the current license for all activities associated with <b>cannabis</b> production as issued by Health Canada.</li> <li>(b) The owner or <b>applicant</b> must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable Federal, Provincial or other Municipal legislation.</li> <li>(c) The <b>development</b> must be done in such a manner where all of the processes and functions are fully enclosed within a stand-alone <b>building</b> including all loading stalls and docks, garbage containers and waste material.</li> <li>(d) The <b>development</b> shall not include an outdoor area for the storage of goods, materials or supplies.</li> <li>(e) The <b>development</b> shall not operate in conjunction with another approved <b>use</b>.</li> <li>(f) The <b>development</b> must include equipment designed and intended to remove odors from the air where it is discharged from the <b>building</b> as part of a ventilation system.</li> <li>(g) The <b>development Authority</b> may require as a condition of a <b>development permit</b>, a waste management plan completed by a <b>qualified professional</b>, which includes but is not limited to, details on: <ul style="list-style-type: none"> <li>i. the quantity and characteristics of liquid and waste material discharged by the facility; and,</li> <li>ii. the method and location of collection and disposal of liquid and waste material discharged by the facility; and,</li> <li>iii. the disposal of waste products and mitigation of airborne emissions, including smell.</li> </ul> </li> </ul>
<p>(6) Natural Resource Extraction [Bylaw #16.22]</p>	<ul style="list-style-type: none"> <li>(a) Any application must include plans of the proposed <b>site</b> showing: <ul style="list-style-type: none"> <li>i. the area to be excavated;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>ii. the <b>roads</b> and <b>access</b> points to the <b>site</b>;</li> <li>iii. the phasing of the <b>development</b> and estimated operation time frame;</li> <li>iv. reclamation proposals; and,</li> <li>v. any other information considered necessary by the <b>Development Authority</b>.</li> </ul> <p>(b) Must be a minimum of 300 metres from an approved <b>dwelling unit</b> at the time of approval.</p> <p>(c) In a commercial soil stripping operation, the area stripped shall be seeded to a grass or legume mixture at the discretion of the <b>Development Authority</b>.</p> <p>(d) Applications within the flood hazard <b>overlay</b> may be referred to <a href="#">the Ministry of Environment and Protected Areas-Alberta Environmental Protection</a>, in order to assist in determining whether river channel integrity or fisheries will be jeopardized by the proposal.</p> <p>(e) The <b>Development Authority</b> may require a letter of credit from a financial institution to guarantee that these requirements are carried out.</p>
<p>(6.1) <a href="#">Solar Energy System – Rooftop</a> [Bylaw #12.24]</p>	<p><a href="#">Shall not project more than 1.8 metres above the roof line of any <b>principal</b> or <b>accessory building</b>.</a></p>
<p>(7) Additional Standards [Bylaw #16.22]</p>	<p>(a) No <b>use</b> shall cause or create any <b>nuisance</b>, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <b>Development Authority</b>.</p> <p>(b) Storage piles of natural resources less than 4.0 metres in height must be at least 6.0 metres from any <b>right-of-way</b>.</p> <p>(c) Storage piles of natural resources over 4 metres in height must be at least 30 metres from any <b>right-of-way</b>.</p>

3.13.4 **Setbacks for Principal Buildings**

<p>(1) <b>Front Setback</b></p>	<p>Minimum 6.0 metres.</p>
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(2) <b>Secondary Front Setback</b>	Minimum 6.0 metres.
(3) <b>Side Setback</b>	No requirement unless the <b>parcel</b> shares a <b>side parcel boundary</b> with the Neighbourhood District or the Countryside District, where the <b>side setback</b> shall be a minimum of 6.0 metres.
(4) <b>Rear Setback</b>	No requirement unless the <b>parcel</b> shares a <b>rear parcel boundary</b> with the Neighbourhood District or the Countryside District, where the <b>rear setback</b> shall be a minimum of 6.0 metres.
(5) <b>Projections into Setbacks</b>	(a) The following features may project into a <b>setback</b> : <ul style="list-style-type: none"> <li>i. unenclosed steps and wheelchair ramps; and</li> <li>ii. <b>signs</b>.</li> </ul>

3.13.5 **Setbacks for Accessory Buildings**

(1) <b>Front Setback</b>	Minimum 6.0 metres.
(2) <b>Secondary Front Setback</b>	Minimum 6.0 metres.
(3) <b>Side Setback</b>	No requirement unless the <b>parcel</b> shares a <b>side parcel boundary</b> with <a href="#">a residential use, in which case the Neighbourhood District or the Countryside District, where</a> the <b>side setback</b> shall be a minimum of 6.0 metres.
(4) <b>Rear Setback</b>	No requirement unless the <b>parcel</b> shares a <b>rear parcel boundary</b> with <a href="#">a residential use, in which case the Neighbourhood District or the Countryside District, where</a> the <b>rear setback</b> shall be a minimum of 6.0 metres.

3.13.6 **Building Height** Standards

(1) <b>Principal Building</b>	Maximum 14 metres.
(2) <b>Accessory Building</b>	Maximum 11 metres.
(3) Additional <b>Building Height</b> Standards	There is no maximum <b>building height</b> for <b>uses</b> listed in <del>subsection the Institutional Use Category in Subsection 3.9.2.3.13.2(4).</del>

3.13.7 Parking, Loading, and **Access** Standards

(1) Bicycle Parking	Where bicycle parking is provided, bicycle parking shall be located close to the entrance of the <b>principal building</b> , but shall not impede pedestrian circulation or <b>access</b> to the <b>building</b> .
(2) Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any <b>development</b> in the Employment District.</p> <p>(b) Off-site vehicle parking (i.e. <b>street</b> parking) may be considered as a portion of the parking strategy for a <b>development</b>, at the discretion of the <b>Development Authority</b>.</p> <p>(c) Parking areas and/or <b>structures</b> shall be located to the side or rear of a <b>building</b>, or underground, wherever possible.</p> <p>(d) Surface parking areas and/or parking <b>structures</b> shall not be allowed unless associated with a <b>development</b>.</p> <p>(e) Any parking area having four (4) or more parking stalls that are visible from an <b>adjacent parcel</b> or <b>road</b> shall provide and maintain <del>landscaping along the perimeter of the parking area.</del> <u>perimeter planting.</u></p> <p>(f) Any parking area containing ten (10) or more parking stalls <del>shall provide and maintain landscaping in the internal parking area and along the perimeter of the parking area.</del> <u>should incorporate internal islands/planting areas</u></p>
(3) Vehicle <b>Access</b>	<p>(a) Where a <b>corner parcel</b> shares a <b>parcel boundary</b> with a <b>lane</b>, <b>access</b> may be either from the <b>lane</b> or the <b>street</b>.</p> <p>(b) <b>Parcels</b> shall have two (2) or more <b>access</b> points <u>in order to provide adequate egress in</u></p>

	<p><del>the event of an emergency if required for emergency access, or if shall be at the at the discretion of the <b>Development Authority</b>.</del></p>
(4) Additional Parking, Loading, and <b>Access</b> Standards	<p>(a) All <del>the uses listed in in subsection 3.13.2(3) and 3.13.2(4) commercial and industrial</del> <b>uses</b> shall provide sufficient space and <b>access</b> for loading vehicles to the satisfaction of the <b>Development Authority</b>.</p> <p>(b) All <b>loading areas</b> shall be a minimum of 2.5 metres wide.</p> <p>(c) All <b>loading areas</b> shall provide no less than 3.6 metres overhead clearance.</p> <p>(d) All <b>loading areas</b> shall be <b>hard surfaced</b> if the <b>access</b> is from a <b>street</b> or land which is <b>hard surfaced</b>.</p> <p>(e) <b>Access</b> to all <b>loading areas</b> shall be from a public <b>road</b>, a <b>lane</b>, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting <b>streets</b> or <b>lanes</b>.</p>

3.13.8 **Landscaping** Standards

(1) <b>Landscaped Area</b>	All portions of a <b>site</b> not covered by <b>structures</b> , parking, or vehicular circulation areas shall be <b>landscaped</b> .
(2) Number of Trees	The minimum number of trees required for a industrial or commercial <b>development</b> shall be one (1) tree per 35 square metres of <b>landscaped area</b> .
(3) Tree Size	Minimum height of 2.0 metres <del>and</del> or 40 millimetres in caliper.
(4) Number of Shrubs	The minimum number of shrubs required for a residential, mixed-use, or commercial <b>development</b> shall be one (1) shrub per 15 square metres of <b>landscaped area</b> .

3.13.9 **Screening**, Fences, and Hedges

(1) <b>Screening</b>	<p>(a) Garbage and waste material must be stored in closed containers, and visually <b>screened</b> from public <b>roads</b>, excluding <b>lanes</b>.</p> <p>(b) Outside storage of commercial materials and</p>
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	equipment shall be visually <b>screened</b> from <b>adjacent parcels</b> and public <b>roads</b> .
(2) Fences and Hedges [Bylaw #16.22]	<p>(a) A fence or hedge located in a <b>front yard</b> shall be a maximum height of 1.2 metres. Fences within <b>front yards</b> with a height of over 1.2 metres may be required to be <b>setback</b> from the <b>road</b> at a distance at the discretion of the <b>Development Authority</b> [Bylaw #16.22].</p> <p>(b) All other fences or hedges shall be a maximum height of 1.8 metres.</p>

3.13.10 Additional Standards

(1) <b>Subdivision</b>	A <b>development</b> requiring <b>subdivision</b> shall not be issued a <b>development permit</b> until approval of the <b>subdivision</b> application by the <b>Subdivision Authority</b> or, upon appeal, the <b>Subdivision and Development Appeal Board</b> .
(2) <b>Stormwater Management</b>	<p>(a) Unless otherwise determined by the <b>Development Authority</b>, the <b>applicant</b> shall be required to <b>grade a parcel</b> in such a way that all surface water will drain from the <b>parcel</b> to the <b>rearback lane</b>, the <b>street</b>, and/or a <b>stormwater management</b> system.</p> <p>(b) A <b>stormwater management plan</b> shall be required for all <b>subdivision</b> and <b>development</b> applications for <a href="#">the uses listed in subsection 3.10.2(3) and 3.10.2(4)</a>. <del>industrial and commercial properties.</del></p>



## 4. Signs

### 4.1 GENERAL REQUIREMENTS FOR SIGNS

- 4.1.1 A **sign** shall not conflict with or dominate, or detract from the general character of the surrounding streetscape or the architecture of any **building** on the **parcel** on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
- 4.1.2 The exterior finish and construction of all **signs** shall be of professional quality and appearance. Consideration should be made for orientation, climate, and environmental factors that may affect the appearance, condition, or degradation of the **sign** over time.
- 4.1.3 The **Development Authority** may revoke a **development permit** for a **sign** at any time if the **sign** has become detrimental to the [public realm-amenities of the neighbourhood](#).
- 4.1.4 The **Development Authority** may require that any **sign** not in conformance with this **Bylaw** shall be renovated, repaired, or removed.
- 4.1.5 The **Development Authority** may approve a **sign** on a temporary basis, whether or not it conforms to the rules established in this **Bylaw**, if the **sign** is used to advertise a special event held at a public facility.
- 4.1.6 No **sign** shall be erected on or affixed to municipal property or a municipal **road right-of-way** without the approval of the **Town**.
- 4.1.7 No **sign** shall be erected on or affixed to provincial property or a provincial **road right-of-way** without the approval of Alberta Transportation.
- 4.1.8 The **development** of a **sign** on municipal property or a municipal **road right-of-way** shall require an agreement with the **Town** registered on title or kept on record at the **Town** office.
- 4.1.9 A permitted **sign** installed on municipal property shall be at the **applicant** or developer's risk and the **town** may, at any time, require the **applicant** or developer to remove the **sign** and incur all costs associated with the removal of the **sign**.
- 4.1.10 Where a **sign** projects over a public sidewalk or other municipal property, the owner of the **sign** shall:
- (1) indemnify and hold harmless the **Town** for any claim related to the construction and maintenance of the **sign**; and,
  - (2) furnish a public liability insurance policy of such an amount satisfactory to the **Development Authority** naming the **Town** as co-insured.
- 4.1.11 A **sign** shall not obstruct the view of, or be liable to be confused with, an official traffic **sign**, signal, or device, or otherwise pose a potential hazard to traffic.
- 4.1.12 All **signs** must be erected on or directly in front of the **site** to which they relate, except for **billboard signs** and **bench signs** [Bylaw #18.21].
- 4.1.13 The All **signs** shall be removed within thirty (30) days of the use to which they relate ceasing to operate. The **Development Authority** may order the removal of the **sign** and the lawful owner of the **sign** or where applicable, the registered property owner, shall upon order ~~either~~:

- (1) ~~[Removed by Bylaw #12.24] remove the **sign** including all related structural components within thirty (30) days from the date of receipt of such notice;~~
- (2) ~~[Removed by Bylaw #12.24] restore the immediate area around the **sign** to the satisfaction of the **Town**; and,~~
- (3) ~~[Removed by Bylaw #12.24] bear all the costs related to such removal and restoration;~~
- (4) remove the **sign** copy, ~~however while~~ leaving the related structural components, within thirty (30) days from the date of receipt of such notice;
- (5) replace~~ing~~ the **sign** copy with a blank, white, non-illuminated face; and,
- (6) bear all the costs related to such removal and restoration.

4.1.14 A **sign** shall comply with the requirements set out in the Canadian Code of Advertising Standards and shall not be offensive or promote intolerance, hatred, or ridicule of any race, religion, or other segment of society.

4.1.15 No **signs** shall be permitted within the **Town's** boundaries that are attached to or mounted on permanently fixed or stationary transport trailers, vehicles, or shipping containers, unless the unit is occupied by an active business [Bylaw #18.21].

4.1.16 **Signs** may be illuminated by a constant source of dimmable light, but shall not be lit by flashing, electronic, animated, intermittent or rotating lights. The design and installation of the lighting shall ensure no element of the light connection is visible to a pedestrian [Bylaw #18.21].

4.1.17 No digital **sign** shall be permitted in any location within 30 metres of any **parcel boundary that contains a ~~of a dwelling unit or parcel zoned for residential purposes- residential use~~**. Notification shall be sent of any illuminated or digital **sign** application to residential properties within a 100-metre radius of the proposed location of the **sign** placement [Bylaw #16.22].

4.1.18 Only two (2) signs will be permitted per **parcel** at any time [Bylaw #12.24].

## 4.2 FREESTANDING SIGNS

4.2.1 No **freestanding sign** shall extend beyond 6.0 metres above **grade** or be larger than 3.0 square metres, except in the:

- (1) Tourism Corridor District (TCD) and the Employment District (ED), where the maximum height shall be 9.0 metres and the maximum area shall be 23 square metres.

4.2.2 Only one (1) **freestanding sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.

4.2.3 No **freestanding sign** shall be erected in such proximity to the Badlands District (BD) that it would detract from the natural aesthetics and intent of the Badlands District (BD).

4.2.4 **Freestanding signs** shall be separated from each other by a minimum distance of 15 metres.

4.2.5 **Freestanding signs** shall only be erected on or **adjacent** to **sites** to which they relate, except in the case of:

- (1) Advance directional and informational signs which may be approved by the **Development Authority** in locations where it considers that the free and safe flow of traffic may be enhanced; or
- (2) **Signs** used solely by community organizations.

#### 4.3 FASCIA SIGNS

- 4.3.1 No **fascia sign** shall project more than 0.4 metres over a **street** or public property.
- 4.3.2 No **fascia sign** shall project more than 1.0 metre above the roof of the **building** to which the **fascia sign** is attached.
- 4.3.3 No **fascia sign** shall be lower than 2.5 metres above **grade**, except in the case of **signs** intended solely for the information of pedestrians, where the height shall be determined by the **Development Authority** having regard, amongst other things, to clarity and safety.
- 4.3.4 No **fascia sign** shall exceed 25% of the façade to which the **fascia sign** is attached.

#### 4.4 PROJECTING SIGNS

- 4.4.1 No **projecting sign** shall exceed 2.0 square metres in size.
- 4.4.2 No **projecting sign** shall project more than 1.0 metre above the roof of the **building** to which the **projecting sign** is attached.
- 4.4.3 No **projecting sign** shall be lower than 2.5 metres above **grade**.
- 4.4.4 The maximum space between the **projecting sign** and its supporting **structure** shall be 0.6 metres.
- 4.4.5 No **projecting sign** shall project within 0.6 metres from the curb.
- 4.4.6 Only one (1) **projecting sign** may be erected on each **street** facing façade of the use to which the **sign** relates.

#### 4.5 ROOFTOP SIGNS

- 4.5.1 No **rooftop sign** shall exceed 9.0 square metres in size.
- 4.5.2 No **rooftop sign** shall project more than 3.0 metres vertically above the roof line.
- 4.5.3 No **rooftop sign** shall project horizontally beyond the roof line.
- 4.5.4 Structural support elements shall be designed or concealed such that they are not visible.

#### 4.6 PORTABLE SIGNS

- 4.6.1 Only one (1) **portable sign** may be on a **parcel**.
- 4.6.2 No **portable sign** shall be located within 2.0 metres of any **parcel boundary**.

- 4.6.3 No **portable sign** shall be higher than 2.0 metres above **grade**.
- 4.6.4 No **portable sign** shall exceed 3.0 square metres in size.
- 4.6.5 No **portable sign** shall be located on a **residential use parcel**.
- 4.6.6 No **portable sign** shall be located within 100 metres of another **portable sign** [Bylaw #16.22].
- 4.6.7 **Portable signs** shall have a maximum display period of sixty (60) days per **development permit** and only permitted twice (2) per calendar year per **parcel** [Bylaw #16.22].
- 4.6.8 [Removed by Bylaw #16.22]
- 4.6.9 **Portable signs** shall only be erected on **sites** to which it relates unless otherwise approved by the **Development Authority**.
- 4.6.10 **Portable signs** shall be properly secured so that they will not move or pose a hazard.

**4.7 A-BOARD SIGNS**

- 4.7.1 No **a-board sign** shall disrupt pedestrian traffic on the sidewalk.
- 4.7.2 No **a-board sign** shall exceed 0.6 metres in width or 0.9 metres in height.
- 4.7.3 **A-board signs** shall only be allowed on sidewalks during hours when the business to which the **a-board sign** relates is open to the public.
- 4.7.4 **A-board signs** shall be limited to one (1) per business and placed directly in front of the **building** in which the business is located.
- 4.7.5 **A-board signs** shall not be placed on centre medians with **road right-of-ways**.
- 4.7.6 **A-board signs** must be constructed of a material such that a rigid frame is provided.

**4.8 BILLBOARD SIGNS**

- 4.8.1 **Billboard signs** may be permitted within the Tourism Corridor (TCD) or Rural Development District (RDD) provided that:
  - (1) Only one (1) **billboard sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.
  - (2) The maximum height shall be 9.0 metres and the maximum area shall be 23 square metres.
  - (3) The minimum vertical clearance beneath a **billboard sign** shall be 3.0 metres.
  - (4) **Billboard signs** shall be separated from each other by a minimum distance of:
    - (a) 300 metres where the posted speed is 100 km/h;
    - (b) 150 metres where the posted speed is 70 km/hr; and,
    - (c) 50 metres where the posted speed is 50 km/hr.

- (5) **Billboard signs** may be illuminated by a constant source of dimmable light, but shall not be lit by flashing electronic, animated, intermittent or rotating lights.
- (6) **Billboard signs** may be erected on a **site** that is not associated with the **development**, with landowner consent.
- (7) No **billboard sign** shall be placed in such proximity to the Badlands District (BD) that it would detract from the natural aesthetics and intent of the Badlands District (BD).
- (8) No **billboard sign** larger than 1.2 metres by 2.4 metres shall be placed within 200 metres of any **parcel zoned** within the Neighborhood District (ND).

#### 4.9 BENCH SIGNS [BYLAW #18.21]

- 4.9.1 All **bench signs** shall be placed at least 100 metres from any existing **bench sign**, unless otherwise outlined in a Statutory Plan.
- 4.9.2 No **bench sign** shall be erected on municipal **right-of-way**.
- 4.9.3 Only one (1) **bench sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.
- 4.9.4 **Bench signs** shall be located **adjacent** to a **building**, a public sidewalk or pedestrian trail and in an area where pedestrian foot traffic is expected, though not impede **access** to any **building**, a public sidewalk or pedestrian trails.
- 4.9.5 Orientation of **bench signs** along a public **street** shall be parallel to the **street**.
- 4.9.6 **Bench sign** design should emphasize; comfort, ease of maintenance, durable finish and resistance to vandalism.

#### 4.10 MURALS [BYLAW #16.22]

- 4.10.1 No more than one (1) **mural** shall be permitted per **building** unless otherwise specifically authorized by the **Development Authority**.
- 4.10.2 The location, content, construction materials and size associated with the **mural** shall be to the satisfaction of the **Development Authority**.
- 4.10.3 No **mural** shall be applied to a **building** in a manner that has a negative effect on historically significant elements of a **building** or key architectural feature that define the overall appearance or character of a **building**.
- 4.10.4 **The mural** must be a painting or other decorative work (artistic rendering/scene) and no **mural** shall be created to solely display a commercial message or depiction.
- 4.10.5 Placement of **murals** shall be encouraged on existing blank walls.
- 4.10.6 The **Development Authority** may require that the **mural** content be reflective of the **Town's** history or heritage.
- 4.10.7 Display of text, including a business name or commercial message, within a **mural** shall:
  - (1) be incorporated into the design; and,

(2) not exceed 10% of the **mural** surface area.

4.10.8 **Murals** must have a linkage to:

- (1) historical events or periods that impacted the community; or,
- (2) representative **landscapes** and physical environments; or,
- (3) local culture.

4.10.9 **Murals** shall not contain or portray the following:

- (1) obscene or offensive language, symbols or messages;
- (2) hateful language, symbols or messages;
- (3) racist or exclusionary imagery or messages;
- (4) political viewpoints;
- (5) religious viewpoints; or
- (6) any content that is or has the potential to cause divisiveness in the community.

4.10.10 The owner(s) of a **building** with a **mural** shall be responsible for maintaining the **mural** in a proper state of repair and shall:

- (1) keep it properly painted at all times;
- (2) ensure that all structural elements needed to support the **mural** are properly attached and meet applicable safety standards;
- (3) clean all **mural** surfaces as it becomes necessary; and,
- (4) ensure any damage is repaired within seven (7) days of notification.

4.10.11 After placement, all **murals** shall be reviewed at the discretion of the **Development Authority**. The **Development Authority** may require that any **sign** not in conformance with this section shall be renovated, repaired or removed at the expense of the property owner.

#### 4.11 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

4.11.1 The following **signs** do not require a **development permit** if they comply with this **Bylaw**. **Signs** that do not comply with these **development** standards require a **development permit** with a variance [Bylaw #16.22]:

- (1) Two (2) temporary on-site **signs**, not exceeding 1.0 square metre in size nor 1.2 metres in height, so long as the **sign** is intended for one (1) of the following purposes:
  - (a) Advertising the sale or lease of property;
  - (b) Identifying a construction or demolition project; or

- (c) A political **sign** thirty (30) days prior to a federal, provincial, municipal election, by-election or referendum.
- (2) One (1) **a-board sign** in accordance with Section 4.7.
- (3) Any **window sign** or graphic painted on, attached to or installed on a window provided that no more than 50% of the subject window area is covered [Bylaw #16.22].
- (4) The alteration of an existing **sign**, which only includes routine maintenance, painting, or change in face, content or lettering and does not include modification to the **sign structure** or **projection** style [Bylaw #16.22].

## 5. Administration

### 5.1 DEVELOPMENT AUTHORITY

- 5.1.1 The position of the **Development Authority** is established by **Bylaw** pursuant to the **Act**.
- 5.1.2 Subject to Section 624 of the **Act**, the **Development Authority** may include one (1) or more of the following:
- (1) The **Development Officer(s)**;
  - (2) The **Municipal Planning Commission**; or
  - (3) **Council** acting as the **Development Authority** in a Direct Control District.
- 5.1.3 The **Development Authority** shall:
- (1) Exercise powers and duties on behalf of the **Town**;
  - (2) Perform duties as established by **Council** to enforce this **Bylaw** in accordance with the **Act**, and,
  - (3) Receive, consider, and make decisions on applications for **development permits** and letters of compliance.

### 5.2 DEVELOPMENT OFFICER

- 5.2.1 The office of the **Development Officer** is hereby established.
- 5.2.2 The person or persons to fill the office of the **Development Officer** shall be appointed by the **CAO**.
- 5.2.3 The **Development Officer** shall:
- (1) Enforce this **Bylaw** and decisions of the **Development Authority**;
  - (2) Receive, process, and facilitate all applications for **development permits**;
  - (3) Review each **development permit** application to determine whether it is complete in accordance with the information requirements of this **Bylaw** and provide guidance to **applicants** on any additional information required for completeness;
  - (4) Review each **development permit** application to determine its appropriate **use** definition and, if necessary, require the **applicant** to apply for a permit for a different **use** definition;
  - (5) Keep and maintain for inspection by the public, during **office** hours, a copy of this **Bylaw** and all amendments and ensure that copies are available to the public;
  - (6) Maintain an up-to-date version of this **Bylaw** on the **Town's** website;
  - (7) Respond to questions and inquiries pertaining to regulations contained within this **Bylaw** and their interpretation;



- (8) Keep a register of all **development permit** applications including the decisions rendered and the reasons for the decisions;
- (9) Consider and decide on applications for **development permits** within forty (40) days of the receipt of the application in its complete and final form or within such time as agreed to, in writing, by the **applicant**;
- (10) ~~Issue decisions for **permitted uses** in the relevant **Land Use District** and outline the terms and conditions required for the **development permit** application; ~~Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **permitted uses** in the subject **land use district**;~~~~
- (11) ~~Issue decisions for **discretionary uses** in the relevant **Land Use District**, determine whether the proposed **development** meets the standards of this **Bylaw** and is compatible with surrounding uses, and outline the terms and conditions required for the **development permit** application; and, ~~Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **discretionary uses** in the subject land use district where, in the opinion of the **Development Officer**, the proposed **development** meets all the standards of the **Bylaw** and is compatible with surrounding **uses**; and~~~~
- (12) Provide notice of decisions on **development permit** applications in accordance with the notification requirements of this **Bylaw** and the **Act**.

5.2.4 The Development Officer may:

- (1) Refer a **development permit** application to the **Municipal Planning Commission** when deemed necessary by the **Development Officer**; and
- (2) Refer any other planning or **development** matter to the **Municipal Planning Commission** for its review, support, direction, or decision.

### 5.3 SUBDIVISION AUTHORITY

- 5.3.1 **Council** is the **Subdivision Authority** and is authorized to exercise **subdivision** powers and duties on behalf of the **Town** in accordance with this **Bylaw**.
- 5.3.2 **Council** may delegate any or all of their **Subdivision Authority** powers and duties to the **CAO**, the **Development Officer**, [an external agency](#) or other employee(s) of the **Town**.
- 5.3.3 The **Subdivision Authority** shall perform duties that are specified in the **Act** and the **Subdivision and Development Regulation**.

### 5.4 MUNICIPAL PLANNING COMMISSION

- 5.4.1 The **Municipal Planning Commission** is hereby established and shall perform duties that are specified in the **Act** and the **Subdivision and Development Regulations**.
- 5.4.2 The **Municipal Planning Commission** shall:
  - (1) Issue decisions and, if necessary, state terms and conditions for **development permit** applications referred by the **Development Officer**; and

(2) Consider and, if necessary, state terms and conditions on any other planning or **development** matters referred by the **Development Officer**.

(3) Direct the **Development Officer** to review, research, or make recommendations on any other planning and **development** matter; and,

(4) Make recommendations to **Council** on planning and **development** matters.

5.4.3 ~~[Removed by Bylaw #12.24]The **Municipal Planning Commission** may:~~

~~Direct the **Development Officer** to review, research, or make recommendations on any other planning and **development** matter; and~~

~~Make recommendations to **Council** on planning and **development** matters.~~

## 5.5 VARIANCE POWERS

5.5.1 ~~The **Development Officer** may grant a variance to a **permitted use development** that does not comply with this **Bylaw** if, in the **Development Officers** opinion the proposed **development** would not: The **Development Authority** or **Subdivision Authority** may approve at their discretion, with or without conditions, an application for development that does not comply with this **Bylaw** where the proposed development, with variance would not:~~

~~(1) Unduly interfere with the amenities of the neighbourhood; or~~

~~(2) Materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and,~~

~~(3) [Removed by Bylaw #12.24] The **use** proposed is allowed by this **Bylaw**.~~

~~(4) Involve a variance of any **setback, building height, and site coverage** by more than 20%.~~

5.5.2 If a variance is granted pursuant to this section, the **Development Authority** or **Subdivision Authority** ~~or **Development Authority**~~ shall specify its nature in the **development permit or subdivision** approval.

5.5.3 The **Development Officer** shall refer all applications that require a variance over 20% to the **Municipal Planning Commission**.

5.5.4 The **Municipal Planning Commission** may grant a variance for **setbacks, building heights, and site coverage** up to 50%.

5.5.5 The **Subdivision Authority** may approve at their discretion, with or without conditions, an application for a **development** that does comply with this **Bylaw** where the proposed **development**, with variance would not:

(1) Unduly interfere with the amenities of the neighbourhood; or

(2) Materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## 5.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 5.6.1 The **Subdivision and Development Appeal Board** shall perform the duties specified in the **Act**, this **Bylaw**, and the **Intermunicipal Subdivision and Development Appeal Board Bylaw**, as amended.

## 5.7 AMENDMENTS TO THIS BYLAW

- 5.7.1 ~~Council, on its own initiative,~~ may amend this **Bylaw**, pursuant to the **Act**.
- 5.7.2 Prior to granting second reading to a proposed bylaw that amends or repeals this **Bylaw**, **Council** shall hold a public hearing in accordance with the **Act**.
- 5.7.3 A person may make an application to the **Development Authority** to amend this **Bylaw**. The application shall include:
- (1) The prescribed application form, properly completed and signed;
  - (2) A statement of the specific amendment requested;
  - (3) The purpose and reasons for the application;
  - (4) A statement of the **applicant's** interest in the lands; and
  - (5) An application fee, as established by **Council**.
- 5.7.4 If the amendment is for re-designation of land, the **Development Authority** may require:
- (1) Plan(s) showing the lands which are subject to the amendment;
  - (2) Written authorization from the registered owner of the subject lands;
  - (3) A current copy of the Certificate of Title for the subject lands;
  - (4) A **concept plan** for the area to be re-designated, to the level of detail specified by the **Development Authority**; and
  - (5) Payment of a fee to the **Town** equal to the costs incurred by the **Town** to review the proposed re-designation and related **concept plan**, or if necessary, the cost to prepare a **concept plan**.
- 5.7.5 The analysis of the **Development Authority** shall be based on the full land **use** potential of the proposed amendment and not on the merits of any particular **development** proposal. The analysis shall, ~~among other things,~~ consider the following impact criteria:
- (1) Relationship and compliance with approved Statutory Plans and **Council** policies;
  - (2) Relationship and compliance with Statutory Plans and **concept plans** in preparation;
  - (3) Compatibility with surrounding **development** in terms of land **use** function and scale of **development**;
  - (4) Traffic impacts;

- (5) Relationship and impact on, services such as water and sewage systems, and other **public utilities** and facilities such as recreation facilities and schools;
- (6) Relationship to municipal land, **right-of-way**, or easement requirements;
- (7) Effect on stability, retention, and rehabilitation of desirable **uses, buildings**, or both in the area;
- (8) Necessity and appropriateness-validity of the proposed amendment in view of the stated intentions of the **applicant**; and
- (9) Relationship to the documented concerns and opinions of area residents regarding **development** implications.

5.7.6 If an application to amend this **Bylaw** is refused, the **Development Authority** may refuse to accept another application until six (6) months has lapsed from the date of the refusal.

## 5.8 SUBDIVISION APPLICATIONS

5.8.1 An application for **subdivision** shall be made to the **Subdivision Authority** using the prescribed form, properly completed, signed by all owners and agents, and accompanied by:

- (1) Copies of either a sketch or plan drawn to scale in metric dimensions showing the following:
  - (a) The location, dimensions, and boundaries of the **parcel** to be subdivided;
  - (b) The proposed **parcel(s)** to be registered in a land titles office;
  - (c) The location, dimensions, and boundaries of each new **parcel** to be created and any **reserve land**;
  - (d) Existing **rights-of-way** of each **public utility** or other **rights-of-way**;
  - (e) The location, **use**, and dimensions of **buildings** on the **parcel** that is the subject of the application and specifying those **buildings** that are proposed to be demolished or moved;
  - (f) The location and boundaries of the bed and shore of any river, stream, watercourse, lake, or other body of water that is contained within or bounds the proposed **parcel** of land;
  - (g) The location of any existing or proposed wells, any private sewage disposal systems, and the distance from these to existing or proposed **buildings** and existing or proposed **parcel boundaries**; and,
  - (h) Existing and proposed **access** to the proposed **parcel(s)** and the remainder of the **parcel**.
- (2) Current title searches or photocopies of the existing registered Certificates of Title in a land titles **office** showing all ownership interests and easements within the **parcel** to be subdivided;
- (3) Statistics showing calculations of the gross **floor area** of land in the plan area and the allocation of the land to **streets, lanes, parcels**, and reserve lands, as per the **Act**; and

- (4) Number of **dwelling units**.
- 5.8.2 In addition to the information required under Section 5.8.1, the following information may be required by the **Subdivision Authority** depending on the scale, type, and location of the proposed **development**:
- (1) Ground water information and information regarding the supply of potable water if the intended **uses** are not served by a piped municipal system;
  - (2) A geotechnical assessment, prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp registered in the Province of Alberta, describing the **site's** suitability to:
    - (a) Sustain sewage disposal systems if the intended use is not served by a piped municipal wastewater system; and/or
    - (b) Support **building** foundations and withstand slumping or subsidence on lands;
  - (3) Shadow plans to demonstrate the integration of the proposed **subdivision** on **adjacent parcels** and/or land to be developed in the future;
  - (4) A plan showing resources, such as trees, ravines, views, and other similar natural features which are influential to the **subdivision** of the area;
  - (5) An appraisal of the market value of the land when money in place of land dedication for municipal reserve is proposed. The appraisal must be prepared in accordance with the **Act**, and
  - (6) An Historical Resources Impact Assessment on lands that have been identified or suspected as containing a registered **historical resource** or within 60 metres of public lands set aside for use as historical **sites**.
- 5.8.3 If an application for **subdivision** is refused, the **Subdivision Authority** may refuse to accept another application until six (6) months has lapsed from the date of the refusal.
- 5.8.4 Approval of an application for **subdivision** is not an approval to develop, construct, or build on the land. **Site grading**, earthwork, or any other construction shall not commence nor proceed until a **development agreement** has been signed or, where applicable, a **development permit** has been issued.
- 5.8.5 When an application for **subdivision** is approved, with or without conditions, or refused, the notice of decision shall be sent by ordinary mail to the **applicant** and those persons and authorities that are required to be given a copy of the application under the **Subdivision and Development Regulation**.
- 5.8.6 For purposes of this **Bylaw**, the date of the notice of decision of the **Subdivision Authority** on an application for **subdivision** is the date the decision was transmitted to the **applicant** and those persons required to be notified under the **Subdivision and Development Regulation**.
- 5.8.7 An application for **subdivision** shall, at the option of the **applicant**, be deemed to be refused when decision is not made by the **Subdivision Authority** within sixty (60) days of the application being deemed complete unless the **applicant** has entered into an agreement with the **Subdivision Authority** to extend the sixty (60) day period. The **applicant** may appeal in

writing, as per the **Act**, as though they had received a decision of refusal.

## 5.9 SUBDIVISION AGREEMENTS

- 5.9.1 The **Subdivision Authority** may approve a **subdivision** application subject to conditions.
- 5.9.2 If a **subdivision agreement** is required it shall be entered into between the **Town** and the owner and/or **applicant**, as per Section 655 of the **Act**. The **subdivision agreement** may be registered on Certificate(s) of Title to the satisfaction of the **Town**.
- 5.9.3 A **subdivision agreement** may contain provisions requiring a letter(s) of credit or other security in an amount and in a form to be determined by the **Town** to guarantee the execution of the items listed in the **subdivision agreement**.

## 5.10 WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED

- 5.10.1 All municipal works, **public utilities**, public parks, and municipal facilities are permitted in all **Land Use Districts** and shall be exempt from the regulations and **development permit** conditions of this **Bylaw**.
- 5.10.2 Provided a development complies with all other requirements of this **Bylaw**, a development permit is not required for: A **development permit** is not required for the following **developments** provided the **development** complies with all other requirements of this **Bylaw**:
- (1) ~~These~~ **Uses** and **development** exempted under Section 618 of the **Act**;
  - (2) Works of maintenance, repair, or alteration to any **building** or **structure** provided that the work:
    - (a) Does not include structural alterations;
    - (b) Does not result in an increase in the number of **dwelling units**;
    - (c) Does not change the intensity or **use** of the **building** or **structure**; and
    - (d) Is performed in accordance with relevant legislation and other government regulations;
  - (3) The completion of a **building**, which was lawfully under construction at the date this **Bylaw** or amendments to this **Bylaw** comes into full force and effect, for which the **Development Authority** has issued a **development permit**, provided that: The completion of any **development** which has lawfully commenced before the passage of this **Bylaw** or any amendment to this **Bylaw**, provided that the **development** is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within twelve (12) months of the date of commencement;
    - (a) The **building** is completed in accordance with the terms of any permit granted by the **Development Authority**, subject to the conditions of that permit, including timeframe for completion; and,
    - (b) the **use** of the **development** is consistent with the original **development permit** issued by the **Development Authority**;
  - (4) [Removed by Bylaw #12.24]The **use** of any such **development** as is referred to in subsection (3) for the purpose of which **development** was commenced;

- (5) The erection, construction, maintenance, improvement or any other alterations of gates, fences, walls, or other means of enclosure shall conform to heights outlined within the **screening**, fences and hedges within the applicable **Land Use District(s)** [Bylaw #18.21].
- (6) Retaining walls less than 1.0 metre in height;
- (7) A temporary **building** associated with construction and not to be used for **residential uses purposes** such as a construction trailer, where the sole purpose of the **building** is incidental to the erection or **structural alteration** of a permanent **building** for which a **development permit** has been issued under this **Bylaw**. The temporary **building** shall be removed within thirty (30) days of substantial completion of **development**. This does not include a sales office, show home, or similar facility;
- (8) Any **development** carried by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- (9) The **use** of a **building** or part thereof as a temporary polling station for a federal, provincial, or municipal election or referendum;
- (10) The temporary placement of campaign **signs** in connection with a federal, provincial, or municipal election or referendum;
- (11) **Town** sanctioned special events;
- (12) An **accessory building** or **structure** not greater than 10 square metres and with a maximum height of 3.0 metres, with no **public utility** connections, no permanent foundation, and is not to be used as a **dwelling unit**;
- (13) **Signs** not requiring a **development permit** as per Part 4 of this **Bylaw**;
- (14) The erection or maintenance by the **Town**, on **Town** property, of a traffic **sign**, informational **sign**, directional **sign**, or third-party **sign**;
- (15) The erection of a flag pole or other poles provided that such poles do not exceed 6.0 metres in height;
- (16) A satellite dish antenna less than 1.0 metre in diameter;
- (17) A **home occupation - basic**; and,
- (18) The construction of a **deck** or **patio** with a surface height 0.6 metres or less above **grade** [Bylaw #18.21].

## 5.11 DEVELOPMENT PERMIT APPLICATIONS

5.11.1 An application for a **development permit** shall be made to the **Development Authority** using the prescribed form, properly completed, signed by all owners and agents, and accompanied by:

- (1) The required fees as established by **Council**;
- (2) Written authorization from the registered owner of the subject lands;



- (3) A current copy of the Certificate of Title for the subject lands; and
- (4) One (1) hard copy and one (1) digital copy of the **site**, floor, elevation, and **landscaping** plans, drawn to scale, in metric dimensions which show the following:
  - (a) Legal description of the **site** with north arrow;
  - (b) Area and dimensions of the land to be developed including **parcel coverage**, thoroughfares, and **setbacks**;
  - (c) Exterior finishing materials, architectural design features, and all locations and dimensions of frontage elements including transparency, entrances, and **landscaping**;
  - (d) The height, dimensions, and relationship to **parcel boundaries** of all existing and proposed **buildings** and **structures** including retaining walls, trees, **landscaping**, and other physical features;
  - (e) The removal of trees if applicable;
  - (f) Existing and proposed **access** to and from the **site**;
  - (g) **Site** drainage, **finished grades**, and the **grades** of the **roads**, **streets**, and utilities servicing the **site**;
  - (h) Locations and distances of on-site existing or proposed water, wastewater, and storm water connections, septic tanks, disposal fields, water wells, culverts, and crossings;
  - (i) Location and dimensions of all registered easements and **rights-of-way**;
  - (j) Information on the method to be used for the supply of potable water and disposal of waste along with supporting documentation; and
  - (k) Estimated construction value of the proposed work.

5.11.2 In addition to the information required under Section 5.11.1, the following information may be required by the **Development Authority** depending on the scale, type, and location of the proposed **development**:

- (1) The number of **dwelling units**;
- (2) A statement of the proposed **use** or **uses**;
- (3) Loading and parking provisions, including electric charging stations and bicycle parking;
- (4) The Location of any fire hydrants;
- (5) Garbage and storage areas and the fencing and **screening** proposed for garbage and storage areas;
- (6) **Landscaping** plan prepared by a **landscape** architect registered with the Alberta Association of Landscape Architects, identifying location, dimensions, and design of all existing and proposed **soft landscaping** and **hard landscaping**, including health, identification, and planting methods;
- (7) Lighting plan;



- (8) Pedestrian circulation plan;
- (9) Crime Prevention Through Environmental Design (CPTED) assessment prepared by a **qualified security professional**;
- (10) A statement clearly describing how the positive and/or negative potential impacts of the proposed **development** on **adjacent** lands will be dealt with and how the proposed **development** has been designed to address those impacts;
- (11) Information describing any noxious, toxic, radioactive, flammable, or explosive materials that may be included in the proposed **development**;
- (12) In relation to a special event or temporary **use**, the duration and time periods for the operation of the **development**, facility, or event;
- (13) Methods to control traffic, dust, and noise; and
- (14) Any other information required by the **Development Authority**, at their sole discretion, with respect to the **site** or **adjacent** lands, including but not limited to, an environmental **screening** of the **site**, geotechnical study, and/or traffic impact analysis prepared by **qualified professionals**.

5.11.3 Notwithstanding Section 5.11.1 and Section 5.11.2 an application for a **development permit** for a **sign** or **mural** shall be accompanied by the following; [Bylaw #16.22]

- (1) the name and address of the **applicant**;
- (2) the name and address of the lawful owner of the property and/or **building on which the sign or mural** is proposed to be affixed (if different from **applicant**);
- (3) location of the **sign** or **mural**, including legal description and civic address;
- (4) elevation drawing showing placement of the **sign** or **mural** on the **building** including dimensions for height, width and area of the **sign** or **mural**;
- (5) **site** plan of the property showing the **sign** or **mural** location relative to the property lines;
- (6) detailed illustration of the **sign** or **mural** indicating;
  - (a) content and design of the **mural** including colours and materials;
  - (b) if the **sign** or **mural** will be illuminated, and the proposed manner of illuminating;
  - (c) means to affix the **sign** or **mural** to the **building**; and,
  - (d) a written artists statement that described the concept, message and interpretation of the **mural**.
- (7) any such additional information the **Development Authority** deems necessary.

5.11.4 Unless extended by an agreement in writing between the **applicant** and the **Development Authority**, the **Development Authority** shall within twenty (20) days after receipt of an application for a **development permit**.

- (1) Issue a written acknowledgement to the **applicant** advising that the application is complete; or,
  - (2) Issue a written notice to the **applicant** advising that the application is incomplete, listing the documentation and information that is still required and setting a date by which the required documentation and information must be submitted.
- 5.11.5 If the **applicant** fails to submit any requested outstanding documents or information by the date set out, the application shall be deemed refused and the **Development Authority** shall inform the **applicant** in writing that the application has been refused and the reason for the refusal.
- 5.11.6 Upon receipt of the required documentation and information listed in the notice issued pursuant to subsection [5.11.4-7\(ii\)](#), the **Development Authority** shall issue a written acknowledgment to the **applicant** advising that the application is complete.
- 5.11.7 The approval of an application or drawing, or the issuing of a **development permit** shall not prevent the **Development Authority** from thereafter requiring the correction of errors and omissions, nor from prohibiting the **development** being carried out when the **development** is in violation of this **Bylaw**.
- 5.11.8 Where an application for a **development permit** is determined to contain incorrect information, the **Development Authority** is not required to make a decision until such information is corrected by the **applicant**.
- 5.11.9 Any **development permit** issued on the basis of incorrect information contained in the application shall be revoked or suspended by the **Development Authority**.
- 5.11.10 If a **development permit** application is refused, the **Development Authority** shall not accept another application for the same or similar **use** on the same **parcel** for twelve (12) months after the refusal [Bylaw #16.22].

## 5.12 DISCRETIONARY USES

- 5.12.1 When deciding on a **development permit** application for a **discretionary use**, the **Development Authority** shall consider;
- (1) any plans and policies affecting the **parcel**;
  - (2) the [general intent purpose statements](#) in the applicable **Land Use District**;
  - (3) the appropriateness of the location and **parcel** for the proposed **development**;
  - (4) the compatibility and impact of the proposed **development** with respect to **adjacent development** and the [public realm/neighbourhood](#);
  - (5) the merits of the proposed **development**;
  - (6) servicing requirements;
  - (7) **access** and transportation requirements;
  - (8) vehicle and pedestrian circulation within the **parcel**; and,

(9) sound planning principles.

5.12.2 The **Development Authority** may:

- (1) approve the application unconditionally; or,
- (2) approve the application permanently or for a limited period of time and impose conditions considered appropriate; or,
- (3) refuse the application, stating reasons for the refusal.

5.12.3 Where a proposed specific **use** of land or a **building** is not provided for in a [Land Use District-district](#), the **Development Authority** may determine that the **use** is similar in character and purpose to another **use** of land or **building** that is included in the list of **permitted** or **discretionary uses** prescribed for that [Land Use District. district.](#)

### 5.13 APPLICATION NOTIFICATION REQUIREMENTS

5.13.1 Prior to approving an application for a **development permit** for a **discretionary use**, or for a **permitted use** requiring a variance, the **Development Authority** may require the **applicant** to post a notice on the property in a location and format that determined by the **Town** describing the proposed **development** and advising any interested parties where further information regarding the application may be obtained. Such notice shall be posted for a minimum of ten (10) days prior to the issuance of a notice of decision.

5.13.2 Notifications shall contain information on the proposed **development**, the time and date that a decision will be rendered on the application, a final date to submit comments, and contact information for the **Town**.

### 5.14 DEVELOPMENT AGREEMENT FOR DEVELOPMENT PERMITS

5.14.1 The **Development Authority** may conditionally approve any **development permit**, subject to a **development agreement**.

5.14.2 If a **development agreement** is required, it must be entered into between the **Town** and the **applicant** as per Section 650 of the **Act**.

5.14.3 The **Town** may register a caveat against the Certificate of Title with respect to a **development agreement** for a property that is the subject of a **development permit**. This caveat shall be discharged when the **development agreement** has been complied with, at the request of the owner or owner's agent.

5.14.4 A **development agreement** may contain provisions requiring a letter(s) of credit or other security in an amount and form to be determined by the **Town** to guarantee the execution of the items listed in the **development agreement**.

### 5.15 CONDITIONS OF DEVELOPMENT PERMIT

5.15.1 The **Development Authority** may impose such conditions on the approval of an application as, in their opinion, are necessary to:

- (1) Uphold the intent and objectives of the **Municipal Development Plan**;

- (2) Uphold the intent and objectives of any other Statutory Plan or non-Statutory Plan under preparation or as adopted, that is applicable to the **site**;
- (3) Meet the applicable requirements of this **Bylaw**; and,
- (4) Ensure the orderly and economic **development** of land within the **Town**.

5.15.2 The **Development Authority** may, as a condition of issuing a **development permit**, require that the **applicant** pay an off-site levy or other levy imposed by a **bylaw** or, that the **applicant** enter into a **development agreement** with the **Town** to pay any such levy and/or to construct or pay for the construction of any or all of the following:

- (1) A public **road** required to give **access** or egress to the **development**;
- (2) A pedestrian walkway system to serve the **development**;
- (3) Pedestrian walkways that will connect the pedestrian walkway system that serves or is proposed to serve an **adjacent development**;
- (4) Off-street parking or other parking facilities;
- (5) **Public utilities** that are necessary to serve the **development**; or,
- (6) New or expanded community recreation facilities, fire hall facilities, police station facilities, or libraries.

5.15.3 In addition to the application of conditions on a **development permit**, the **Development Authority** may also include general requirements as an addendum to the notice of decision [Bylaw #18.21].

## 5.16 NOTICE OF DECISION

5.16.1 The decision of the **Development Authority** on an application shall be given to the **applicant** on the same day the decision is made in the form prescribed by the **Town**, which may include correspondence by electronic means pursuant to Section 608 of the **Act**.

5.16.2 If the **Development Authority** refuses an application for a **development permit**, the notice of decision shall contain the reasons for the refusal.

5.16.3 When an application for a **development permit** is approved, the **Development Authority** shall send notice of the decision that will include a description of the proposed **development**, state of the decision, advise of the right of appeal, and will be sent to:

- (1) The **applicant**;
- (2) The owner of the **parcel(s)**; and
- (3) Each owner of **adjacent** land at the name and address shown for that owner; or
- (4) Each owner at such additional distance and direction from the boundaries of the proposed **development** as, in the opinion of the **Development Authority**, may be materially impacted by the **development**.

5.16.4 A **development permit** issued pursuant to this **Bylaw** comes into effect:

- (1) Only after the time for an appeal to the **Subdivision and Development Appeal Board** has expired, pursuant to the **Act**; or,
- (2) If an appeal has been filed, once a decision has been made by the **Subdivision and Development Appeal Board** in favour of the issuance of the **development permit** subject to any variance or other change to conditions of approval directed by the **Subdivision and Development Appeal Board**.

5.16.5 Where an appeal is made pursuant to Section 5.17 of this **Bylaw**, a **development permit** which has been granted shall not come into effect until the appeal has been determined and the **development permit** may be modified or nullified based on the results of the appeal.

## 5.17 PERMIT VALIDITY

- 5.17.1 A **development permit** issued pursuant to this **Bylaw** is not a **building permit** and, notwithstanding that plans and specifications for **buildings** may have been submitted as part of an application for a **development permit**, work or construction shall neither commence nor proceed until a **building permit** has been issued, pursuant to applicable bylaws and regulations.
- 5.17.2 A **development permit** is valid for twelve (12) months from its date of issuance, unless **development** has been substantially started in a manner satisfactory to the **Development Authority**.
- 5.17.3 The **Development Authority** may grant an extension of the time the **development permit** remains in effect for up to an additional twelve (12) months. The **Development Authority** shall only grant one (1) extension.
- 5.17.4 When a **development permit** that has previously been issued for a **site** is in effect, the **Development Authority**, in their consideration of an application for another **development permit** for the same **site(s)**, may revoke the previous **development permit** and issue a new **development permit**.

## 5.18 APPEALS

- 5.18.1 The applicant for a development permit may appeal to the **Subdivision and Development Appeal Board** if the **Development Authority**:
  - (1) Refuses a **development permit** application;
  - (2) Fails to make a decision on a **development permit** within forty (40) days of receipt of a completed application or the end of the extension period; or,
  - (3) Issues a **development permit** subject to conditions.
- 5.18.2 In addition to the **applicant**, any person affected by the **development permit** or the decision on the **development permit**, may appeal to the **Subdivision and Development Appeal Board**.
- 5.18.3 An appeal must be commenced:
  - (1) In the case of an **applicant**, within twenty-one (21) days of the notification of the decision, or, if no decision is made on the **development permit** application within

forty (40) days of receipt of the completed application, the date the period of any extension expires; or

- (2) In the case of a person affected, within twenty-one (21) days of the **Town** distributing notice of the **development permit** decision, as per Section 5.15 of this **Bylaw**.

## 5.19 FORMS, NOTICES, OR ACKNOWLEDGMENTS

5.19.1 Any form, notice, or acknowledgement issued by the **Town** shall include:

- (1) The date of issuance of the notice or acknowledgement;
- (2) Contact information for the **Town**;
- (3) The municipal address of the property subject to the application;
- (4) The municipal file number for the application; and
- (5) Any other information at the discretion of the **Town**.

5.19.2 Any form, notice, or acknowledgement may be sent by electronic means pursuant to Section 608 of the **Act**.

## 5.20 NON-CONFORMING USES AND BUILDINGS

5.20.1 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** shall conform to this **Bylaw**.

5.20.2 A **non-conforming use** of part of a **building** may be extended throughout the **building**, but the **building**, whether or not it is a **non-conforming building**, may not be enlarged or added to and no **structural alterations** may be made to the **building** or in the **building**.

5.20.3 A **non-conforming use** of part of a **parcel** or **site** shall not be extended or transferred in whole or in part to any other part of the **parcel** or **site** and no additional **buildings** may be constructed on the **parcel** or **site** while the **non-conforming use** continues.

5.20.4 A **non-conforming building** may continue to be used, but the **building** may not be enlarged, added to, rebuilt, or structurally altered except:

- (1) To make it a conforming **building**; or
- (2) For the routine maintenance of the **building**, if the **Development Authority** considers it necessary.

5.20.5 If a **non-conforming building** is damaged or destroyed to the extent of more than 75% of the value of the **building** above its foundation, the **building** may not be repaired or rebuilt except in accordance with this **Bylaw**.

5.20.6 The land **use** or the **use** of a **building** is not affected by a change of ownership or tenancy of the land or **building**.

## 5.21 CONTRAVENTION

- 5.21.1 No person shall contravene this **Bylaw** by commencing or undertaking a **development, use, or sign** that is not permitted under the **Bylaw**.
- 5.21.2 No person shall authorize or do any **development** that is contrary to the description, specifications, or plans that were the basis for issuing a **development permit** under this **Bylaw**.
- 5.21.3 No person shall contravene a condition of a **development permit** issued under this **Bylaw**.
- 5.21.4 The **Development Authority** may enforce the provisions of this **Bylaw**, the **Act**, and the conditions of a **development permit** or **subdivision** approval.

## 5.22 RIGHT OF ENTRY

- 5.22.1 For the purposes of Section 5.10 to 5.20 inclusive, "Officer" is the **Development Authority, Subdivision Authority, Bylaw Officer**, or other person designated by the **Town**.
- 5.22.2 Pursuant to the **Act**, an Officer may enter land or a **building** if:
  - (1) Reasonable notice has been given to the owner or occupier; or
  - (2) The entry is authorized by and Order of the Court of King's Bench; and then only for the purpose of ensuring compliance with the **Act** or this **Bylaw**.

## 5.23 VIOLATION TAGS

- 5.23.1 In accordance with the **Provincial Offences Procedures Act**, an Officer may issue a violation tag to a person where there are reasonable and probable grounds to believe there is a contravention of this **Bylaw**.
- 5.23.2 A violation tag may be issued to a person either personally or by registered mail.
- 5.23.3 The violation tag shall be in a form approved by the **town** and shall include the name of the person thought to have created the contravention the offence, the penalty for the offence, a requirement that the penalty be paid within thirty (30) days of issuance of the violation tag, the method by which the violation tag may be paid, and other information required by the **Town**.
- 5.23.4 Where a contravention is of a continuing nature, further violation tags may be issued.
- 5.23.5 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location identified on the violation tag.
- 5.23.6 If payment is not made within the time specified on the tag, an Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 5.23.7 Nothing in this **Bylaw** shall prevent an Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this **Bylaw**.



## 5.24 FINES

- 5.24.1 The fines for an offence against this **Bylaw**, pursuant to the **Act**, are:
- (1) First Offence, \$250;
  - (2) Second Offence, \$500; and,
  - (3) Third and additional offences, \$1,000.
- 5.24.2 If the **Development Authority** issues a fine, notice of the fine shall be mailed or delivered by hand to the owner or the person in possession of the land or **building** and the notice shall state:
- (1) The amount of the fine;
  - (2) Whether it is a first, second, or third offence; and,
  - (3) The date and time by which the property must be brought into conformity with the **Bylaw**.
- 5.24.3 The **Development Authority** is authorized and directed to take whatever action is required to collect fines levied for offences of this **Bylaw**.

## 5.25 STOP ORDERS

- 5.25.1 Where the **Development Authority** finds that a **development, use** of land, or **use** of a **building** is not in accordance with:
- (1) Any municipal, provincial, and/or federal legislation;
  - (2) The **Act**,
  - (3) This **Bylaw**; or,
  - (4) An approved **development permit**, a **subdivision** approval, or a condition of the **development permit** or approval.
- 2.5.3.(1) The **Development Authority** may issue a **stop order** in writing, pursuant to Section 645 of the **Act**, to the owner, the person in possession of the land or **building**, and/or other person responsible for the contravention, to require that all or any of them, on the date the **stop order** is issued:
- (5) Stop the **development** or use of the land or **building** in whole or in part as directed by the **stop order**,
  - (6) Demolish, remove, or replace the **development**; or,
  - (7) Carry out any other actions required by the **stop order** so that the **development** or use of the land or **building** complies with the **Act**, the **Subdivision and Development Regulation**, this **Bylaw**, a **development permit** or **subdivision** approval, within the time set out in the **stop order**.
- 5.25.2 A person may appeal a stop order to the Subdivision and Development Appeal Board.



- 5.25.3 If a person fails or refuses to comply with a **stop order**, the **Town** may, in accordance with the **Act**:
- (1) Obtain an injunction from an Alberta Court to enforce this **Bylaw**;
  - (2) Register a caveat under the **Land Titles Act** in respect of the **stop order**;
  - (3) Enter upon the land or **building** and take such action as is necessary to carry out the **stop order**; and,
  - (4) Charge the owner and collect in like manner as taxes owing against a property, the cost of the action or measure.

## 5.26 VACANCY

- 5.26.1 Any proposed change of **use** for a **building** that is not the same **use** previously operating requires a **development permit** regardless of the length the building has been vacant [Bylaw #12.24].
- 5.26.2 Any **building** that has been vacant for more than six (6) months requires a **development permit** for a change in occupancy regardless of the previous **use** [Bylaw #12.24].
- 5.26.3 Notwithstanding Section 5.26.2, If a building has been vacant less than six (6) months and the proposed **use** is similar to the previous **use** a **development permit** is not required

## 6. Interpretation and Definitions

### 6.1 RULES OF INTERPRETATION

- 6.1.1 Provisions of this **Bylaw** are activated by “shall” or “must” when required, “should” when recommended, and “may” when optional. [Section 6.1.2](#) words and terms used in this **Bylaw** shall have the same meaning as given to them in the **Act** unless otherwise defined by Section 6.2.
- 6.1.2 Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether or not they are capitalized.
- 6.1.3 Where a regulation involves two (2) or more conditions or provisions connected by a conjunction, the following shall apply:
- (1) “and” means all the connected items shall apply in combination;
  - (2) “or” indicates that the connected items may apply singly; and
  - (3) “and/or” indicates the connected items shall apply singly or in combination.

## 6.2 DEFINITIONS

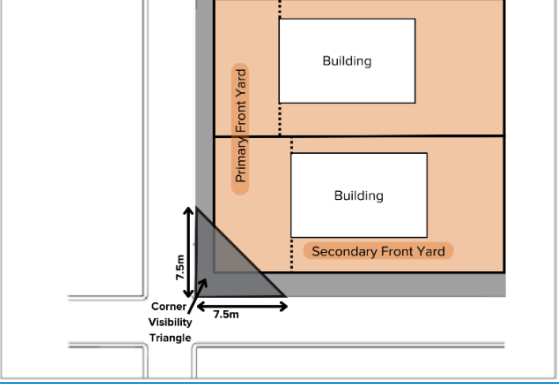
<b>A</b>	
<b>A-Board Sign</b>	<p><u>means a self-supporting <b>sign</b>, designed for temporary use during the operating hours of the related business, with no more than two faces joined at the top of the <b>sign</b> that can be manually placed and moved without the need for mechanical assistance.</u></p> <p><del>means a self-supporting <b>sign</b> with no more than 2 faces joined at the top of the <b>sign</b>, that is intended for temporary use during the hours of the business to which it relates, and that can be placed and moved manually without mechanical aid.</del></p>
<b>Access</b>	<p><u>means the area and method by which persons and/or vehicles shall have sufficient ingress and egress to a <b>parcel</b> or <b>dwelling unit</b>.</u></p> <p><del>means the place, means, or way by which pedestrians and/or vehicles shall have adequate ingress and egress to a property.</del></p>
<b>Accessory Building, <del>Structure, or Use</del></b>	<p><u>means a <b>building</b> separate and subordinate to the <b>principal building</b>, the <b>use</b> of which is incidental to that <b>principal building</b> and is located on the same <b>parcel</b>.</u></p> <p><del>means a building, <b>structure</b>, or use which is detached from and subordinate, incidental, and directly related to the <b>principal building</b> or <b>use</b>.</del></p>
<b>Accessory Building – Portable</b> [Bylaw #18.21]	<p>means a <u>temporary <b>accessory building</b> that is <del>temporary structure</del></u> designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the <u><b>Safety Codes Act, Alberta Safety Code. Accessory Buildings – Portable</b></u> may only be erected between October-April unless otherwise approved by the <u><b>Development Authority</b></u></p>
<b>Act</b>	<p>means the <i>Municipal Government Act</i>, RSA 2000 c. M-26 as amended <u>from time to time, and its successor legislation, or replaced.</u></p>
<b>Adaptive Fill</b> [Bylaw #16.22]	<p><u>means a temporary fill material placed by the <b>Town</b> during a flood emergency to close gaps in existing berms and bring them to the <b>flood construction level</b> plus <b>freeboard</b>.</u></p>

<b>Adjacent</b>	means land that is contiguous or would be contiguous if not for a public <b>road</b> , railway, <b>reserve land</b> , utility <b>right-of-way</b> , river, or stream.
<b>Adult Entertainment</b>	<del>means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown. means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations.</del>
<b>After Life Care</b>	means a <b>development</b> where the deceased are prepared for burial display and/or rituals before burial or cremation. This may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services. This <b>use</b> does not include a <b>cemetery</b> .
<b>Agriculture – General</b>	means a <b>development</b> for the rural production of farm or agricultural products and includes the cultivation of land, breeding and raising of livestock, and horticultural growing operations. This does not include <b>confined feeding operations</b> .
<b>Agriculture – Intensive</b>	means a <b>development</b> for the growing of crops primarily within a <b>building</b> and/or <b>structure</b> for the purpose of commercial food production. This does not include <b>confined feeding operations</b> .
<u><b>Agriculture – Pasturage</b></u>	<u>means a <b>use</b> limited to the limited to the grazing and keeping of livestock.</u>
<u><b>Alberta Private Sewage Disposal System Standard of Practice</b></u> [Bylaw #12.24]	<u>means the design standards, installation standards, and material requirements for on-site private sewage systems handling less than 25 cubic metres of sewage volume per day.</u>
<b>Applicant</b>	means the owner, or an agent, person, firm, or company acting on behalf of the owner, who submits an application under the provisions of this <b>Bylaw</b> .
<b>Area Redevelopment Plan</b>	means a Statutory Plan adopted by bylaw as <b>an Area Redevelopment Plan</b> pursuant to the <b>Act</b> .
<b>Area Structure Plan</b>	means a Statutory Plan adopted by bylaw as an <b>Area</b>

	<b>Structure Plan</b> pursuant to the <b>Act</b> .
<b>Artist Studio</b>	means small-scale, on-site production of goods by hand manufacturing. Typical <b>uses</b> include, but are not limited to, pottery, ceramics, jewelry, toy manufacturing, and sculpture and art studios. Minor retail sale of products on-site is allowed.
<b>B</b>	
<b>Balcony</b>	means a horizontal platform that is attached to a <b>building</b> above the first-storey level and is intended for use as an outdoor amenity space.
<b>Bed &amp; Breakfast</b>	means a <b>dwelling unit</b> that is occupied by the property owner or manager and provides overnight accommodation for a fee in rooms with no in-room cooking facilities.
<b>Bench</b>	means an intermediary plateau or area which occurs between the toe of a slope (valley bottom lands) and an escarpment or valley wall top (or rim). <b>Bench</b> lands typically have a slope of between 1% and 15% and a valley edge may have more than one <b>bench</b> at different elevations.
<b>Bench Sign</b> [Bylaw #18.21]	means a <b>sign</b> which is placed or erected on an immobile seat. That advertises goods, products, services or facilities which directs persons to a different location from the <b>site</b> where the <b>bench sign</b> is located.
<b>Billboard Sign</b> [Bylaw #18.21]	<del>means a <b>sign</b> placed <b>adjacent</b> to, though not within, the <b>right-of-way</b> that is designed and intended to provide a leasable advertising copy area on one or both sides. That advertises goods, products, services or facilities which directs persons to a different location from the <b>site</b> where the <b>sign</b> is located.</del> means a <b>sign</b> placed <b>adjacent</b> to, though not within, the <b>right-of-way</b> that is intended to advertise goods, products or services directing persons to a different location from the <b>site</b> where the <b>sign</b> is located. This does not include a <b>freestanding sign</b> .
<b>Brewery/Distillery</b> [Bylaw #18.21]	means a facility licensed by the Alberta Gaming and Liquor Commission ( <b>AGLC</b> ) where beer, spirits and other alcoholic beverages are manufactured and may include the retail sale of products made on the

	premises for consumption off the premises. A <b>brewery/distillery</b> may include an area where products made on the premises are sold or provided to the public for consumption on the premises but are not considered a <b>drinking establishment</b> .
<b>Building</b>	means anything constructed or placed on, in, over, or under land, but does not include a highway or <b>road</b> or a bridge forming part of a highway or <b>road</b> .
<b>Building Height</b>	means the vertical distance measured from the <b>finished grade</b> to the highest point of a <b>building</b> . <b>Building height</b> does not include any accessory roof <b>structure</b> such as mechanical housing, elevator housing, roof stairway entrance, ventilating fan, skylight, parapet wall, chimney, steeple, communication structure, or similar feature not structurally essential to the <b>building</b> .
<b>Building Permit</b>	means a permit authorizing construction in accordance with the <a href="#">Alberta Safety Codes Act</a> .
<b>Bylaw</b>	means the Town of Drumheller Land Use Bylaw <a href="#">16.20 as amended from time to time</a> .
<b>Bylaw Officer</b>	means a person appointed by the <b>Town</b> to enforce the provisions of this <b>Bylaw</b> , and includes a member of the Royal Canadian Mounted Police ( <a href="#">RCMP</a> ) and a Community Peace Officer.
<b>C</b>	
<b>Campground</b>	means a <b>development</b> for the purpose of providing <u>temporary accommodation</u> for <b>recreational vehicles</b> or tents.
<b>Cannabis</b> [Bylaw #16.22]	means <b>cannabis</b> plant, fresh cannabis, dried <b>cannabis</b> , <b>cannabis</b> oil and <b>cannabis</b> plant seeds and any other substance defined as <b>cannabis</b> in the <i>Cannabis Act</i> , <a href="#">S.C. 2018, c.16</a> and its regulations, as amended from time to time and includes <b>cannabis</b> products that are ingested or applied as a topical.
<b>CAO</b>	means the Chief Administrative Officer <a href="#">of the Town</a> as appointed by <b>Council</b> .
<b>Car Wash</b>	means an establishment for the washing of <del>motor</del>

	vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.
<b>Cemetery</b>	means land or a <b>building</b> for the burial or interment of <a href="#">dead human bodies or human remains and registered as a cemetery in accordance with the Cemeteries Act, R.S.A. 2000, Chapter C-3 as amended from time to time, and its successor legislation.</a> <del>the deceased.</del>
<b>m<sup>3</sup>/s</b>	cubic metres per second (river flow rate).
<del><a href="#">[Removed by Bylaw #12.24]</a> <b>Communication Structure</b></del>	<del>means an exterior transmitting device — or group of devices — used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting <b>structure</b>, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:  Freestanding Antenna System: a <b>structure</b> (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; and  <b>Building/Structure</b> Mounted Antenna System: an Antenna System mounted on an existing <b>structure</b>, which could include a <b>building</b> wall or rooftop, a light standard, water tower, utility pole or other.</del>
<b>Concept Plan</b>	<del>means a <b>concept plan</b> is a non-Statutory Plan, subordinate to an <b>Area Structure Plan</b>, and may be adopted by bylaw or resolution, <u>that</u>. <b>Concept plans</b> provides detailed land <b>use</b> direction, <b>subdivision</b> design, and <b>development</b> guidance to <b>Council</b>, administration, and the public. <b>Concept plans</b> are meant to be developed within the framework of an <a href="#">Area Structure Plan</a>.ASP.</del>
<b>Confined Feeding Operation</b>	means a <del>land use activity on land</del> that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the <i>Agricultural Operations Practices Act RSA 2000 Chapter A-7 (AQPA)</i> through the Natural Resources Conservation Board (NRCB).

<b>Corner Parcel</b>	means a <b>parcel</b> at the intersection of two (2) <b>roads</b> , excluding <b>lanes</b> .
<b>Corner Visibility Triangle</b> [Bylaw #16.22]	<p>means a triangular area formed on the <b>corner site parcel</b> by the two (2) <b>street</b> property lines and a straight line which intersects them at 7.5 metres from the corner where they meet.</p> 
<b>Council</b>	means the <b>Council</b> of the Town of Drumheller.
<b>Culture</b>	means a <b>development</b> used by one or more organizations for arts, religion, community and/or cultural activities, but does not include an <b>entertainment facility</b> . <b>Establishment</b>
<b>D</b>	
<b>Day Home</b>	means a childcare facility operated from a private residence for <u>a maximum of up to six (6)</u> children up to 12 years of age and complies with the Alberta Family Day Home Standards <u>Manual</u> but does include <u>a "child care program"s</u> as defined by the <u>Early Learning and Child Care Act, RSA 2007 Chapter E-0.1. Child Care Licensing Act.</u>
<b>Deck</b> [Bylaw #18.21]	means an uncovered horizontal <b>structure</b> at or below the main floor level of a <b>building</b> that is intended for use as an outdoor amenity space, but does not include a <b>balcony</b> .
<b>Density</b>	means the number <b>dwelling units</b> allows for each <b>parcel</b> .
<u>[Removed by Bylaw #12.24]</u>	<u>The designated design event is the 1 in 100-year</u>



<p><b><i>Designated Design Event</i></b> [Bylaw #16.22]</p>	<p>return period flood event (1% annual exceedance probability event); as determined by the Province of Alberta. <del>The Designated Design Event is a regulated flood on the Red Deer River considering the upstream benefit of Dickson Dam, and an unregulated flood event on the Michichi Creek, Rosebud River and Willow Creek.</del></p>
<p><b><i>Design Flood</i></b></p>	<p>means a flood event that results in a <del>minimum</del>-river flow rate of 1,850 m<sup>3</sup>/s.</p>
<p>[Removed by Bylaw #12.24] <del><b><i>Design Flood Cross Sections</i></b></del>[Bylaw #16.22]</p>	<p><del>The geodetic elevation determined by the nearest upstream cross section made available and determined from the Alberta Government Provincial Flood Hazard Mapping, available at <a href="https://floods.alberta.ca/">https://floods.alberta.ca/</a>.</del></p>
<p><b><i>Development</i></b></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) an excavation or stockpile and the creation of either of them;</li> <li>(b) a <b><i>building</i></b> or an addition to, or replacement or repair of a <b><i>building</i></b>, and the construction or placing of any of them on, in, over, or under land;</li> <li>(c) a change of <b><i>use</i></b> of land or a <b><i>building</i></b> or an act done in relation to land or a <b><i>building</i></b> that results in or is likely to result in a change in the <b><i>use</i></b> of the land or <b><i>building</i></b>; or</li> <li>(d) a change in the intensity of <b><i>use</i></b> of land or a <b><i>building</i></b> or an act done in relation to land or a <b><i>building</i></b> that results in or is likely to result in a change in the intensity of <b><i>use</i></b> of the land or <b><i>building</i></b>.</li> </ul>
<p><b><i>Development Agreement</i></b></p>	<p>means a legal agreement between the <b><i>applicant</i></b> for a <b><i>development permit</i></b> and the <b><i>Town</i></b> committing to the provision of any matter required by a condition of the <b><i>development permit</i></b>.</p>
<p><b><i>Development Authority</i></b></p>	<p>means the person or persons appointed pursuant to the <b><i>Act</i></b> that has been authorized to exercise <b><i>development</i></b> powers on behalf of the <b><i>Town</i></b>.</p>
<p><b><i>Development Officer</i></b></p>	<p>means <del>the a development officer established position</del> <a href="#">established</a> pursuant to Section 5.2 of this <b><i>Bylaw</i></b>.</p>
<p><b><i>Development Permit</i></b></p>	<p>means a <del>permit document</del> that is issued <a href="#">in accordance</a></p>

	with Part 5 of this <del>under this</del> <b>Bylaw</b> and authorizes a <b>development</b> .
<b><u>Direct Control District</u></b> <u>[Bylaw #12.24]</u>	<u>means a land use designation for parcels that, because of unique characteristics or innovative design, requires specific regulations unavailable in other <b>land use districts</b>.</u>
<b>Discretionary Use</b> [Bylaw #18.21]	means a use of land, <b>buildings</b> , or <b>structures</b> for which a <b>development permit</b> may be issued with or without conditions, at the discretion of the <b>Development Authority</b> .
<b>Driveway</b>	means a vehicle <b>access</b> route between a <b>road</b> and a <b>use</b> on a <b>parcel</b> .
<b>Drinking Establishment</b> [Bylaw #16.22]	means a <b>use</b> where liquor is sold on the premises and where a license for the sale of liquor is issued by the Alberta Gaming and Liquor Commission (AGLC). May include off sales though not considered <b>restricted substance retail</b> and may include the preparation of food for the consumption on the premises
<b><u>Dwelling Unit</u></b> [Bylaw #12.24]	<u>means a:</u>  (e) <u><b>dwelling unit – duplex;</b></u> (f) <u><b>dwelling unit – manufactured;</b></u> (g) <u><b>dwelling unit – multiple unit (apartment);</b></u> (h) <u><b>dwelling unit – multiple unit (attached housing);</b></u> (i) <u><b>dwelling unit – single-detached;</b></u> (j) <u><b>dwelling unit – secondary suite; and,</b></u> (k) <u><b>dwelling unit – garden.</b></u>
<b>Dwelling Unit – Duplex</b>	means a single <b>building</b> containing two <b>dwelling units</b> divided either vertically or horizontally, each of which is totally separated from the other by appropriate construction standards and may contain a common stairwell external to both dwellings.
<b>Dwelling Unit – Manufactured</b> [Bylaw #16.22]	<u>means a transportable, single or multiple section prefabricated <b>building</b> containing a <b>dwelling unit</b>, designed for long term occupancy when placed on a permanent foundation, and conforming to the requirements of the Canadian Standards Association (CSA) at the time of construction. <del>means a use where a transportable, single or multiple section <b>building</b></del></u>

	<p>conforming to CSA standards at the time of construction that contains a <b>dwelling unit</b> and when placed on a permanent foundation is ready for <b>residential use</b> and occupancy. A <b>dwelling unit – manufactured</b> <del>Manufactured Dwelling</del> includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes.</p>
<p>[Removed by Bylaw #12.24] <b>Dwelling Unit – Moved On</b> [Bylaw #16.22]</p>	<p>means a <b>single detached dwelling</b> that has previously been lived in, used as a residence or other purpose in a previous location, that has now been relocated to a new <b>parcel</b> for use as a dwelling;</p>
<p><b>Dwelling Unit – Multiple Unit (Apartment)</b> [Bylaw #16.22]</p>	<p>means a residential <b>building</b> comprising three (3) or more dwellings with shared entrances and other essential facilities and services.</p>
<p><b>Dwelling Unit – Multiple Unit (Attached Housing)</b> [Bylaw #16.22]</p>	<p>means a <b>building</b> designed and built to contain three (3) or more dwellings separated from each other by a fire rated wall with each unit having separate entrances from <b>grade level</b>. <del>(For purposes of this Bylaw, linked, row, townhouses and multiplex units that meet these criteria are considered to be attached housing);</del></p>
<p><b>Dwelling Unit – Single Detached</b> [Bylaw #16.22]</p>	<p>means a <b>building</b> designed and built to only contain <u>one dwelling</u>. <del>use where a <b>building</b> designed for residential use contains one <b>principal dwelling unit</b>.</del></p>
<p><b>Dwelling Unit – Secondary Suite</b> [Bylaw #16.22]</p>	<p>means an accessory dwelling that is located on the same <b>parcel</b>, and attached to or contained within, another <b>dwelling unit</b> which meets the requirements of this <b>Bylaw</b> and meets the requirements of the <b>Alberta Safety Codes Act</b>. <del>A <b>Principal bBuilding</b> containing a <b>Dwelling Unit – Secondary</b> may not be converted into condominiums.</del></p>
<p><b>Dwelling Unit – Garden</b> [Bylaw #16.22]</p>	<p>means a self-contained, secondary <b>dwelling unit</b>, installed in the <b>rear yard</b> or <b>side yard</b> of a <b>parcel</b> with an existing, permanent, single-family dwelling, usually containing cooking, eating, living, sleeping, and sanitary facilities. <del>A <b>Dwelling Unit – Garden</b> may take the form of a Garden Suite, Laneway Home, or Carriage House A <b>Dwelling Unit – Garden</b> may take the form of a park model or manufactured home, however must be designed to complement the existing <b>Principal pPrimary bBuilding</b> on the site.</del></p>

<b>E</b>	
<b>Education</b>	means <u>a <b>development</b> providing places of public or private learning for any age. This includes licensed childcare facilities. public and private places of learning for any age including licensed childcare facilities.</u>
<b>Entertainment Facility</b> [Bylaw #18.21]	means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre, dance club, cinema but does not include <b>adult entertainment</b> .
<b>F</b>	
<b>Fascia Sign</b> [Bylaw #18.21]	means a <b>sign</b> attached to, marked, or inscribed on and parallel to the face of a <b>building</b> wall but does not include a <b>billboard sign</b> .
<b>Finished Grade</b>	means the ground elevation determined by averaging the finished level of the ground <b>adjacent</b> to the foundation of the <b>principal building</b> .
<b>Flood Construction Level</b>	means the required elevation of the underside of a wooden floor system or top of a concrete slab for habitable <b>buildings</b> that is calculated from the specified elevation of the <b>design flood</b> of a <u>minimum</u> flow rate of 1,850 <b>m<sup>3</sup>/s</b> .
<b>Flood Mitigation Structure</b>	<u>means</u> structural measures that reduce the risk of flooding and potential damage that could result from a flood.
<b>Floor Area</b>	means the total area of all floors in a <b>building</b> .
<b>Freeboard</b> [Bylaw #16.22]	<u>means</u> additional height added to a <b>flood mitigation structure</b> to account for level of accuracy of the flood model, debris jams, sediment deposition and super elevation of the river during a flood event. <u>Freeboard within the town of Drumheller is a minimum of 0.5 metres.</u>
<b>Freestanding Sign</b> [Bylaw #18.21]	means a <b>sign</b> that is supported independently of a <b>building</b> wall or <b>structure</b> , but does not include a <b>billboard sign</b> .

<b>Front Parcel Boundary</b>	means, in the case of an interior <b>parcel</b> , the <u><a href="#">parcel boundary opposite of the rear parcel boundary</a></u> . In the case of a <b>corner parcel</b> , means the shorter of two (2) <del>which abuts a road</del> and in the case of a <del>corner parcel</del> , means the shorter of the two (2) <b>parcel boundaries</b> which abut a <b>road</b> .
<b>Front Setback</b>	means the distance between a <b>building</b> façade and the <b>front parcel boundary</b> . A <b>front setback</b> is not a <b>front yard</b> .
<b>Front Yard</b>	means a <b>yard</b> extending across the full width of a <b>parcel</b> from the <b>front parcel boundary</b> to the front <u><a href="#">façadewall</a></u> of the <b>principal building</b> .
<b>Flood Hazard Area</b> [Bylaw #16.22]	<u><a href="#">means</a></u> the <b>flood hazard area</b> is the area of land flooded during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta. The <b>flood hazard area</b> is comprised of the <b>floodway, flood fringe, high hazard flood fringe</b> and <b>protected flood fringe</b> areas.
<b>Floodway</b> [Bylaw #16.22]	<u><a href="#">means</a></u> the river channel and adjoining lands indicated on the <b>flood hazard area</b> maps that would provide the pathway for flood waters <u><a href="#">during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta</a></u> . <del>in the event of a flood of a magnitude likely to occur once in one hundred years</del> . The <b>floodway</b> is the portion of the <b>flood hazard area</b> where the flows are deepest, fastest and most destructive.
<b>Flood Fringe</b> [Bylaw #16.22]	<u><a href="#">means</a></u> those lands abutting the <b>floodway</b> , the boundaries of which are indicated on the <b>flood hazard area</b> maps that would be inundated by floodwaters <u><a href="#">during the 1-in-100-year return period regulated flood event, as defined by the Province of Alberta of a magnitude likely to occur once in one hundred years</a></u> . River flows in the <b>flood fringe</b> are typically shallower and slower flowing than the <b>floodway</b> .
<b>G</b>	
<b>Gas Station</b>	means a business engaged in the sale of vehicle fuel and ancillary products.
<u><a href="#">General Requirements</a></u> [Bylaw #18.21]	<del>means additional clauses outlined within an approved</del>

	<del>dDevelopment pPermit not otherwise applicable to conditions, that may include but not limited to, reminders of other mMunicipal, pProvincial, fFederal legislation, or recommendations from the tTown not otherwise stated within this Land Use Bylaw.</del>
<b>Government</b>	means a <b>development</b> providing municipal, provincial, or federal government services and includes but is not limited to a government office, tourism office, postal service outlet, social service centre, and courthouse, but does not include <b>education</b> facilities.
<u><a href="#">Government of Alberta Flood Hazard Maps [Bylaw #12.24]</a></u>	<u><a href="#">means the maps demonstrating the risk of flooding within the <b>Town</b>. The maps can be accessed at <a href="https://floods.alberta.ca">floods.alberta.ca</a>.</a></u>
<b>Grade</b>	means the ground elevation established for the purpose of regulating <b>building height</b> . <b>Grade</b> shall be the finished ground elevation <b>adjacent</b> to the walls of the <b>building</b> if the <b>finished grade</b> is level. If the ground is not entirely level the <b>grade</b> shall be the finished ground elevation <b>adjacent</b> to the wall of the <b>building</b> at the lowest finished elevation of the property.
<b>H</b>	
<b>Habitable Area</b>	means any space or room, that can be used for dwelling purposes, business, or the storage of goods susceptible to damage by flood.
<b>Hard Landscaping</b>	means the use of non-vegetative material, including but not limited to concrete, paving stone, asphalt, or gravel, as part of a <b>landscaped area</b> .
<b>Hard Surface</b>	means asphalt, concrete, paving stone, or similar material satisfactory to the <b>Development Authority</b> that is used in the construction of a <b>driveway</b> or parking area.
<b>Health Services</b>	means a <b>development</b> providing medical and health care services on both an inpatient and an outpatient basis, or provincially licensed extended medical care, but does not include <b>restricted substance retail</b> .
<b>High Hazard Flood Fringe</b>	those lands within the <b>flood fringe</b> with deeper

[Bylaw #16.22]	(typically > 1m) or faster moving water than the rest of the <b>flood fringe</b> .
<b>Historic Resource</b>	means any work of nature or of humans that is primarily of value for its palaeontological, archaeological, prehistoric, historic, cultural, natural, scientific, or esthetic interest including, but not limited to, a palaeontological, archaeological, prehistoric, historic or natural <b>site, structure</b> , or object, as set out by the <b>Historical Resources Act</b> .
<a href="#">Historical Resources Act [Bylaw #12.24]</a>	<a href="#">means the Historical Resources Act, RSA 2000, c H-9, as amended from time to time, and its successor legislation.</a>
<a href="#">Home Occupation [Bylaw #12.24]</a>	<a href="#">means an <b>accessory use</b> by a resident of a <b>dwelling unit</b> for small-scale business activities that do not adversely affect the residential character of the property.</a>
<b>Home Occupation - Basic</b>	<a href="#">means a <b>home occupation</b> that does not employ persons living outside of the <b>dwelling unit</b>, does not have client or customer visits, and does not have external <b>signs</b>. means an <b>accessory use</b> by a resident of a <b>dwelling unit</b> for small-scale business activities that are undetectable from outside the <b>dwelling unit</b> and does not adversely affect the residential character of the property and has no client visits to the property.</a>
<b>Home Occupation - Rural</b>	<a href="#">means a <b>home occupation</b> located in the Countryside District (CSD) or Rural Development District (RDD) that may employ persons living outside of the <b>dwelling unit</b>, may have client or customer visits, and may have external <b>signs</b>. means an <b>accessory use</b> by a resident of a <b>dwelling unit</b> and/or a <b>Accessory bBuilding</b> for small-scale rural or agricultural related business activities that does not adversely affect the rural character of the property and may have limited client visits to the property. <b>Uses</b> may include small-scale retail, services, or manufacturing.</a>
<b>Home Occupation - Urban</b>	<a href="#">means a <b>home occupation</b> located in the Neighbourhood District (ND), Neighbourhood Centre District (NCD) or Downtown District (DD) that may employ persons living outside of the <b>dwelling unit</b>, may have client or customer visits, and may have external <b>signs</b>. means an <b>accessory use</b> by a resident of a <b>dwelling unit</b> and/or a <b>Accessory bBuilding</b> for small-scale</a>

	<del>business activities that does not adversely affect the residential character of the property and may have limited client visits to the property. <b>Uses</b> do not include fabrication, manufacturing, or mechanic shops.</del>
<b>Hotel/Motel</b>	means a facility that offers lodging that is not within a <b>dwelling unit</b> .
<b>Human Services</b>	means a <del>development</del> n-establishment that provides services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury. <b>Uses</b> may include, but are not limited, assisted living facilities, treatment centres, and community support services.
<b>I</b>	
<b>Infill</b> [Bylaw #18.21]	means the insertion of new <b>development</b> into an existing <b>subdivision</b> or neighbourhood that does not represent an extension or expansion to the developed area of the community, and generally does not require the extension of municipal services or the construction of a new <b>road</b> to reach the <b>site</b> .
<b>Industrial – Cannabis Production</b> [Bylaw #16.22]	means the use of land or <b>structures</b> for the purpose of growing, processing, infusing, packaging, testing, destroying, storing and/or shipping of <b>cannabis</b> used for the purposes as authorized by a license issued <a href="#">in accordance with the Cannabis Act, S.C. 2018, c.16. from the Federal Government or any amendments thereto.</a>
<b>Industrial – Heavy</b> [Bylaw #16.22]	means the processing, manufacturing, or compounding of materials, products, or any industrial activities which because of their scale or method of operation regularly produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts detectable beyond the <b>parcel boundaries</b> of the property. This use may include <b>natural resource extraction</b> .
<b>Industrial – Light</b> [Bylaw #16.22]	<a href="#">means</a> the manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, or any industrial activities primarily within a <b>building</b> and does not produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts. This use may include food production.



<a href="#"><u>Intermunicipal Subdivision and Development Appeal Board Bylaw [Bylaw #12.24]</u></a>	<a href="#"><u>means the Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21, as amended from time to time, and its successor legislation.</u></a>
<b>K</b>	
<b><i>Kenel</i></b>	means any premises where three (3) or more dogs and/or five (5) or more cats are cared for, maintained, boarded, bred, or trained in exchange for compensation.
<b>L</b>	
<a href="#"><u>Land Titles Act [Bylaw #12.24]</u></a>	<a href="#"><u>means the <i>Land Title Act</i>, RSA 2000, c L-4,-as amended from time to time, and its successor legislation.</u></a>
<b><i>Landscaped</i></b>	means the enhancement of a <b><i>parcel</i></b> by the addition of topsoil, trees, shrubs, turf, grass, other vegetative material, or non-vegetative material.
<b><i>Landscaped Area</i></b>	means an area of land planted or to be planted with trees, grass, shrubs, or other vegetation including the soil or bedding material areas associated with plantings. A landscaped area does not include the footprint of a <b><i>building, decks, patio</i></b> , sidewalk, <b><i>driveway</i></b> , parking area, or similar <b><i>hard landscaping</i></b> .
<a href="#"><u>Land Use District [Bylaw #12.24]</u></a>	<a href="#"><u>means the areas within the jurisdiction of the <i>Town</i> that have been delineated in Section 2 of this <i>Bylaw</i>, and in accordance with the <i>Act</i>.</u></a>
<b><i>Lane</i></b>	means a secondary <b><i>access</i></b> located to the side or rear of a <b><i>parcel</i></b> and provides <b><i>access</i></b> to service areas, parking, <b><i>accessory buildings</i></b> , and may contain <a href="#"><u><b><i>public utility</i></b></u></a> easements.
<b><i>Loading Area</i></b>	means an area on the same <b><i>parcel</i></b> as a commercial <b><i>building</i></b> for the temporary parking of a commercial vehicle while goods and materials are being loaded or unloaded.

<b>M</b>	
<b>Manufactured Home Park</b> [Bylaw #16.22]	means a <b>parcel</b> of land under one <a href="#">Certificate of Title</a> which has been planned, divided into manufactured home <del>lots</del> <b>parcels</b> and improved for placement of manufactured homes for permanent <b>residential use</b> and may include accessory uses, including; convenience stores, parking facilities and other services.
<b>Municipal Planning Commission</b>	means the <b>Town's Municipal Planning Commission</b> established pursuant to the <b>Act and Bylaw #32.08, as amended from time to time, and its successor legislation.</b>
<b>Mural</b> [Bylaw #16.22]	means an artistic rendering applied to or affixed to any exterior permanent surface with minimal means of advertising. This definition does not include religious symbols affixed to worship facilities. A <b>mural</b> shall be approved by the <b>Town of Drumheller</b> in accordance with <b>Town</b> policies.
<b>N</b>	
<b>Natural Resource Extraction</b> [Bylaw #16.22]	means the extraction of natural resources such as clay, sand, gravel, limestone, coal, petroleum and other minerals, and may include primary treatment into a raw, marketable form.
<b>Non-Conforming Building</b>	means a <b>building</b> :  (a) That is lawfully constructed or lawfully under construction at the date this <b>Bylaw</b> becomes effective; and  (b) That on the date this <b>Bylaw</b> becomes effective does not, or when constructed will not, comply with this <b>Bylaw</b> .
<b>Non-Conforming Use</b>	means a lawful specific <b>use</b> :  (a) Being made of land or a <b>building</b> or intended to be made of land or a <b>building</b> lawfully under construction at the date this <b>Bylaw</b> becomes effective; and  (b) That on the date this <b>Bylaw</b> becomes effective does not, or in the case of a <b>building</b> under construction, will not, comply with this <b>Bylaw</b> .

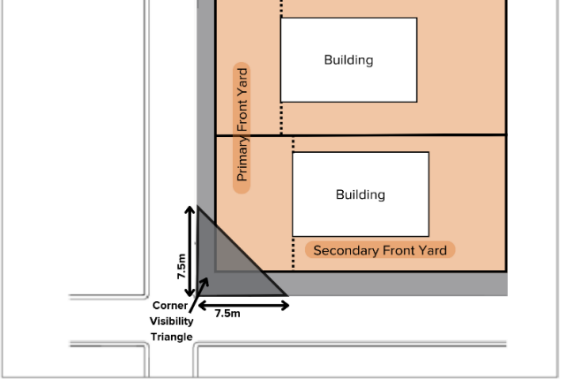
<b>Nuisance</b>	means an activity or effect that is offensive to the sense, including smoke, airborne emissions, vapours, odours, noise, earthborn vibrations, glare, flashing light, heat, dust, unsightly or unsafe storage of materials, excessive traffic, or any other impact that may become hazardous to health and safety, or which adversely affects the amenities of the neighbourhood or interferes with the normal enjoyment of any land or <b>building</b> , whether public or private.
<b>O</b>	
<b>Office</b>	means a <b>development</b> that includes premises available for the transaction of general business.
<b>Outdoor Storage</b>	means the keeping of materials, goods, or vehicles on-site for a timeframe exceeding twenty-four (24) hours.
<b>Overlay</b>	means <a href="#">a special zoning district placed over an existing an area which is applied over or more underlying</a> <b>Land Use District</b> , establishing additional or alternative standards for <b>development</b> , in addition to those of the underlying <b>Land Use District</b> . <del>An overlay is introduced to address a special situation or achieve specific goals. Where a regulation in a district and an overlay are in conflict, the regulation in the overlay shall apply.</del>
<b>P</b>	
<b>Parcel</b>	means an area of land described on a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a land titles office.
<b>Parcel Boundary</b>	means the boundary that legally and geometrically demarcates a <b>parcel</b> , also known as a property line.
<b>Parcel Coverage</b>	<del>means the portion of the <b>parcel</b> area covered by all covered buildings</del> <b>structures</b> . <del>means the cumulative building coverage of all- covered <b>buildings</b> on a <b>parcel</b>.</del>
<b>Patio</b> [Bylaw #18.21]	means an uncovered horizontal <b>structure</b> with a surface height, at any point, no greater than 0.60 metres above <b>grade</b> and is intended as an outdoor

	amenity space.
<b>Permitted Use</b> [Bylaw #18.21]	means a use of land, <b>building</b> , or <b>structures</b> for which a <b>development permit</b> shall be issued, with or without conditions, by the <b>Development Authority</b> .
<b>Porch</b>	means an unenclosed covered <b>structure</b> forming an entry to a <b>building</b> .
<b>Portable Sign</b>	means a <b>sign</b> which is not in a permanently installed or affixed position, <u>but does not include an <b>a-board sign</b></u> .
<b>Principal Building or <u>Principal Use</u></b>	means the <b>use</b> or <b>building</b> on a <b>parcel</b> that occupies the major or central portion of a <b>parcel</b> and constitutes the principal purpose for which the <b>parcel</b> is used. <b>Principal uses</b> may be located within a <b>building</b> , or portion of a <b>building</b> that is separated structurally from other <b>uses</b> within the same <b>building</b> . One or more <b>principal uses</b> may occur on a <b>parcel</b> .
<b>Projecting Sign</b>	means <b>sign</b> which projects from a <b>structure</b> or a <b>building</b> face.
<b>Projection</b>	means any structural or architectural element, <b>building</b> feature, or other object that juts out, overhangs, or protrudes into the prescribed <b>setback</b> .
<b>Protected Flood Fringe</b> [Bylaw #16.22]	<u>means</u> those lands within the <b>floodway</b> or <b>flood fringe</b> protected by <u><b>flood structural mitigation structures</b></u> in the form of a flood berm <u>and <b>temporary barriers</b></u> in accordance with the <u><b>Town's Emergency Response Plan</b></u> . These lands may be flooded if dedicated flood berms fail or do not work as designed during the <u><b>1-in-100-year return period regulated flood event</b></u> , as defined by the <u><b>Province of Alberta 1:100-year return period design flood</b></u> , even if they are not overtopped and areas in <b>protected flood fringe</b> are still susceptible to groundwater and pluvial flooding.
<u><b>Provincial Offences Procedures Act</b></u> [Bylaw #12.24]	<u>means the <b>Provincial Offences Procedures Act RSA, c P-34</b>, as amended from time to time, and its <b>successor legislation</b>.</u>
<b>Public Utilities</b>	means systems and facilities associated with water, sewage, power, heating and cooling, energy, waste, transportation, telecommunications, and any municipal <b>flood mitigation structure</b> .

<b>Q</b>	
<b>Qualified professional</b> [Bylaw #18.21]	means a person who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project, and assumes responsibility for the results of the work. Without limiting the generality of the foregoing, this shall include land surveyors, professional planners, architects, and engineers.
<b>R</b>	
<b>Rear Parcel Boundary</b>	means the <b>parcel boundary</b> of a <b>parcel</b> which is opposite the <b>front parcel boundary</b> .
<b>Rear Setback</b>	means the distance between any <b>development, building, or structure</b> and the <b>rear parcel boundary</b> . A rear <b>setback</b> is not a <b>rear yard</b> .
<b>Rear Yard</b>	<del>means a yard extending across the full width of a parcel from the rear parcel boundary to the rear facade of the principal building.</del> <del>means a yard extending across the full width of a parcel from the rear wall of the principal building situated on the parcel to the rear parcel boundary of the parcel.</del>
<b>Recreation – Intensive</b>	means a <b>development</b> for leisure activities requiring indoor and/or outdoor facilities, including but not limited to, parks, swimming pools, gyms, arenas.
<b>Recreation – Non-Intensive</b>	means leisure activities that require little to no alteration or formal <b>development</b> of a <b>parcel</b> for public or private enjoyment. This <b>use</b> includes amenities such as public pathways and trails, sports fields, boat launches and river access infrastructure, and associated parking areas, washrooms, signage, public art, and interpretive elements.
<b>Recreation Vehicle</b>	means a vehicle that provides temporary accommodation for recreational or travel purposes and includes, but is not limited to motor homes, travel trailers, fifth wheel travel trailers, campers, tent trailers, boats, and a trailer used to transport any of the above.

<b>Recreation Vehicle Resort</b>	means a <b>parcel</b> designed, developed, maintained, and capable of providing accommodation on a temporary, seasonal, or permanent basis, for <b>recreation vehicles</b> .
<b><u>Reserve Land</u></b> [Bylaw #12.24]	<u>means any <b>parcel</b> designated as municipal reserve, environmental reserve, municipal and school reserve, school reserve, conservation reserve, or community services reserve, as defined in the <b>Act</b> or noted as community reserve on a Certificate of Title.</u>
<b><u>Residential Land Use District</u></b> [Bylaw #12.24]	means: (a) <u>Neighbourhood District;</u> (b) <u>Neighbourhood Centre District; and,</u> (c) <u>Downtown District.</u>
<b><u>Residential Mixed-Use Development</u></b> [Bylaw #12.24]	<u>means a <b>development</b> that has both a residential and commercial <b>use</b> within a shared <b>building</b>, with the commercial <b>use</b> located on the ground floor. A <b>Residential Mixed-Use Development</b> may contain any of the commercial <b>uses</b> listed as permitted or discretionary for the respective <b>land use district</b> where the <b>Residential Mixed-Use Development</b> is located.</u>
<b><u>Residential Use</u></b> [Bylaw #12.24]	<u>means a particular usage that falls under the residential <b>use</b> category designated for each specific <b>Land Use District</b>.</u>
<b><u>Responsible Pet Ownership Bylaw</u></b> [Bylaw #12.24]	<u>means the Responsible Pet Ownership Bylaw 06.13, as amended from time to time, and its successor legislation.</u>
<b>Restaurant/Café</b>	means a <b>development</b> where prepared food and beverages are offered for sale to the public for consumption on-premises or off-premises.
<b>Restricted Substance Retail</b>	means a retail establishment licensed under the Alberta Gaming and Liquor Commission for the sale of liquor or <b>cannabis</b> for consumption off-premises.
<b>Retail &amp; Service – General</b>	means a <b>development</b> that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.

<b>Retail &amp; Service – Heavy</b> <a href="#">[Bylaw #16.22]</a>	means a <b>development</b> with permanent outdoor display, service, and/or storage areas. Including, but not limited to storage and warehousing facilities, vendors of lumber and <b>building</b> supplies, <b>landscaping</b> supplies and equipment, industrial equipment, vehicles, watercraft, and/or outdoor <b>structures</b> such as prefabricated sheds, <b>decks</b> and patios, swimming pools, and play equipment. <del>[Bylaw #16.22]</del>
<b>Right-of-Way</b>	means the total width of any land reserved or dedicated as a thoroughfare, <b>lane</b> , pedestrian way, or utility line.
<b>Road</b>	means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or land used as a public road (see <b>street</b> ), and includes a bridge forming part of a public road and any <b>structure</b> incidental to a public road.
<b>Rooftop Sign</b>	means a <b>sign</b> affixed to or placed on a <b>building</b> and extending in whole or in part above the vertical walls or parapet of the <b>building</b> ; or the top of a canopy, awning, or other similar appurtenance of the <b>building</b> .
<b>S</b>	
<a href="#">Safety Codes Act [Bylaw #12.24]</a>	<a href="#">means the Safety Codes Act, RSA 2000, C. S-1 as amended from time to time, and its successor legislation.</a>
<b>Screening</b>	means some combination of structural and/or <b>landscaping</b> features used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.
<b>Secondary Front Parcel Boundary</b>	means a <b>side parcel boundary</b> that forms the boundary of a <b>parcel</b> and a <b>road right-of-way</b> .
<b>Secondary Front Setback</b>	means the distance between any <b>development</b> , <b>building</b> , or <b>structure</b> and the <b>secondary front parcel boundary</b> .
<b>Secondary Front Yard</b> <a href="#">[Bylaw #16.22]</a>	means a <b>yard</b> extending across the full width of a <b>parcel</b> from the <b>secondary front parcel boundary</b> of the <b>parcel</b> to the wall of the <b>principal building</b> .

	
<b>Setback</b>	means the minimum distance required between a <b>development</b> and a <b>parcel boundary</b> or any other features specified by this <b>Bylaw</b> .
<b>Setback Area</b>	means the area of a <b>parcel</b> between the <b>parcel boundaries</b> and the walls of the <b>building</b> or <b>structure</b> , as required by the applicable <b>Land Use District</b> in this <b>Bylaw</b> .
<b>Show Home</b>	<del>means a <b>development</b> constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a <b>subdivision</b> or <b>development area</b>.</del>
<b>Side Setback</b>	means the distance between any part of a <b>development, building, or structure</b> and the <b>side parcel boundary</b> . A side setback is not a <b>side yard</b> .
<b>Side Parcel Boundary</b>	means the boundary of a <b>parcel</b> which connects the <b>front parcel boundary</b> with the <b>rear parcel boundary</b> .
<b>Side Yard</b>	means a <b>yard</b> extending from the <b>front yard</b> to the <b>rear yard</b> situated between the <b>side parcel boundary</b> of the <b>parcel</b> and the wall of the <b>principal building</b> , not including <b>projections</b> .
<b>Sign</b>	means a visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea <u>and includes <b>a-board signs, billboard signs, fascia signs, portable signs, and projection signs.</b></u>



<b><u>Single Detached Dwelling</u></b> [Bylaw #18.24] [Removed by Bylaw #12.24]	means a use where a <b>building</b> contains only one dwelling unit.
<b>Site</b>	means an area of land on which a <b>building</b> or <b>use</b> exists or for which an application for a <b>development permit</b> is made and can comprise more than one <b>parcel</b> .
<b><u>Slope Stability</u></b>	<p><u>Slope stability refers to the condition of inclined soil or rock slopes to withstand or undergo movement</u></p> <p><u>Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure.</u></p> <p><u>(d) In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will fail over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the subgrade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a “long term” stable slope is considered to have a FS of over 1.3.</u></p>
<b>Soft Landscaping</b>	means the use of vegetative material as part of a <b>landscaped area</b> .
<b><u>Solar Energy System</u></b> [Removed by Bylaw #12.24]	means <del>structures</del> and accessories designed to convert solar radiation into electrical or thermal energy.
<b><u>Solar Energy System – Freestanding</u></b> [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy which is placed on the ground.
<b><u>Solar Energy System – Rooftop</u></b> [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy mounted to the roof of a <b>building</b> or <b>structure</b> .
<b>Stop Order</b>	means an order issued by the <b>Development</b>

	<b>Authority</b> pursuant <a href="#">section 5.25 of this <i>Bylaw</i></a> and to Section 645 of the <b>Act</b> .
<b>Storage Structure</b> [Bylaw #18.21]	<a href="#">means a <del>storage structure may be</del></a> in the form of a shipping container, trailer or other <b>structure</b> . <del>Shall not be connected to <b>public utilities</b>. A storage structure may be approved on a temporary basis.</del>
<b>Stormwater Management</b>	means the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources, and the environment.
<b>Stormwater Management Plan</b>	means a plan that indicates pre- and post- <b>development</b> drainage systems including any required <b>stormwater management</b> features.
<b>Street</b>	means any public <b>road</b> , including the boulevards, sidewalks and improvements, but excluding a <b>lane</b> , bridge or walkway.
<b>Structural Alteration</b>	means altering the main <b>building</b> components that support a <b>building</b> , including but not limited to the roof, foundation, or exterior walls of a <b>structure</b> , that results in the expansion of the useable <b>floor area</b> of a <b>structure</b> or reduces existing <b>setback areas</b> .
<b>Structure</b>	means anything constructed or erected on the ground, or attached to something located on the ground, not including pavement, curbs, sidewalks, open air surfaces, or movable vehicles.
<b>Subdivision</b>	means the division of a <b>parcel</b> into one or <a href="#">more</a> smaller <b>parcels</b> by a plan of a subdivision or other instrument.
<b>Subdivision Agreement</b>	means a legal agreement between the <b>applicant</b> for a <b>subdivision</b> and the <b>Town</b> committing to the provision of any matter required by a condition of the <b>subdivision</b> approval.
<a href="#">Subdivision and Development Regulations</a>	<a href="#">means the Subdivision and Development Regulation, A/R 84/2022, as amended from time to time, and its successor legislation.</a>
<b>Subdivision Authority</b>	means the persons appointed pursuant to the <b>Act</b> that have been authorized to exercise <b>subdivision</b> powers on behalf of the <b>Town</b> .

<b>Subdivision and Development Appeal Board</b>	means the body established by <b>Council</b> pursuant to the <b>act</b> to act as the appeal body for appeals against <b>development permit</b> decisions, <b>subdivision</b> decisions, and <b>stop orders</b> .
<b>T</b>	
<u><a href="#">Temporary Barriers</a></u> [Bylaw #12.24]	means <b>adaptive fill</b> or any other structure temporarily installed during a flooding event in accordance with the <u><a href="#">Town's Emergency Response Plan</a></u> .
<del>[Removed by Bylaw #12.24] <b>Tourist Dwelling</b></del>	<del>means a single <b>Dwelling Unit</b> occupied by a single party of guests for a period of 28 days or less and contains sleeping and sanitary facilities, and may include cooking and eating facilities.</del>
<b>Town</b>	means the Town of Drumheller, <u><a href="#">a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require.</a></u>
<b>U</b>	
<b>Use</b>	means the purpose or activity for which a <b>parcel</b> or a <b>building</b> is designed, arranged, developed, or intended, or for which is occupied or maintained.
<b>Use Area</b>	means the entire <b>floor area</b> of a <b>building</b> or a portion of a <b>building</b> that is occupied by a specific <b>use</b> .
<b>W</b>	
<b>Wind Energy System</b>	means a <b>structure</b> designed to convert wind energy into mechanical or electrical energy.
<b>Work Camp</b> [Bylaw #16.22]	means a temporary residential complex used to house employees on a temporary basis to provide accommodations for large scale projects in the immediate area. Without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities.

<b>Window Sign</b> [Bylaw #16.22]	<u>means</u> a <b>sign</b> painted on, attached to or installed on a window intended to be viewed from outside the premises.
<b>Y</b>	
<b>Yard</b>	means an open space on the same <b>site</b> as a <b>building</b> and which is unoccupied and unobstructed from the ground upward except as otherwise provided for in this <b>Bylaw</b> .

## REQUEST FOR DECISION

<b>TITLE:</b>	Policy DP-C-01 – Compliance Certificates
<b>DATE:</b>	April 22, 2024
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENTS:</b>	Policy DP-C-01 (2024)

**SUMMARY:**

The current policy that outlines the requirements and procedures for processing Certificates of Compliance was approved in 2003 and is significantly outdated. As a result, Administration has prepared Policy DP-C-01 in order to establish standardized and consistent requirements for the processing of compliance certificates.

The policy is considered a Council policy as it is intrinsically inked with the processes established in the Land Use Bylaw, and it a policy that impacts the public through the requirements of documents for certification.

**RECOMMENDATION:**

Council approves Policy DP-C-01 – Compliance Certificates.

**DISCUSSION:**

On April 15, 2024, the proposed changes were brought to the Committee of the Whole for review. Council did not suggest any further changes.

Policy DP-C-01 provides a clear outline of the procedures to be followed by Administration when approving Compliance Certificates.

**FINANCIAL IMPACT:**

No Financial Impact.

**STRATEGIC POLICY ALIGNMENT:**

Changes align with the objective to reduce red tape and establish clear and consistent standard operating procedures throughout the organization.

**COMMUNICATION STRATEGY:**

Approved policy will be distributed to all internal staff. Approved Policy will be posted on the Town Website where it can be accessed by applicants.

**MOTION:**

that Council approve Policy DP-C-01 – Compliance Certificates as presented

*Mitchell Visser*

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Prepared by:  
Mitchell Visser  
Sr. Administrative  
Assistant

*Colt Maddock*

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Reviewed by:  
Colt Maddock  
Development Officer in  
Training



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Approved by:  
Darryl Drohomerski  
Chief Administrative  
Officer

COUNCIL POLICY

NAME: Compliance Certificate	POLICY NUMBER: DP-C-01
DEPARTMENT: Planning and Development	SUPERSEDES: A-01-03
DATE APPROVED:	REVISION DATE: N/A

**1. POLICY STATEMENT**

- 1.1. To establish standard and consistent requirements for and the processing of a **Compliance Certificate**. A **Compliance Certificate** is confirmation from the **Town** that the location of a building(s) on a site complies with the requirements of the **Land Use Bylaw**.

**2. PURPOSE**

- 2.1. The processing of **Compliance Certificates** is a service provided by the **Town** for real estate vendors, banks, lawyers, mortgage brokers, and home buyers to ensure that a subject property complies with the **Town’s Land Use Bylaw** for protection from future legal issues.

**3. SCOPE**

- 3.1. This Policy is applicable to all individuals or entities seeking a **Compliance Certificate** within the jurisdiction of the **Town**.
- 3.2. This Policy applies to the **Development Officer** and their delegates.

**4. DEFINITIONS**

- 4.1. For the purposes of the Policy, the following definitions shall apply:
- a) “**Act**” means the *Municipal Government Act*, RSA 2000 c. M- 26 as amended from time to time, and its successor legislation;
  - b) “**Alberta Land Surveyor**” or “**ALS**” means a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the *Alberta Land Surveyors Act*, RSA 2000, c L-3 as amended from time to time, and its successor legislation;
  - c) “**Applicant**” means any person whose name appears as the applicant on any **Compliance Certificate** request received by the **Town**;
  - d) “**Chief Administrative Officer**” means **Chief Administrative Officer** of the Town of Drumheller, or their designates;
  - e) “**Compliance Certificate**” or “**Certificate of Compliance**” means a written document issued by the **Town** that states whether or not the property and the property improvements, as shown on the **Real Property Report**, comply with the **Land Use**

**Bylaw** regulations;

- f) “**Development Officer**” means the person or persons appointed pursuant to the **Act** that has been authorized to exercise development powers on behalf of the **Town**;
- g) “**Fee Schedule**” means the Town of Drumheller Fees, Rates and Charges Bylaw 01.24, as amended from time to time, and its successor legislation;
- h) “**Encroachment**” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (excluding sound attenuation structures, sidewalks, fences, or any other municipal improvement required and owned by the **Town**), that extends over a property line;
- i) “**Land Use Bylaw**” means the Town of Drumheller’s Land Use Bylaw 16.20, as amended and successor legislation;
- j) “**Legal Non-Conforming**” means a pre-existing use of land to continue, even though the use no longer complies with current land use district regulations identified in the **Land Use Bylaw**;
- k) “**Real Property Report**” means a survey document prepared, signed, dated and stamped by an **Alberta Land Surveyor**, illustrating the location of all structures and visible improvements situated on a parcel of land relative to the property boundaries. The **Real Property Report** also shows any registered easements or right-of-ways affecting the property as well as any **encroachments** from or onto the property. It is a representation of the property on the date of survey;
- l) “**Town**” means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require; and,
- m) “**Updated Real Property Report**” means a previously prepared **Real Property Report** that has been brought up to date (if required) and signed, dated and stamped by an **Alberta Land Surveyor**.

## 5. RESPONSIBILITIES

5.1. **Development Officer(s)** are responsible for:

- a) Ensuring that development activities within the jurisdiction are in compliance with the **Land Use Bylaw**; and,
- b) Determining whether to approve, deny, or conditionally grant a **Compliance Certificate**.

5.2. **Applicants** are responsible for:

- a) Submitting the required documentation for the **Development Officer’s** review; and,
- b) Ensuring that they make the payment for the **Compliance Certificate** using the appropriate service options available.

## 6. REAL PROPERTY REPORT ELIGIBILITY



- 6.1. The eligibility of the **Compliance Certificate** application will be determined by the **Development Officer** or the **Chief Administrative Officer**.
- 6.2. A **Real Property Report** is eligible if the survey was completed within six (6) months from the date of submission.
  - a) Notwithstanding Section 6.2, a **Real Property Report** may be eligible if the survey was completed no more than two (2) years prior to the date of submission if accompanied by a sworn Affidavit stating that no changes to the property have occurred.
  - b) Any **Real Property Report** where a survey has been completed over two (2) years from the date of submission will not be eligible under any circumstances.
    - i) A **Real Property Report** that states “Under Construction” or “Foundation Only” will only be eligible if the survey was completed within six (6) months of submission.
- 6.3. The **applicant** may submit a **Real Property Report** in the following manner:
  - a) Submitted in-person or via standard mail with two (2) original sealed **Real Property Reports**; or,
  - b) Submitted via email with one (1) **Real Property Report**.

## 7. INELIGIBILITY

- 7.1. The following are reasons that a **Compliance Certificate** request will be ineligible:
  - a) The **applicant** does not provide all materials as identified in Section 8.1;
  - b) The **Real Property Report** submitted cannot be read or interpreted; or
  - c) Any **Real Property Report** that meets the conditions outlined in Section 6.2(b).

## 8. APPLICATION

- 8.1. A request for a **Compliance Certificate** must include the following:
  - a) A completed request form as shown in “Schedule A” or a written request by the **applicant** representative providing the same information required on the form;
  - b) A **Real Property Report** for the site that has been produced by an **Alberta Land Surveyor** that meets the conditions outlined in Section 6.2 produced; and,
  - c) The required fee for the selected processing time according to the submitted request form. The fee to process a **Compliance Certificate** is dependent upon the **fee schedule**.
- 8.2. Notwithstanding Section 8.1(b), if any changes have been made to the property, however slight, a new or **Updated Real Property Report** must be provided.

## 9. COMPLIANCE CERTIFICATE

- 9.1. The **Compliance Certificate** process can result in one or several of the following possible outcomes:

- a) A Compliance Certificate is issued, after the review process determines that the property and property improvements comply with the regulations of the **Land Use Bylaw**.
- b) A Compliance Certificate is **not** issued, after the review process determines that the property and property improvements do not comply with the regulations of the **Land Use Bylaw**.
- c) An encroachment is identified within or beyond the property lines.

9.2. The **Compliance Certificate** shall clearly state all of the following:

- a) The **Town** makes no guarantee as to the accuracy of the **Real Property Report** or the information provided on behalf of the landowner;
- b) The **Compliance Certificate** is based solely on the information presented in the **Real Property Report**;
- c) The **Town** is not required to conduct an independent site inspection to verify the information presented in the **Real Property Report**;
- d) The **Compliance Certificate** evaluates compliance only in terms of the prevailing **Land Use Bylaw**. It does not address compliance with other municipal bylaws, provincial safety codes regulations or other provincial and federal legislation; and,
- e) The **Town** is authorized to retain copies of the **Alberta Land Surveyor's Real Property Report** for record-keeping purposes. However, in compliance with copyright laws, copies of the survey will only be provided to the person/client listed on the **Real Property Report** or the surveyor who conducted the assessment.

## 10. NON-COMPLIANCE:

10.1. If a property and property improvements are determined **not** to comply with the regulations of the **Land Use Bylaw**, in accordance with 9.1(b), the following may occur:

- a) If an improvement was built in accordance with the requirements and regulations in place at the time of construction, whether the regulations were different, or a development permit was not required at the time, the development shall be considered **legal non-conforming** and allowed to continue subject to the provisions of Section 643 of the **Act**, and/or,
- b) If property improvements were built without a development permit under regulations which would require a development approval, the property owner is required to:
  - i) apply for a development permit;
  - ii) request any variance that would be required to allow the improvement to remain as sited;
  - iii) pay the appropriate development fee, as outlined in the **fee schedule**.

10.2. Notwithstanding 10.1(b), if a development permit application is rejected, the improvement may have to be removed at the owner's expense.

- 10.3. Notwithstanding 10.1(b), any concerns regarding property improvements would have to be resolved to the satisfaction of the **Development Officer** prior to issuance of the **Compliance Certificate**.

## 11. ENCROACHMENTS

- 11.1. If an **encroachment** is identified within or beyond the property lines as follows, in accordance with 9.1(c), the following may occur:
- a) If an **encroachment** is beyond the property boundaries, encroaching onto public property such as a **Town**-owned land, roads, reserve land or a public utility lot, the property owner must either:
    - i) move or remove the **encroachment**;
    - ii) receive a signed Letter of Consent from the **Town**; or,
    - iii) enter into an Encroachment Agreement with the **Town**.
  - b) If the **encroachment** is beyond the property lines of another privately-owned parcel, the **Town** will not negotiate with the neighboring property owner, as this is a private agreement between the two (2) parties.
- 11.2. Notwithstanding 11.1(a), if the landowner chooses to relocate or remove an **encroachment**, the property owner must submit the following, prior to the issuance of a **compliance certificate**:
- a) An **Updated Real Property Report**; and/or,
  - b) Payment, as per the **fee schedule**, if resubmission exceeds ninety (90) days of the original **Compliance Certificate** request.
- 11.3. If the **Town** agrees to allow the **encroachment** to remain subject to an **encroachment** agreement, in accordance with 11.1(a)(iii):
- a) The agreement must be registered against the Certificate of Title for the property prior to issuance of the **Compliance Certificate**; and,
  - b) The applicant is required to pay the appropriate **encroachment** fees, as per the **fee schedule**.

## 12. RELATED DOCUMENTS/FORMS

- 12.1. Schedule A "Compliance Certificate Request Form."

## 13. TRANSITIONAL

- 13.1. This Policy comes into effect on the day it is signed by Council.
- 13.2. This Policy repeals Policy #A-01-03 – Certificate of Compliance Policy.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

REVISIONS

DRAFT

# Schedule "A"

## REQUEST FOR COMPLIANCE CERTIFICATE

**Property Information**

 Legal Land Description: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plan: \_\_\_\_\_  
 Civic Address for Compliance: \_\_\_\_\_

**Applicant Information**

 Applicant Name: \_\_\_\_\_  Agent  Owner  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**What are you applying for? (please select an option)**
 **COMPLIANCE CERTIFICATE**

- |   |                 |
|---|-----------------|
| <input type="checkbox"/> Residential Regular (5 Business Days Max.)     | <b>\$87.50</b>  |
| <input type="checkbox"/> Residential Rush (3 Business Days or Less)     | <b>\$150.00</b> |
| <input type="checkbox"/> Non-Residential Regular (5 Business Days Max.) | <b>\$154.50</b> |
| <input type="checkbox"/> Non-Residential Rush (3 Business Days or Less) | <b>\$260.00</b> |

 **COMPLIANCE CERTIFICATE REVISION**

A request for a revision to a Compliance Certificate or Certificate Respecting Compliance may be made within 90 days of the date of the original, at no additional cost, if the following conditions have been met:

1. All permits identified in the original compliance certificate must have had their final inspections completed. Alternatively, if structures identified in the report are non-compliant and have been removed, an Updated Real Property Report reflecting these changes must accompany the Revision application.
2. If any encroachments were identified in the original compliance certificate, three (3) possible actions that could be taken (i) the owner moves/removes the encroachment at the owner's expense, (ii) the Town produces a letter of consent authorizing the continued placement of the encroachment, (iii) an encroachment agreement is endorsed by both the owner and Town and filed onto the Certificate of Title for the parcel. Alternatively, if encroachments identified in the report have been removed, an Updated Real Property Report reflecting these changes must accompany the Revision application.

**Application Requirements**

- Completed application request form
- Two (2) **Original** Real Property Reports submitted in-person (no more than 6 months prior to date of submittal)

**OR**

- One (1) **Original** Real Property Report is submitted electronically to development@drumheller.ca (no more than 6 months prior to date of submittal)

**Applicant Authorization**

1. I am the owner/agent with the consent and authority of the owner that is the subject matter of this application.
2. I consent to receiving notifications & correspondence regarding this application via email to the address provided on this application.
3. By checking the "I agree" box below, you agree and authorize your electronic signature as valid and binding upon you to the same force and effect as a handwritten signature.

Applicant Signature: \_\_\_\_\_ I Agree  Date: \_\_\_\_\_

The personal information requested on this form is being collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. The information collected will be used to process compliance certificates for the Town of Drumheller. If you have any questions about the collection or use of your personal information, contact the Town of Drumheller's Manager of Legislative Services at 224 Centre Street, Drumheller, Alberta, T0J 0Y6 or 403-823-1339.

## REQUEST FOR DECISION

<b>TITLE:</b>	Drumheller Resiliency and Flood Mitigation Program – Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting: That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine
<b>DATE:</b>	April 22 <sup>nd</sup> , 2024
<b>PRESENTED BY:</b>	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
<b>ATTACHMENTS:</b>	Original RFD and Expropriation Documents Form 5 Notice of Abandonment of Expropriation

**SUMMARY:**

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, and were on-going over several months. The subject partial acquisition property owner has not accepted our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction within the timelines given. As such, expropriation is needed to obtain the land for berm construction. The Town began the expropriation process with a Resolution Approving Expropriation, approved by Council on December 4, 2023, however, it was not subsequently registered with Land Titles, as further clarification was required regarding the actual land boundary along the Red Deer River. Alberta Public Lands Water Boundaries Group provided feedback on the riverside boundary of this lot and an amended Resolution Approving Expropriation was approved by Council on February 26, 2024, for the updated area of the taking. The amended Resolution Approving Expropriation was registered at Land Titles on March 21, 2024 and the impacted property owner and interested parties were notified on March 26, 2024.

On April 15, 2024, the landowner formally objected to the taking on the grounds that a partial taking was unfair and rather the entirety of the lot should be taken. On this basis, Administration is recommending the partial acquisition by expropriation be abandoned in favor of pursuing full acquisition, which is permitted under the Council Approved Land Acquisition Policy DRFM-C-01, given the specifics for this parcel.

**RECOMMENDATION:**

Administration recommends a motion to abandon the partial taking Notice of Intention to Expropriate pertaining to 301 3 Street (that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less), as presented.

**DISCUSSION:**

The motion to abandon the NOITE and the submission of Form 5 to Land Titles halts the Expropriation process on the partial taking. A subsequent Request for Decision will be brought before Council to begin the expropriation process again as a full taking.

**FINANCIAL IMPACT:**

The cost of abandoning the partial acquisition expropriation will include additional newspaper advertising, as well as staff time to prepare the Request for Decision Documents along with fees for the legal representation from the expropriation legal team. Supporting costs for the land acquisition process are eligible for funding under the Alberta Government 18GRSTR41 Grant funding program.

**WORKFORCE AND RESOURCES IMPACT**

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

**STRATEGIC POLICY ALIGNMENT:**

Town Bylaw 11.21 states that Council's Vision is *"through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage"*. Completing the expropriation is required to obtain the property necessary for the berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

**COMMUNICATION STRATEGY:**

Direct notice of the abandonment of the partial acquisition expropriation will be provided to the affected property owner, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with the Form 5 Notice of Abandonment of Expropriation, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.



**MOTION:**

Councillor \_\_\_\_\_ move that Council directs Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 26<sup>th</sup> day of February 2024 pertaining to a portion of the parcel of land legally described as:

That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.

and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.

**SECONDED:**



Prepared by:  
Deighen Blakely, P.Eng.  
DRFMO Project Director



Reviewed by:  
Deighen Blakely, P.Eng.  
DRFMO Project Director



Approved by:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer

## REQUEST FOR DECISION

<b>TITLE:</b>	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine
<b>DATE:</b>	February 26 <sup>th</sup> , 2024
<b>PRESENTED BY:</b>	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
<b>ATTACHMENTS:</b>	Resolution to Expropriate Notice of Intention to Expropriate Parcel Map – Schedule ‘A’

### SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owner has not accepted our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction within the timelines given. As such, the next step in obtaining the land required for Nacmine Berm construction is expropriation. A Resolution Approving Expropriation was originally approved by Council on December 4, 2023, however, it was not subsequently registered with Land Titles, as further clarification was required regarding the actual land boundary. Alberta Public Lands Water Boundaries Group has recently provided feedback on the riverside boundary of this lot and a new Resolution Approving Expropriation is being submitted with the amended area of the taking. The amended Resolution Approving Expropriation must be passed by Council directing its officers and solicitors to take all necessary steps to complete the expropriation.

### RECOMMENDATION:

Administration recommends that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to 301 3 Street (that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less), as presented.

### DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood

Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, partial parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owner for the Nacmine Berm project on this basis and the offer has been rejected. Expropriation is the next step in acquiring the property needed to construct the berm.

**FINANCIAL IMPACT:**

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

**STRATEGIC POLICY ALIGNMENT:**

Town Bylaw 11.21 states that Council's Vision is *"through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage"*. Completing the expropriation is required to obtain the property necessary for the berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.


**COMMUNICATION STRATEGY:**

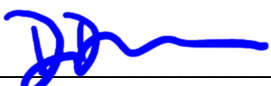
Direct notice of the intended expropriation will be provided to the affected property owner, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with Notice of the Intention to Expropriate, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

**MOTION: Councillors Kolafa, Lacher\_M2024.85\_2024Feb26**

Councillor \_\_\_\_\_ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.

**SECONDED:**

  
Prepared by:  
Deighen Blakely, P.Eng.  
DRFMO Project Director

  
Approved by:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer

*THE EXPROPRIATION ACT*  
RSA 2000, Ch. E-13 (Section 8)

**NOTICE OF INTENTION TO EXPROPRIATE**

1. TAKE NOTICE that the **TOWN OF DRUMHELLER** as Expropriating Authority intends to expropriate the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"THE NORTH WEST QUARTER OF SECTION 8  
TOWNSHIP 29  
RANGE 20  
WEST OF THE 4 MERIDIAN

DESCRIBED AS FOLLOWS:

✓ COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH EASTERLY LIMIT OF 3 AVENUE WITH THE NORTHERLY PRODUCTION OF THE NORTH WESTERLY LIMIT OF 3 STREET AS SAID AVENUE AND STREET ARE SHOWN ON PLAN NACMINE 7125DD THENCE NORTHERLY ALONG SAID PRODUCTION OF SAID LIMIT OF 3 STREET TO THE RIGHT BANK OF THE RED DEER RIVER SHOWN ON PLAN 53/46 THENCE WESTERLY ALONG SAID RIGHT BANK TO ITS INTERSECTION WITH THE SAID NORTH EASTERLY LIMIT OF 3 AVENUE THENCE SOUTH EASTERLY ALONG SAID LIMIT TO THE POINT OF COMMENCEMENT CONTAINING 0.648 HECTARES (1.6 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN .....  
AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is: the fee simple estate shown and marked as Area 'A' on Schedule 'A'.
3. The work or purpose for which the interest in the Lands is required is:
- Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
  - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
  - access for purposes of construction and/or maintenance of the above.
4. Section 6 of the *Expropriation Act* provides that:
- "6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.
- (2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority."
5. Section 10 of the *Expropriation Act* provides that:

"10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,

(a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and

(b) in any other case, within 21 days after the first publication of the notice of intention.

(2) The notice of objection shall state:

(a) the name and address of the person objecting;

(b) the nature of the objection;

(c) the grounds on which the objection is based; and

(d) the nature of the interest of the person objecting."

6. A person affected by the proposed expropriation does not need to serve an objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Alberta Land and Property Rights Tribunal or the Court, as the case may be.

7. The Approving Authority with respect to this expropriation is the **TOWN OF DRUMHELLER** located at 224 Centre Street, Drumheller, Alberta, T0J 0Y4

Dated at the Town of Drumheller, in the Province of Alberta, this 26 day of February, 2024.

**TOWN OF DRUMHELLER**

Per:

  
Heather Colberg, Mayor

Per:

  
Darryl Drohomerski, C.E.T., Chief Administrative Officer



The full name and address of the expropriating authority is:

**TOWN OF DRUMHELLER**  
Attention: Darryl Drohomerski, C.E.T.  
Chief Administrative Officer  
224 Centre Street  
Drumheller, AB T0J 0Y4  
Phone: 403-823-1312  
Fax: 403-823-7739  
[ddrohomerski@drumheller.ca](mailto:ddrohomerski@drumheller.ca)

NORTH DINOSAUR TRAIL

R/W  
PLAN 841 0620

N.W.1/4 SEC.8-29-20-4  
(MIDLAND PROVINCIAL PARK)

ISLAND  
N.W.1/4 SEC.8-29-20-4

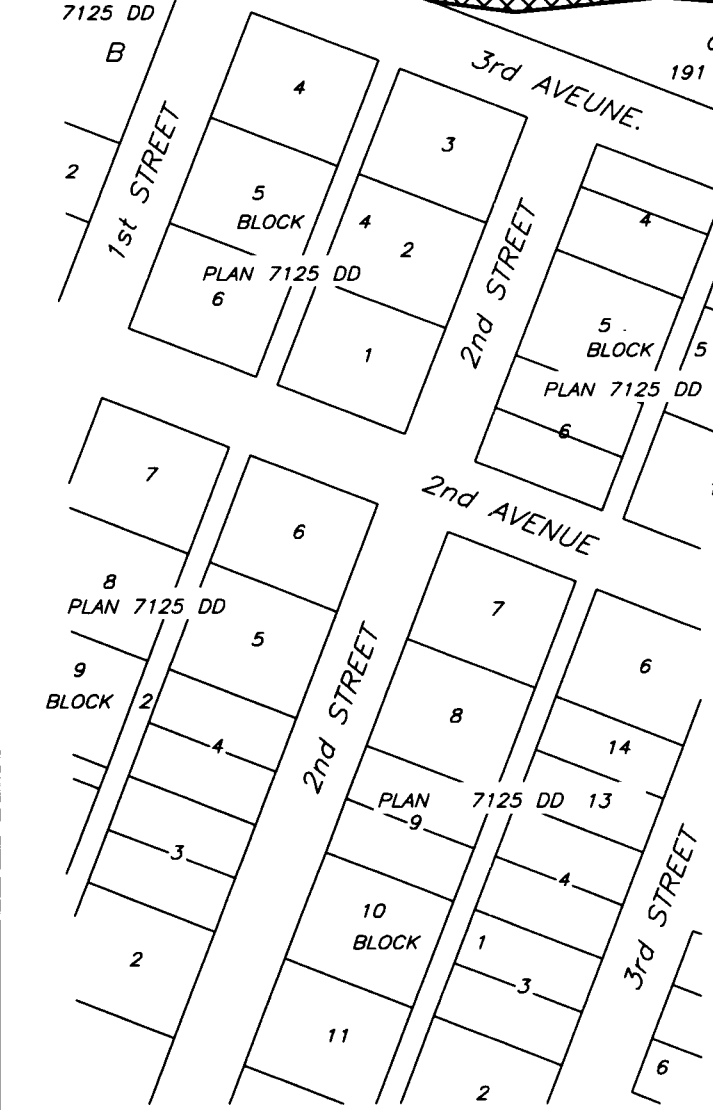
RED DEER RIVER

REMAINING RED DEER RIVER SECONDARY CHANNEL

N.A.C. DITCH

N.W.1/4 SEC.8-29-20-4  
AREA A

C. OF T.  
191 049 429




**NACMINE DISTRICT  
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY  
EXPROPRIATION FOR FLOOD MITIGATION  
PURPOSES  
AFFECTING PART OF C. OF T. 191 049 429  
WITHIN THE  
N.W.1/4 SEC.8, TWP,29, RGE.20, W.4M.  
SCALE= 1:1000 — 2023-24 — W.R.HUNTER, A.L.S.

**LEGEND:**

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus...   
And contains 7481sq.m. = 80525sq.ft.

REV.	DATE	DESCRIPTION
1	Feb. 7, 2024	TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 27, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD.  
CALGARY, ALBERTA  
FILE: 23-256-C OF T NACMINE

**Form 5**  
**Expropriation Act**  
**(Section 24)**  
**Notice of Abandonment of Expropriation**

**To:**

**Take Notice That**

1. The Town of Drumheller does hereby abandon its intention to expropriate any interest in the lands depicted on Schedule "A" attached hereto and more particularly described as:

THAT PORTION OF:

"MERIDIAN 4 RANGE 20 TOWNSHIP 29 SECTION 10

THAT PORTION OF THE NORTHERLY 150 FEET OF THE SOUTH EAST QUARTER WHICH LIES TO THE NORTH EAST OF A STRIP OF LAND 25 FEET WIDE ADJOINING THE RED DEER RIVER AS SHOWN ON THE TOWNSHIP PLAN APPROVED AT OTTAWA 30 SEPTEMBER 1930 CONTAINING 0.441 OF A HECTARE (1.09 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS"

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN .....

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

TEMPORARY WORKSPACE EASEMENT WHICH LIES WITHIN:

PLAN .....

R.W. 'B'

EXCEPTING THEREOUT ALL MINES AND MINERALS

standing in the Register of the South Alberta Land Registration District in the names of XX under Certificate of Title Number 191 049 429.

2. The Registrar of the South Alberta Land Registration District is hereby requested to cancel and discharge the Notice of Intention to Expropriate dated the 26th day of February, 2024, and registered on the 21st day of March, 2024 as Number 001 142 256.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

**THE TOWN OF DRUMHELLER**

Per: \_\_\_\_\_ (c/s)

Per: \_\_\_\_\_ (c/s)

c/o Chapman Riebeek LLP

4802 – 50 Street

Red Deer, AB T4N 1X4

Phone: 403-346-6603

Fax: 403-340-1280

## REQUEST FOR DECISION

<b>TITLE:</b>	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction affecting That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine
<b>DATE:</b>	April 22 <sup>nd</sup> , 2024
<b>PRESENTED BY:</b>	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
<b>ATTACHMENTS:</b>	Resolution to Expropriate Notice of Intention to Expropriate Parcel Map – Schedule ‘A’

### SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, full acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, and have been on-going over the past several months. The subject full acquisition property owner has not accepted our purchase offers of Fair Market Value, as determined by an appraisal, within the timelines given. As such, the next step in obtaining the land required for Nacmine Berm construction is expropriation.

A Resolution Approving Expropriation for a portion of this lot was originally approved by Council on December 4, 2023, however, it was not subsequently registered with Land Titles, as further clarification was required regarding the actual land boundary along the Red Deer River. Alberta Public Lands Water Boundaries Group provided feedback on the riverside boundary of this lot and a new Resolution Approving Expropriation was passed by Council on February 26, 2024 with the amended area of the partial taking. The property owner filed a formal objection to the partial taking on April 15, 2024 on the basis that it is unfair, so a Request for Decision was brought to Council to abandon the partial taking expropriation process and the current Council Request for Decision includes a second amended Resolution Approving Expropriation Council for a full parcel taking. This Resolution Approving Expropriation must be passed by Council directing its officers and solicitors to take all necessary steps to complete the expropriation.

### RECOMMENDATION:

Administration recommends that Council approve the Resolution for Expropriation and Notice of



Intention to Expropriate pertaining to 301 3 Street (that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less), as presented.

#### **DISCUSSION:**

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owner for the Nacmine Berm project on this basis and the offer has been rejected. Council previously approved a Resolution to expropriation the portion of the parcel needed to build the Nacmine Berm. The landowner subsequently objected to the partial acquisition taking as being unfair, so Administration has recently brought a Resolution to Council to abandon the partial acquisition expropriation and now are planning to proceed with a full taking expropriation to acquire the property needed to construct the berm. Based on the specifics of this parcel, a full taking is justified under the Land Acquisition Policy.

#### **FINANCIAL IMPACT:**

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant, for the portion of land needed to construct the berm. The Federal Disaster Mitigation and Adaptation Fund (DMAF) grant program can be used to cover up to 40% of the land -only costs for berm construction. The remainder of the land area in a full parcel taking scenario will be carried at the Town's cost until such time as the lot may be subdivided from the parcel needed for the berm and resold when the Town will be reimbursed by the sale proceeds.

Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

#### **WORKFORCE AND RESOURCES IMPACT**

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

#### **STRATEGIC POLICY ALIGNMENT:**

Town Bylaw 11.21 states that Council's Vision is "*through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller*

*from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage".* Completing the expropriation is required to obtain the property necessary for the berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

**COMMUNICATION STRATEGY:**

Direct notice of the intended expropriation will be provided to the affected property owner, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with Notice of the Intention to Expropriate, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

**MOTION:**

Councillor \_\_\_\_\_ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to the parcel of land described as that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.



Prepared by:  
Tara Paradis, EIT  
DRFMO Project Assistant



Reviewed by:  
Deighen Blakely, P.Eng.  
DRFMO Project Director



Approved by:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer

EXPROPRIATION ACT  
R.S.A. 2000, Chapter E-13, as amended

**RESOLUTION**

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE  
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

---

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THE NORTH WEST QUARTER OF SECTION 8  
TOWNSHIP 29  
RANGE 20  
WEST OF THE 4 MERIDIAN  
DESCRIBED AS FOLLOWS:  
COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH EASTERLY LIMIT  
OF 3 AVENUE WITH THE NORTHERLY PRODUCTION OF THE NORTH WESTERLY LIMIT  
OF 3 STREET AS SAID AVENUE AND STREET ARE SHOWN ON PLAN NACMINE 7125DD  
THENCE NORTHERLY ALONG SAID PRODUCTION OF SAID LIMIT OF 3 STREET TO THE  
RIGHT BANK OF THE RED DEER RIVER SHOWN ON PLAN 53/46  
THENCE WESTERLY ALONG SAID RIGHT BANK TO ITS INTERSECTION WITH  
THE SAID NORTH EASTERLY LIMIT OF 3 AVENUE  
THENCE SOUTH EASTERLY ALONG SAID LIMIT TO THE POINT OF COMMENCEMENT  
CONTAINING 0.648 HECTARES (1.6 ACRES) MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands").

AND WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the **TOWN OF DRUMHELLER** has the authority to acquire a fee simple estate with respect to the Lands by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** deems it to be in the public interest and good that the estate in fee simple in the Lands be acquired by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring the Lands pursuant to the provisions of the *Expropriation Act*, RSA 2000, c. E-13, as amended;

**NOW THEREFORE BE IT RESOLVED:**

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple estate.
2. THAT the officers, servants or agents of the **TOWN OF DRUMHELLER** and the solicitors for the **TOWN OF DRUMHELLER** be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

EXPROPRIATION ACT  
R.S.A. 2000, Chapter E-13, as amended

**RESOLUTION**

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE  
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

---

MOVED AND PASSED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF DRUMHELLER**

---

Heather Colberg, Mayor

---

Darryl Drohomerski, C.E.T.,  
Chief Administrative Officer

*THE EXPROPRIATION ACT*  
RSA 2000, Ch. E-13 (Section 8)

**NOTICE OF INTENTION TO EXPROPRIATE**

1. TAKE NOTICE that the **TOWN OF DRUMHELLER** as Expropriating Authority intends to expropriate the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THE NORTH WEST QUARTER OF SECTION 8  
TOWNSHIP 29  
RANGE 20  
WEST OF THE 4 MERIDIAN  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH EASTERLY LIMIT OF 3 AVENUE WITH THE NORTHERLY PRODUCTION OF THE NORTH WESTERLY LIMIT OF 3 STREET AS SAID AVENUE AND STREET ARE SHOWN ON PLAN NACMINE 7125DD THENCE NORTHERLY ALONG SAID PRODUCTION OF SAID LIMIT OF 3 STREET TO THE RIGHT BANK OF THE RED DEER RIVER SHOWN ON PLAN 53/46 THENCE WESTERLY ALONG SAID RIGHT BANK TO ITS INTERSECTION WITH THE SAID NORTH EASTERLY LIMIT OF 3 AVENUE THENCE SOUTH EASTERLY ALONG SAID LIMIT TO THE POINT OF COMMENCEMENT CONTAINING 0.648 HECTARES (1.6 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is: fee simple.
3. The work or purpose for which the interest in the Lands is required is:
  - Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
  - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
  - access for purposes of construction and/or maintenance of the above.
4. Section 6 of the *Expropriation Act* provides that:

“6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.

(2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.”

5. Section 10 of the *Expropriation Act* provides that:

“10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,

(a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and

(b) in any other case, within 21 days after the first publication of the notice of intention.

- (2) The notice of objection shall state:
- (a) the name and address of the person objecting;
  - (b) the nature of the objection;
  - (c) the grounds on which the objection is based; and
  - (d) the nature of the interest of the person objecting.”

6. A person affected by the proposed expropriation does not need to serve an objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Alberta Land and Property Rights Tribunal or the Court, as the case may be.
7. The Approving Authority with respect to this expropriation is the **TOWN OF DRUMHELLER** located at 224 Centre Street, Drumheller, Alberta, T0J 0Y4

Dated at the Town of Drumheller, in the Province of Alberta, this \_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF DRUMHELLER**

Per: \_\_\_\_\_  
Heather Colberg, Mayor (c/s)

Per: \_\_\_\_\_  
Darryl Drohomerski, C.E.T., Chief Administrative Officer

The full name and address of the expropriating authority is:

**TOWN OF DRUMHELLER**  
Attention: Darryl Drohomerski, C.E.T.  
Chief Administrative Officer  
224 Centre Street  
Drumheller, AB T0J 0Y4  
Phone: 403-823-1312  
Fax: 403-823-7739  
[ddrohomerski@drumheller.ca](mailto:ddrohomerski@drumheller.ca)

NORTH DINOSAUR TRAIL

R/W  
PLAN 841 0620

N.W.1/4 SEC.8-29-20-4  
(MIDLAND PROVINCIAL PARK)

ISLAND

N.W.1/4 SEC.8-29-20-4

REMAINING RED DEER RIVER SECONDARY CHANNEL

RED DEER RIVER

BY G.W. WALLACE A.L.S. 2023

N.A.C. DITCH

N.W.1/4 SEC.8-29-20-4  
AREA A

C. OF T.  
191 049 429

7125 DD

B

1st STREET

3rd AVENUE

2nd STREET

3rd STREET

PLAN 7935 EM

2nd AVENUE

2nd STREET


3rd STREET

**NACMINE DISTRICT  
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY  
EXPROPRIATION FOR FLOOD MITIGATION  
PURPOSES  
AFFECTING ALL OF C. OF T. 191 049 429  
WITHIN THE  
N.W.1/4 SEC.8, TWP,29, RGE.20, W.4M.  
SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

**LEGEND:**

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus...   
And contains 10522.2sq.m. = 113260sq.ft.

REV.	DATE	DESCRIPTION
2	April 16, 2024	FROM PART TO FULL EXPROPRIATION
1	Feb. 7, 2024	TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 27, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD. CALGARY, ALBERTA FILE: 23-256-C OF T NACMINE Page 251 of 270
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## REQUEST FOR DECISION

<b>TITLE:</b>	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 5, Block 1, Plan 4125FH 198 9 Street, Nacmine
<b>MEETING DATE:</b>	April 22 <sup>nd</sup> , 2024
<b>PRESENTED BY:</b>	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
<b>ATTACHMENTS:</b>	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

### SUMMARY

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, full acquisition of this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been ongoing over the past several months. The subject full acquisition property owners have rejected our purchase offers of Fair Market Value, as determined by an appraisal.

A Resolution approving Expropriation was passed by Council on December 4, 2023. The Notice of Intention to Expropriate has been served on the registered property owners and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

### RECOMMENDATION

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 198 9 Street (4125FH;1;5), as presented.

### DISCUSSION

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owners for the Nacmine Berm project on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

### FINANCIAL IMPACT

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant, for the portion of land needed to construct the berm. The Federal Disaster Mitigation and Adaptation Fund (DMAF) grant program can be used to cover up to 40% of the land -only costs for berm construction. The



remainder of the land area in a full parcel taking scenario will be carried at the Town's cost until such time as the lot may be subdivided from the parcel needed for the berm and resold when the Town will be reimbursed by the sale proceeds.

Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

**WORKFORCE AND RESOURCES IMPACT**

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

**STRATEGIC POLICY ALIGNMENT**

Town Bylaw 11.21 states that Council's Vision is "*through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage*". Completing the expropriation is required to obtain the property necessary for the berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

**COMMUNICATION STRATEGY**

Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owners, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

**PROPOSED MOTION**

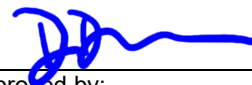
Councillor \_\_\_\_\_ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 5, Block 1, Plan 4125FH; Title Number 151 140 939.



Prepared by:  
Tara Paradis, EIT  
DRFMO Project Assistant



Reviewed by:  
Deighen Blakely, P.Eng.  
DRFMO Project Director



Approved by:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer

**Form 4  
Expropriation Act  
(Section 18)**

**CERTIFICATE OF APPROVAL**

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

**PLAN 4125FH  
BLOCK 1  
LOT 5  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME**

(hereinafter referred to as the "Lands")

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is:
  - Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
  - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
  - access for purposes of construction and/or maintenance of the above.
3. The expropriating authority is the: **Town of Drumheller**  
224 Centre Street  
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of Gordon A Sinclair and Kathleen S Sinclair in Certificate of Title Number 151 140 939.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN OF DRUMHELLER

Per: \_\_\_\_\_  
Darryl Drohomerski, C.E.T.  
Chief Administrative Officer

**RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER**

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on January 25, 2024, on the Landowners and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowners or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowners or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated April 22, 2024, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

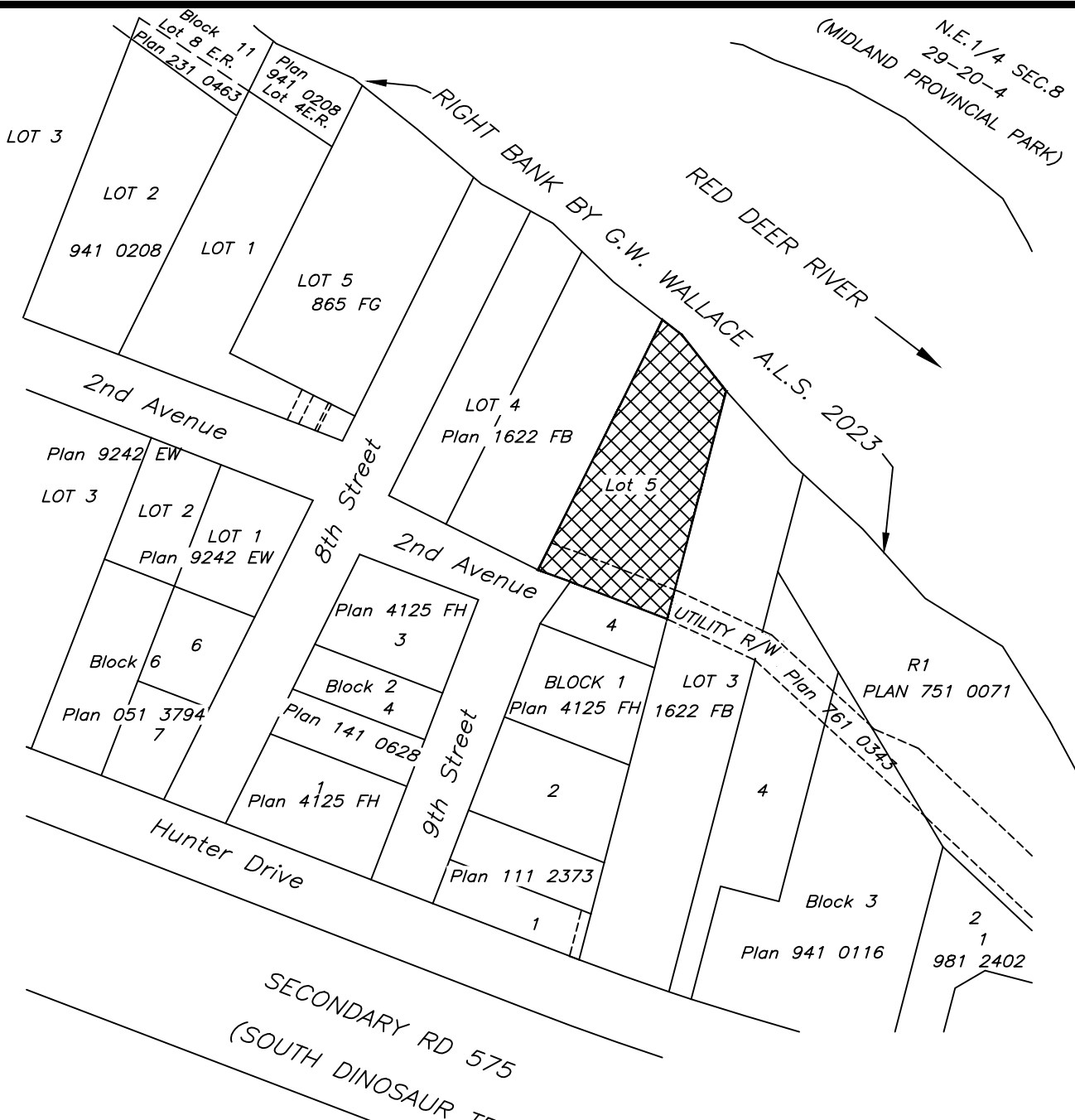
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

Motion Carried


Town of Drumheller

\_\_\_\_\_  
Heather Colberg, Mayor

\_\_\_\_\_  
Darryl Drohomerski, CAO



**NACMINE DISTRICT**  
**DRUMHELLER, ALBERTA**  
 PLAN SHOWING AREA TO BE ACQUIRED BY  
 EXPROPRIATION FOR FLOOD MITIGATION  
 PURPOSES AFFECTING  
 ALL OF LOT 5, BLOCK 1, PLAN 4125 F.H  
 WITHIN THE  
 N.E.1/4 SEC.8, TWP,29, RGE.20, W.4M.  
 SCALE= 1:1000 ——— 2023 ——— W.R.HUNTER, A.L.S.

**LEGEND:**  
 Distances are in metres and decimals thereof.  
 Area affected by this plan is shown thus....   
 And contains 2675.0sq.m. = 28793sq.ft.

1  
1  
081 5076

## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed Amendments to 2024 Budgets
<b>DATE:</b>	April 22, 2024
<b>PRESENTED BY:</b>	Victoria Chan, CPA, CGA, LL.B, LL.M Chief Financial Officer / Director, Corporate & Community Services
<b>ATTACHMENT:</b>	Appendix 1 – 2024 General Capital Budget

**SUMMARY:**

Administration is seeking Council approval to amend the 2024 Budgets which will inform the 2024 Tax Rate Bylaw.

**RECOMMENDATION:**

That Council approves the amendments to the 2024 Budgets as presented.

**DISCUSSION:**

*Municipal Government Act* stipulates the requirements for Council to adopt an annual operating budget (section 242) and an annual capital budget (section 245). The MGA also imposes the balanced budget requirement, and that municipalities are not allowed to finance for operational requirements.

Council has previously adopted the 2024 Budgets in the following orders:

<b>2024 Budgets</b>	<b>Date of Approval</b>	<b>Motion #</b>
Capital Budget	December 18, 2023	M2023.345
Operating Budget	January 22, 2024	M2024.029

As this point, there are proposed changes to:

- 2024 Operating Budget
- 2024 Capital Budget

Once Council approves the amended budgets, they will shape the tax-rate bylaw based on municipal requirements in 2024 that are supported by property taxes. Administration will present the Tax-rate Bylaw at the next Council meeting on May 6, 2024.

**ANALYSIS:**

The revised Operating Budget for 2024 will be over \$22.9 million (if approved), including requisitions. The Town is responsible for collecting and remitting the provincial requisitions, including the Education Requisition (13%), Seniors' Lodge Requisition (3%). The provincial requisitions and the RCMP Policing Contract (9%) represent one-

quarter (\$5.475 million) of the Town's 2024 Operating Budget. The Town has neither control nor influence over the amount and is obligated to collect such requisitions and remit to respective authorities.

The Town has applied fiscal prudence in amending the approved budgets as a result of cost overruns of capital projects while addressing unplanned facility repairs and upgrades early in the year. The changes represent an 2.7% increase which the Town will fund by transfer from the contingency reserves. The Town is maintaining its projection of a 4%-increase in the tax rate, compared to 4.8% in 2023.

The Town's proposed increase is in response to the high interest rate and the inflationary operating environment, and it is comparable to other municipalities in Alberta.

### **2024 BUDGET AMENDMENT HIGHLIGHTS**

#### **Operating Budget**

The approved Operating Budget for 2024 is over \$22.3 million, including requisitions. Transfer from reserve of \$1.199 million was granted to support the operational deficit. These are the summary of proposals.

##### 1. Additional Salary requirements

- 2023/24 projection of 4% RCMP policing cost increase  
RCMP has advised their municipal partners that an 4%-increase in policing cost for both 2023/24 and 2024/25 fiscal years is expected. This translates an additional requirement to be set aside to ease the cash flow when the amount is due.
- Aquaplex Staff Salary Review Outcome  
As per the MOU with the union, the review has been completed by April 1, 2024. Based on the review, the Town will see an incremental increase in salary and associated benefits costs pending union agreement.

##### 2. Property Tax Revenue

Administration is anticipating additional \$640,000 as a result of a 4%-rate increase for property taxes.

Based on the 2023 Property Assessment in the Town of Drumheller, an average residential property is assessed at \$234,000. The 4%-increase in the tax rate results in additional \$81.66 for the year, which translates to \$0.22 a day.

#### **Capital Budget**

The approved 2024 Capital Budget is \$4.5 million, plus \$6.2 million from carryforward. Detail proposed changes for the Capital Budget could be found in Appendix 1.

**FINANCIAL IMPACT:**

<b>Budget Item</b>	<b>Original Approved</b>	<b>Proposed Amendments</b>	<b>Total Revision</b>
Property Tax – 4% increase	(\$13.328 m)	(\$664,000)	(\$13.992 m)
Salary Contingency requirements (RCMP cost and Aquaplex Salary Review)	NIL	\$96,000	\$96,000
Additional Capital Budget requirements	NIL	\$520,000	\$520,000
<b>Net impact</b>			<b>(\$48,000)</b>

The \$48,000 net impact will reduce the transfer from reserve to balance the Operating Budget deficit from \$1.199 million to \$1.151 million.

**WORKFORCE AND RESOURCES IMPACT:**

Administration will take the course of action depending on Council direction with this amendment. Certain projects will be deferred in future years to make room for more imminent projects.

**STRATEGIC POLICY ALIGNMENT:**

Once adopted, the 2024 Operating Budget will ensure fiscal accountability and provide Administration with the legal authority to carry out strategic initiatives identified for 2024. The revised budget will shape the Tax Rate Bylaw discussion in early May 2024.

**COMMUNICATION STRATEGY:**

Communication of the adopted amended budget will include a media release and distribution on social media platforms, and a copy will be uploaded to the Town website at [www.drumheller.ca](http://www.drumheller.ca).

**MOTION:**

That Council approves the amendments to the 2024 Operating and Capital Budgets as presented.

**SECONDED:**



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Prepared by:  
Victoria Chan, CPA, CGA, LL.B, LL.M  
Chief Financial Officer /  
Director, Corporate & Community Services



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Approved By:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer



# 2024 Capital Plan - General

	*Priority	Funding Source	Carry Forwards	2024 Approved Budget	Commitment as of today	Proposed/Pending Approval		Note
						Proposed Amendment	Total Revised Budget	
<b>General Administration</b>								
Network/Server Upgrades	4			\$ 35,000		\$ 0	\$ 35,000	
Parade Float	3			\$ 25,000		\$ 0	\$ 25,000	
Short-term Rental Software	1			\$ 15,000	\$ 7,500	(\$7,500)	\$ 7,500	Software was awarded, unused portion will be released.
Questica Implementation (Repurposed from Asset Retirement Obligation Study)	4	Reserve	\$ 80,000			(\$30,000)	\$ 50,000	Plan for full implementation in summer
Photocopier- Townhall				\$ -		\$19,760	\$ 19,760	Motion #2024.120 - printers for Town Office and IS Dept.
<b>Total General Administration</b>			<b>\$ 80,000</b>	<b>\$ 75,000</b>		<b>(\$17,740)</b>	<b>\$ 137,260</b>	
<b>Enforcement Services</b>								
unit 665 mun enforcement truck 1/2 ton 4x4	4			\$ 90,000			\$ 90,000	
Work Station- Truck 667	4			\$ 12,000			\$ 12,000	
RCMP Detainment Cell Renovations	1	Reserve	\$ 100,000				\$ 100,000	
Derelict buildings demolition				\$ -		\$50,000	\$ 50,000	Plan for two demolitions in 2024
<b>Total Enforcement Services</b>			<b>\$ 100,000</b>	<b>\$ 102,000</b>		<b>\$50,000</b>	<b>\$ 252,000</b>	
<b>Fire Protection Services</b>								
Pumper Tanker- East Coulee	1			\$ 150,000			\$ 150,000	
Fire Management Software	4			\$ 9,500			\$ 9,500	
Thermal Imager	2			\$ 15,000	\$ 15,000	\$ 0	\$ 15,000	Contract awarded
Rescue Unit Conversion Brush	2			\$ 190,000		\$15,000	\$ 205,000	Replace with an engineered wildland firefighting deck
<b>Total Fire Protection Services</b>			<b>\$ -</b>	<b>\$ 364,500</b>	<b>\$ 15,000</b>	<b>\$15,000</b>	<b>\$ 379,500</b>	
<b>Common Services</b>								
Light Fleet Vehicles - Program	4			\$ 140,000			\$ 140,000	
Heavy Equipment - Program				\$ 26,000			\$ 26,000	
PW Building - EOC Upgrade	4			\$ 40,000			\$ 40,000	
Concrete Crushing	4			\$ 200,000	\$ 375,000	\$150,000	\$ 350,000	Motion #2024.58 - Funded by Capital Reserve
Old Hospital & Old Public Works Yard Remediation	1,2,3			\$ 825,000			\$ 825,000	
General Engineering Services	4			\$ 100,000	\$ 11,515		\$ 100,000	
Tandem Truck (Waiting for Delivery)	4	MSI	\$ 275,000				\$ 275,000	
Wide Angle Mower (Waiting for Delivery)	4	MSI	\$ 78,000				\$ 78,000	
<b>Total Common Services</b>			<b>\$ 353,000</b>	<b>\$ 1,331,000</b>	<b>\$ 386,515</b>	<b>\$150,000</b>	<b>\$ 1,834,000</b>	
<b>Road Transport</b>								

Street Improvement Program- Engineering	4	MSI		\$	100,000		\$	100,000	
Street Improvement Program- Construction	4	MSI	\$ 726,876	\$	295,000	\$ 634,408	(\$200,000)	\$ 821,876	Revised carry-forward
Sidewalk Rehabilitation Program	4	GTF	\$ 314,929	\$	175,000	\$ 367,649	\$0	\$ 201,250	Revised carry-forward
Replacement of Decorative Street Lights	2			\$	50,000			\$ 50,000	
Town Beautification- Transportation Corridors	3,4			\$	75,000			\$ 75,000	
Highway 10X Bridge 10- Deck Rehab	1,2,3,4			\$	85,000			\$ 85,000	
Starmine Suspension Bridge	1,2,3,4			\$	155,000	\$ 412,612	\$57,612	\$ 412,612	\$200K grant from the Province, \$57K was approved previously but was not brought from the carry-forward
Culvert Bridge Program	2	Reserve	\$ 100,000					\$ 100,000	
Station & Stops	3,4	Donation					\$0	\$ 80,000	This project is fully funded by donations.
Bridge 11	2	STIP	\$ 2,700,000			\$ 367,899		\$ 2,700,000	
<b>Road Transport</b>			<b>\$ 3,841,804</b>	<b>\$</b>	<b>935,000</b>	<b>\$ 1,782,568</b>	<b>(\$142,388)</b>	<b>\$ 4,625,738</b>	

<b>Air Transportation</b>									
Fuel Tank Farm	1,2			\$	450,000		\$10,000	\$ 450,000	To install a bigger Jet Fuel Tank - impact is neutralized by the Airport Basement reallocation.
Fuel POS System Upgrade In conjunction with EC Bulk Wa	4			\$	30,000			\$ 30,000	
Airport Basement- Foundation Remediation	4			\$	60,000		(\$52,500)	\$ 7,500	In-house services from IS Department. Unused portion to be allocated to Fuel Tank Farm.
<b>Total Air Transportation</b>				<b>\$</b>	<b>540,000</b>	<b>\$ -</b>	<b>(\$42,500)</b>	<b>\$ 487,500</b>	<b>Release the uncommitted portion for other capital projects</b>

<b>Stormwater</b>									
Stirling Ditch- Nacmine	1,4	Reserve	\$ 190,000	\$	190,000			\$ 190,000	
<b>Total Stormwater</b>			<b>\$ 190,000</b>	<b>\$</b>	<b>-</b>			<b>\$ 190,000</b>	

<b>Cemeteries</b>									
Cemetery Survey	4			\$	25,000			\$ 25,000	
<b>Total Cemeteries and Columbariums</b>				<b>\$</b>	<b>25,000</b>			<b>\$ 25,000</b>	<b>\$ -</b>

<b>Recreation and Parks</b>									
Aquaplex Facility Replacement Planning (Feasibility Study & Concept Design)	3			\$	175,000		(\$175,000)	\$ -	Given the re-investment in 2023 and 2024, Administration will undergo a review of the useful life of the existing facility. Tender is being reviewed.
Arena Sewer Relining	2,4			\$	40,000			\$ 40,000	
BCF- Primacoustic Treatment BCF Fieldhouse	4			\$	90,000	\$ 90,000		\$ 90,000	
New Trail Development^	3,4	Reserve	137,000	\$	210,000	\$ 420,284	(\$13,284)	\$ 420,284	\$60K grant confirmed.
Spider Mower for Berms	4			\$	65,000			\$ 65,000	
Urban Forest Implementation & Management Plan	4			\$	75,000	\$ 68,800		\$ 75,000	
Conversion CN Bridges to Pedestrian Bridges	3			\$	500,000	\$ 150,308		\$ 500,000	
Rotary Park-Dinosaur Rehab/Replacement	4	Reserve	\$ 20,000					\$ 20,000	
Dog Park-Fencing**	3	Reserve	\$ 30,000					\$ 30,000	
New Castle Recreation Area- Beach Improvements	3	Reserve	\$ 100,000					\$ 100,000	

Parks & Rec Master Plan Outcomes (Playground Inspecti	3	Reserve	\$ 50,000		\$ 50,000	
Aquaplex Major Repair	2,4		\$ -		\$80,000	Work is completed in Jan. 2024. To be funded by Facility Reserve.
BCF Hot Water Tank	2,4		\$ -		\$25,000	Work is completed in Jan. 2024. To be funded by Facility Reserve.
Aquaplex Boiler	2,4		\$ -		\$20,000	Work is completed in Jan. 2024. To be funded by Facility Reserve.
Aquaplex Commercial Hot Tub	4		\$ -		\$70,000	Replace the malfunction hot tub
Curling Rink Demolition	2,3		\$ -		\$500,000	
<b>Total Recreation and Parks</b>			<b>\$ 337,000</b>	<b>\$ 1,155,000</b>	<b>\$506,716</b>	<b>\$ 2,085,284</b>

\*\* Parks & Rec Master Plan.

^ Includes Main Station

<b>Grand Total</b>	<b>6,126,804</b>	<b>\$ 4,527,500</b>	<b>\$ 2,184,083</b>	<b>\$519,088</b>	<b>\$ 10,016,281</b>
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- \*Priority Legend:**
1. Legislative/Regulatory Requirement
  2. Public Safety
  3. Council Initiative
  4. Asset/Service Enhancement

## REQUEST FOR DECISION

<b>TITLE:</b>	Old Hospital & Public Works Site Remediation - Tender Award
<b>DATE:</b>	April 17, 2024
<b>PRESENTED BY:</b>	Mark Steffler, P. Eng – DRFMO Technical Advisor
<b>ATTACHMENTS:</b>	Hospital Site Plan (Appendix A) Public Works Site Plan (Appendix B)

### SUMMARY:

#### Old Public Works (PW) Site – 117 7 Ave SE

The site was used as Town Public Works yard from 1967 to 2019. A Phase 2 ESA which included an extensive groundwater monitoring program was completed between July 2021 through November 2023. The assessment identified three areas of concern (Appendix A):

- Area 1 – former fuel storage/handling and chemical/pesticide area
- Area 2 – North salt storage area
- Area 3 – South salt storage area

Sampling identified petroleum hydrocarbons (Area 1) and chlorides exceeding allowable criteria (Area 2&3) up to 4.5m deep (5500m<sup>3</sup>). This material needs to be removed and disposed of at landfill. Once earthworks are completed an additional 3-5yrs of monitoring is required to ensure that the site has been fully remediated and can be sold.

#### Hospital Site – 625 Riverside Drive E

The site had been used as a hospital from the 1920s to 2002<sup>1</sup>. Following demolition of the old hospital, a Phase 2 Environmental Assessment was identified as being required due to age, past uses, presence of building sumps, past incinerator use, previously buried storage tanks and site operation. The Phase 2 ESA was undertaken by Arletta Environmental Consulting in the Spring 2023, which identified contaminated material under the old hospital foundation. The material appears related to waste materials associated with the former incinerator of the original hospital. When the “new” hospital was built in 1970, the material was left onsite, and a new facility constructed on top. Due to proximity to the river, the material is now considered to be contaminated for the hospital site but is suitable for use as fill at the old public works site. The depth of contaminated material varies from 2.5m deep at the north end of the site to 4.0m deep at the south end (see Appendix B). To access the contaminated material the top 1.5m (+/- 2200m<sup>3</sup>) of material imported to backfill the old basement needs to be removed, stockpiled, and then reused for backfill. Roughly 2800m<sup>3</sup> will be hauled to the old public works site and used for backfilling and 2800m<sup>3</sup> of material imported for backfill. The existing topsoil stockpile on site will be used to spread on the site then hydroseeded.

An old concrete vault was recently discovered adjacent to Riverside Drive, which appears to have been part of the old hospital. Removal and backfill of the vault is part of this contract.

By completing remediation of both sites under one project provides cost and coordination efficiencies. It minimizes double handling material and reduces import fill by being able to use material from old hospital site as backfill for the old public works yard.

**TENDER:**

A Request for Tender for the site remediation for both locations were advertised on the Town’s Bid & Tenders website March 26, 2024. Tenders closed on April 9, 2024, with eleven (11) bids being received. The bid results are as follows, compared to the engineer’s estimate:

<b>Contractor</b>	<b>Tendered Amount (excluding GST)</b>
Brooks Asphalt & Aggregate Ltd.	\$383,055.00
Roadbridge Services Ltd.	\$561,737.70
QM Environmental	\$577,960.67
Ruby Rock Asphalt Work Ltd.	\$587,593.99
Sublatus Environmental Inc.	\$598,695.46
Ernco Environmental Drilling & Coring Inc.	\$673,365.25
Resolve Earthworks & Environmental Ltd.	\$716,842.00
Nelson Environmental Remediation Ltd.	\$726,128.41
McColman & Sons Demolition Ltd.	\$728,468.26
Titan Contracting and Demolition Ltd.	\$793,863.37
Visco Demolition Contractors Ltd.	\$1,316,070.40
Engineering Estimate	\$675,000.00

Colliers has reviewed the bids to ensure they are compliant with the tender requirements and is recommending awarding to Brooks Asphalt & Aggregate Ltd who are a well-known local contractor having completed many projects for the Town including the current East Coulee flood berm project.

Work is scheduled to commence in early May 2024, and should take about 4 weeks to complete.

**FINANCIAL IMPACT:**

A project budget of \$825,000 was approved as part of the 2024 Capital Program. Project costs are as follows:

<b>Description</b>	<b>Cost</b>
Construction	\$ 383,055
Engineering (Design & Construction)	\$ 295,000
Land Disposal Tipping Fees (Allowance)	\$ 100,000
Subtotal	<u>\$ 778,055</u>
Construction Contingency (10%)	<u>\$ 50,000</u>
<b>Project Cost</b>	<b>\$ 828,055</b>

The engineering budget includes:

- Arletta – Environmental monitoring, testing and construction supervision. Includes a \$20,000 budget for ongoing testing and monitoring of the public works site for one year.
- Colliers – Project Management & administration
- Parkland Geo – compaction testing
- Badlands Geomatic - survey

An allowance of \$100,000 has been included, if needed, for disposal/tipping fees and additional handling of the contaminated material at the Drumheller Landfill. Arletta anticipates that the material from the public works site, once mixed and aerated, will meet Tier II disposal criteria. Assuming the material would be suitable, it can be used as cover at the Drumheller Landfill. A request has been made to waive the tipping fees, which is to be discussed at the April 18, 2024, DDSWMA Board meeting.

The Town is interested in selling both lots to third party for future development. A third party had expressed interest in purchasing the old public works site but backed out when contamination was identified. The old hospital site is currently being marketed. The cost of the site remediation will be recovered through future sale of the lands.

**RECOMMENDATION:**

Administration recommends that the Old Hospital & Public Works Site Remediation tender be awarded to Brooks Asphalt & Aggregate Ltd. In the amount of \$383,055 excluding GST.

**STRATEGIC POLICY ALIGNMENT:**

The cleanup of both sites is required to allow for the sale and/or development of the land. Proceeding with the work aligns with Council priority to promote housing and economic development within the Drumheller Valley.

**COMMUNICATION STRATEGY:**

Tender results have been posted on the Towns website. Letters of non-award will be sent to unsuccessful bidders. Letter of award and contract documents for execution will be provided to successful bidder.

**MOTION:** Councilor: \_\_\_\_\_ moves that Council approve the award of the Old Hospital & Public Works Site Remediation tender be awarded to Brooks Asphalt & Aggregate Ltd, in the amount of \$383,055 excluding GST.

**SECONDED:**



Prepared by:  
Mark Steffler, P. Eng  
DRFM Technical Advisor



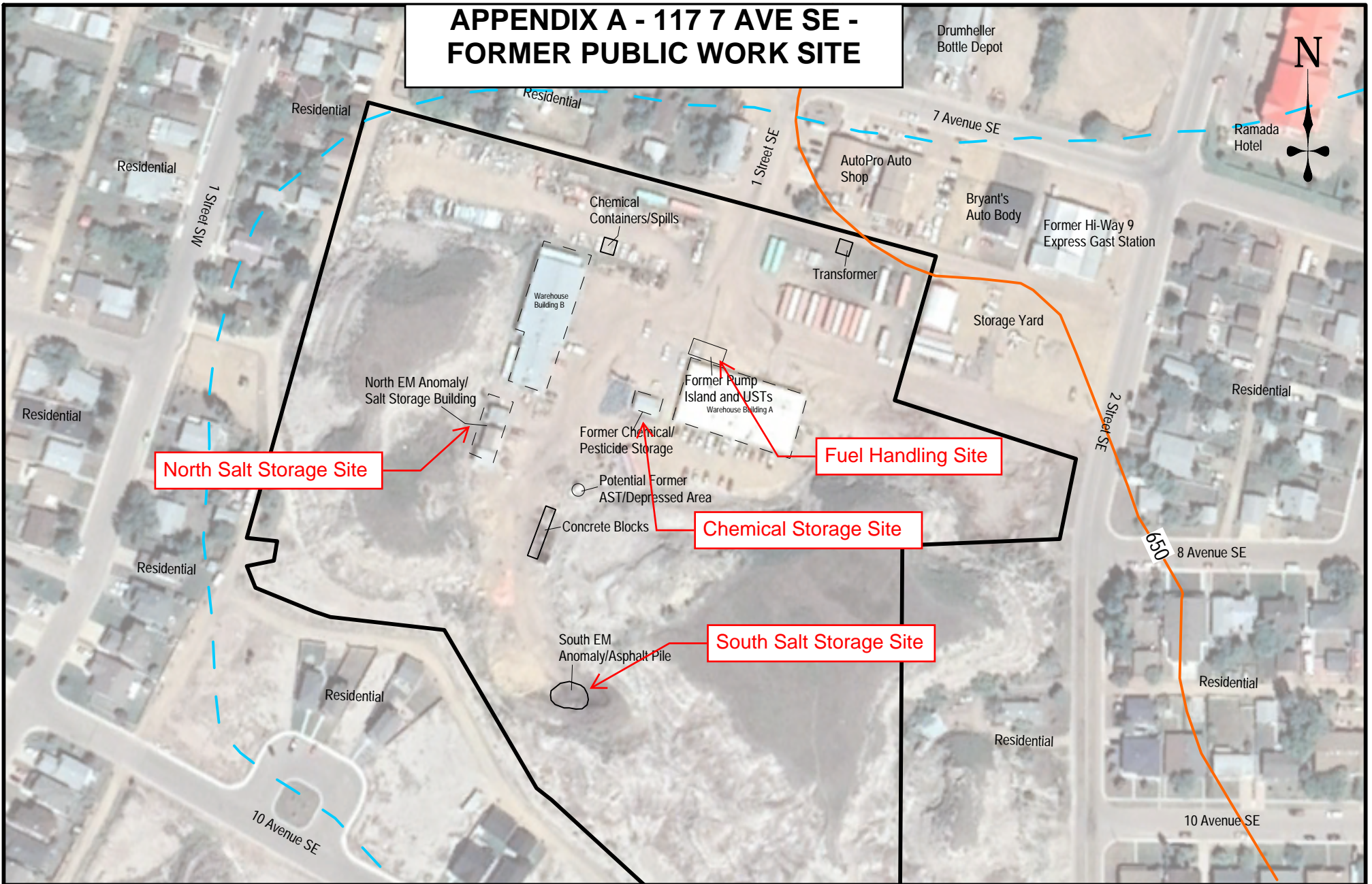
Reviewed By:  
Kevin Blanchett  
Acting Director Infrastructure  
Services



Approved by:  
Darryl E. Drohomerski,  
Chief Administrative Officer



# APPENDIX A - 117 7 AVE SE - FORMER PUBLIC WORK SITE



## LEGEND

- Approximate 117 - 7 Avenue SE Public Works Yard Boundary
  - Former Infrastructure Outlines
  - Topographic Contour (metres above sea level)
  - Former Stream
- Agenda - Monday April 22, 2024

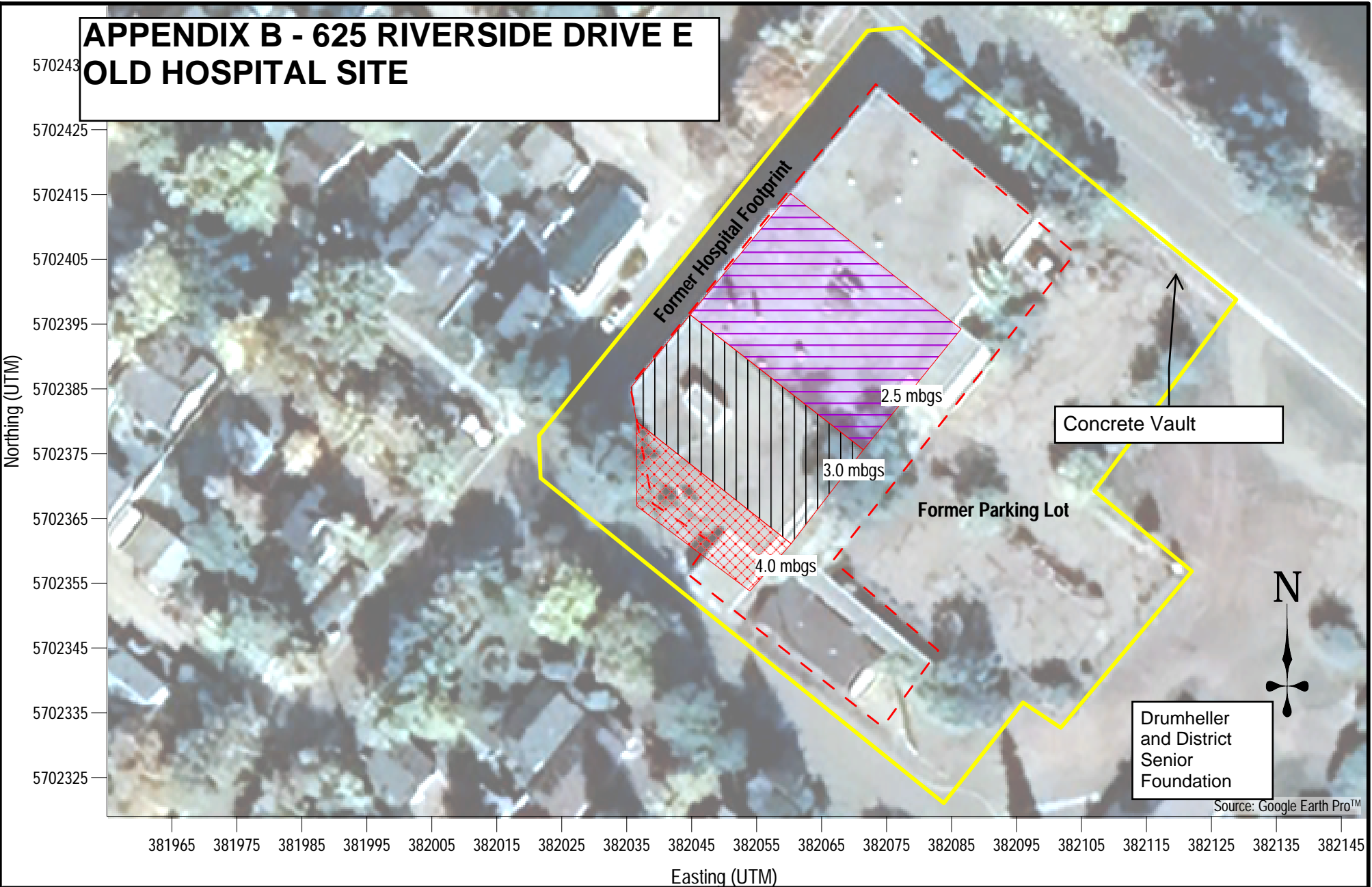
Scale 1:1,925

Figure 2: Site Diagram

Surface Location: 117 - 7 Avenue SE, Drumheller, AB  
 Project #: CD.01.04 | Date: July 2021  
 Client: City of Drumheller



# APPENDIX B - 625 RIVERSIDE DRIVE E OLD HOSPITAL SITE



LEGEND	
	Excavate to 2.5 m
	Excavate to 3.0 m
	Excavate to 4.0 m

Applicable Guideline: Alberta Tier 1 Soil & Groundwater Remediation Guidelines for Residential/Parkland Land Use, Fine-Grained Soil Type (AEP 2022)

Figure 2: Proposed Excavation Extents

Surface Location: 625 Riverside Dr. E, Drumheller, AB  
 Project #: CD.02.02 | Date: October 2023  
 Client: Town of Drumheller



**arletta**  
environmental  
consulting

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## REQUEST FOR DECISION

<b>TITLE:</b>	Curling Rink Demolition Award
<b>DATE:</b>	April 16, 2024
<b>PRESENTED BY:</b>	Kelcie Wilson, C.E.T., Capital Project Manager
<b>ATTACHMENTS:</b>	

### SUMMARY:

The Request for Proposals for the Demolition of the Curling Rink was posted on the bids&tenders on March 26, 2024. The opportunity closed on April 11, 2024 with a total of ten (10) tenders received however only five (5) proposals set the mandatory criteria. They are summarized as follows:

<b>Contractor</b>	<b>Tendered Amount (excluding GST)</b>
<b>Roadbridge Services</b>	<b>\$265,853.95</b>
Priestly Demolition Inc.	\$349,955.00
Silverado Demolition Inc.	\$344,800.00
Visco Demolition Ltd.	\$392,789.00
McColman & sons Demolition Ltd.	\$389,139.00

After the building is demolished, a two-week stoppage will be incurred by the demolition contractor to complete Phase 2 ESA. If contaminated soil is found (which there is the strong likelihood considering the age of the building and the operations nature) remediation efforts of the soil could exceed the budget allocated. Administration has built in a 10% contingency that could cover the remediation efforts. Ultimately if the budget is exceeded Administration will be coming back to Council on how to proceed.

### RECOMMENDATION:

Administration recommends award for the Curling Rink Demolition Request for Proposal be awarded to Roadbridge Services for the amount of \$265,853.95 excluding GST.

**FINANCIAL IMPACT:**

An overview of the costs associated with this project are as follows:

Description	Cost
Colliers Project Leaders	\$48,931.00
Hazmat Consultant	\$3,825.00
Underground Utility Disconnect	
<i>Brine Line</i>	\$14,261.00
<i>Apex</i>	\$795.37
Demolition & Asbestos Removal	\$265,853.95
Phase 2 ESA	\$46,666.01
<b>SUBTOTAL</b>	<b>\$380,332.33</b>
<b>10% Contingency</b>	<b>\$38,033.23</b>
<b>TOTAL</b>	<b>\$418,365.56</b>

**STRATEGIC POLICY ALIGNMENT:**

Awarding the program contract to Roadbridge Services would allow the Curling Rink to be Demolished.

**COMMUNICATION STRATEGY:**

A letter of award will be sent to the successful proponent, and letters of non-award sent to the unsuccessful proponents.

**MOTION:** Councillor: \_\_\_\_\_

Moves that the Curling Rink Demolition Request for Proposal be awarded to Roadbridge Services for the amount of \$265,853.95 excluding GST.

Seconder: \_\_\_\_\_

*Kelcie Wilson*

Prepared by:  
Kelcie Wilson, C.E.T.  
Capital Project Manager



Reviewed by:  
Kevin Blanchett  
Acting Director of Infrastructure Services



Approved by:  
Darryl E. Drohomerski, C.E.T.  
Chief Administrative Officer