



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday, June 3, 2024

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

1. CALL TO ORDER

2. OPENING COMMENTS

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for the June 3, 2024 Regular Meeting of Council

Proposed Motion: That Council adopt the agenda for the June 3, 2024 Regular Meeting of Council as presented.

5. MEETING MINUTES

5.1 Minutes for the May 21, 2024 Regular Meeting of Council

[Regular Council Meeting – May 21, 2024 – Minutes](#)

Proposed Motion:

That Council approve the minutes for the May 21, 2024 Regular Meeting of Council as presented

6. COUNCIL BOARDS AND COMMITTEES

6.1 Minutes: Drumheller and District Seniors Foundation (DDSF)

[Regular Meeting – April 18, 2024 – Minutes.](#)

Proposed Motion:

that Council accept as information the Drumheller and District Seniors Foundation (DDSF) regular meeting minutes of April 18, 2024 as presented.

DELEGATION

7. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Chief Administrative Officer

7.1.1 Request-for-Decision: Bylaw 16.24

[Request-for-Decision](#)

[Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL](#)

Proposed Motion:

That Council give First reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL

Proposed Motion:

that Council gives Second Reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

Proposed Motion:

that Council give unanimous consent for Third Reading of Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

Proposed Motion:

that Council gives Third Reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

7.1.2 Request-for-Decision: Bylaw 17.24

[Request-for-Decision](#)

[Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL](#)

Proposed Motion:

that Council gives First Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL

Proposed Motion:

that Council gives Second Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

Proposed Motion:

that Council give unanimous consent for Third Reading of Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

Proposed Motion:

that Council gives Third Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

7.2 Flood Resiliency Project Director

- 7.2.1 Request-for-Decision: Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block 44 2 Avenue, Nacmine

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

Proposed Motion:

that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block; Title Number 061 102 801.

- 7.2.2 Request-for-Decision: Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less 287 1 Street, Nacmine

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

Proposed Motion:

that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less; Title Number 001 142 256.

- 7.2.3 Request-for-Decision: Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 18A, Block 10, Plan 9410239 4 92 Railway Avenue, Rosedale

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

Proposed Motion:

that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 18A, Block 10, Plan 9410239; Title Number 201 030 219.

- 7.2.4 Request-for-Decision: Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting:
Lot 6A, Block 10, Plan 0610286
503 Railway Avenue, Rosedale

[Request-for-Decision](#)

[Request-for-Decision \(Partial Acquisition\), Resolution to Expropriate; Notice of Intention to Expropriate \(February 26, 2024\)](#)

[Notice of Abandonment of Expropriation](#)

Proposed Motion:

that Council directs Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 26th day of February 2024 pertaining to a portion of the parcel of land legally described as:
Lot 6A, Block 10, Plan 0610286; Title Number 061 036 718 +1.
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.

- 7.2.5 Request-for-Decision: Resolution for Expropriation of One Parcel for Berm Construction affecting
Lot 6A, Block 10, Plan 0610286
503 Railway Avenue, Rosedale

[Request-for-Decision \(Full Acquisition\)](#)

[Resolution to Expropriate](#)

[Notice of Intention to Expropriate \(NOITE\)](#)

Proposed Motion: that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to the parcel of land described as Lot 6A, Block 10, Plan 0610286; Title Number 061 036 718 +1.

- 7.3 Development Officer

- 7.3.1 Request-for-Decision: Safety Codes Bylaw #15.24

[Request-for-Decision](#)

[Safety Codes Bylaw #15.24 \(2nd Reading\)](#)

[Safety Codes Bylaw #01.12](#)

Proposed Motion:

That Council give Second reading to Safety Codes Bylaw #15.24.

Proposed Motion:

That Council give Third reading to Safety Codes Bylaw #15.24.

7.3.2 Request-for-Decision: Land Use Amending Bylaw #12.24

[Request-for-Decision](#)

[Land Use Amending Bylaw #12.24 \(3rd Reading\)](#)

[Land Use Bylaw #16.20 \(Tracked Changes\)](#)

[Land Use Bylaw #16.20 \(Original\)](#)

Proposed Motion:

That Council give Third reading to the Land Use Amending Bylaw #12.24.

8. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM –Tuesday, May 13, 2024

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

IN ATTENDANCE

Mayor Heather Colberg (Regrets)
Councillor Patrick Kolafa (Regrets)
Councillor Stephanie Price
Councillor Tony Lacher
Councillor Crystal Sereda
Councillor Lisa Hansen-Zacharuk
(Regrets)
Councillor Tom Zariski

Chief Administrative Officer: Darryl Drohomerski
Director of Corporate & Community Services: Victoria Chan (Regrets)
Acting Director of Infrastructure: Kevin Blanchett
Dir. of Emergency and Protective Services: Greg Peters
Flood Mitigation Project Manager: Deighen Blakely
Reality Bytes IT: David Vidal
Recording Secretary: Mitchell Visser

1. CALL TO ORDER

Deputy Mayor Sereda called the meeting to order at 4:30 PM.

2. OPENING COMMENTS

Public Works Week is from May 19th – May 25th, 2024. Thank you to people that keep our water flowing and our streets clean. Thank you to all the people who work in Public Works for all that you do.

26th Anniversary of Boogie in the Badlands will be taking place this Saturday, May 25th in Downtown Drumheller.

We invite all volunteers to join us at the Badlands Community Facility (BCF) Terrace on May 22nd from 4:30 – 6:30 PM for barbeque and beverages. Please RVSP at bcfinfo@drumheller.ca. In the event of rain, the event will be postponed by one (1) day.

Thank you to Chainsaw Wizards for a wonderful weekend Downtown at the Plaza.

Drumheller Valley Secondary School (DVSS) graduation for 2024 will be taking place this weekend at the Badlands Amphitheatre. If there is inclement weather, the graduation will be taking place at the Badlands Community Facility (BCF)

3. ADDITIONS TO THE AGENDA

No Additions to the Agenda.

4. ADOPTION OF AGENDA

4.1 Agenda for May 21, 2024 Regular Council Meeting

M2024.174 Moved by Councillor Price, Councillor Lacher that Council adopt the agenda for the May 21, 2024 Regular Council meeting as presented.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

5.1 Minutes for May 06, 2024 Regular Council as presented.

Agenda Attachment: Regular Council Meeting – May 06, 2024 - Minutes

M2024.175 Moved by Councilor Zariski, Councillor Price that Council approve the minutes for the May 06, 2024, Regular Council meeting as presented.

CARRIED UNANIMOUSLY

5.2 Minutes for May 13, 2024 Special Council Meeting as presented.

Agenda Attachment: Special Council Meeting – May 13, 2024 - Minutes

M2024.176 Moved by Councillor Lacher, Councillor Price that Council approve the minutes for the May 13, 2024, Special Council meeting as presented.

CARRIED UNANIMOUSLY

6. REPORTS FROM ADMINISTRATION

Timestamp: [5:21](#)

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

6.1 Chief Administrative Officer

6.1.1 Request-for-Decision: Safety Codes Bylaw #15.24

Agenda Attachments: Request-for-Decision; Safety Codes Bylaw #15.24 (1st Reading);
Safety Codes By-law #01.12

M2024.177 Moved by Councillor Lacher, Councillor Price
That Council give first reading to Safety Codes Bylaw #15.24.

CARRIED UNANIMOUSLY

7. CLOSED SESSION

Timestamp: [19:04](#)

7.1.1 Flood Mitigation Land Matters

FOIP 17 – Third party personal privacy

FOIP 23 – Local public body confidences

FOIP 24 – Advice from Officials

FOIP 25 – Disclosure harmful to economic and other interests of a public body

M2024.178 Moved by Councilor Zariski, Councillor Price
That Council close the meeting to the public to discuss Flood Mitigation Land
Matters per FOIP 17 – Third party personal privacy, FOIP 23(1)(a) – Local public
body confidences, FOIP 25 (1)(c) – Disclosure harmful to economic and other
interests of a public body, FOIP 27(1)(a) – Privileged Information

CARRIED UNANIMOUSLY

Council closed the meeting to the public at 4:48 PM

6. REPORTS FROM ADMINISTRATION

Timestamp: [53:39](#)

M2024.179 Moved by Councillor Lacher, Councillor Price
That Council open the meeting to the public

CARRIED UNANIMOUSLY

Council opened the meeting to the public at 5:22 PM

M2024.180 Moved by Councillor Price, Councillor Lacher
that Council approve the request to extend Land-related
borrowing for the Flood Program by \$3,000,000 to cover the cost of remnant
portions of parcels not covered by the Flood Program funding, until such times
as these parcels may be resold.

CARRIED UNANIMOUSLY

Council suspended the meeting for a break at 5:23 PM

Council resumed the meeting from a break at 5:30 PM

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

8.1.1 Public Hearing: Proposed Land Use Amending Bylaw #12.24
Timestamp: [1:01:32](#)

M2024.181 Moved by Councillor Lacher, Councillor Price
That Council suspend the meeting for a public hearing

CARRIED UNANIMOUSLY

Council suspended the meeting for a public hearing at 5:30 PM

Mayor Colberg joined the meeting at 5:33 PM

1. Mayor Opens the Public Hearing and Introduces the Matter

Councillor Sereda opened the Public Hearing at 5:30 PM.

2. Presentation of Information – Chief Administrative Officer

Municipal Intern, Connor Schweder and Manager of Legislative Services, Mitchell Visser presented information on the Proposed Land Use Amending Bylaw #12.24

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

No registrations to present in person were received.

6. Public Participation - Written Submissions

No written submissions regarding #12.24 were received.

7. Final Comments

Thank you to administration for working on Land Use Amending Bylaw #12.24

8. Mayor to Call for Public Hearing to Close.

Councillor Sereda closed the Public Hearing at 5:36 PM.

9. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

9.1 Chief Administrative Officer

9.1.1 Request-for-Decision: Land Use Amending Bylaw #12.24

Agenda Attachments: Request-for-Decision; Land Use Amending Bylaw #12.24 (2nd Reading); Land Use Bylaw #16.20 (Tracked Changes, 2nd Reading); Land Use Bylaw #16.20 (Original)

M2024.182 Moved by Councillor Price, Councilor Zariski
That Council give second reading to the Land Use Amending Bylaw 12.24.

CARRIED UNANIMOUSLY

10. ADJOURNMENT

M2024.183 Moved by Councillor Lacher, Councillor Price
That Council adjourn the meeting.

CARRIED UNANIMOUSLY

Council adjourned the meeting at 5:40 PM

MAYOR

CHIEF ADMINISTRATIVE OFFICER

DRUMHELLER AND DISTRICT SENIORS' FOUNDATION

REGULAR BOARD MEETING April 18, 2024

PRESENT: TOM ZARISKI, STEVE WANNSTROM, M'LISS EDWARDS, MARY TAYLOR(called in), JORDAN ELLIOTT (called in) MELANIE GRAFF, GLENDA YOUNGBERG

Managers: Debbie Laycock, Dagmar Walters, Kelsie Yavis, Jessica Mills, Terry Williams

1.0 CALL TO ORDER

Meeting called to order at 2:00 by Tom Zariski

2.0 APPROVAL OF AGENDA

Motion by Steve Wannstrom to approve the agenda.

Seconded by Mary Taylor

CARRIED

3.0 MINUTES

3.01 Motion by Mary Taylor to approve the March 28, 2024, Regular Meeting Minutes.

Seconded by Steve Wannstrom

CARRIED

4.0 REPORTS

4.01 Administrator Report on file.

4.02 Managers attended and gave their oral reports.

4.02 Financial Reports

Motion by Mary Taylor to accept the financial reports for March 2024.

Seconded by Steve Wannstrom

CARRIED

5.0 CORRESPONDENCE

5.01 Email from Alberta Health Capital Program, Small Care Home Grant. We will not receive a response to our grant application until the summer of 2024.

5.02 Letter from the Village of Delia appointing Jim Adams to the Board, replacing David Sisley.

6.0 UNFINISHED BUSINESS

none

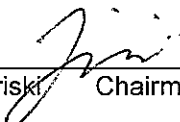
7.0 NEW BUSINESS

7.01 The Board has agreed to not finalize the Sunshine kitchen plans until we hear if we have been successful for the small care home grant. The Board requested that JMAA Architect attend the meeting in May with visual plans for the designs.

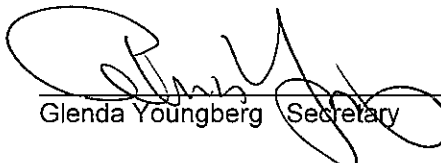
7.02 The Lodge Assistance Program increase will affect the rental rate for those new residents with high income moving into the Lodges. A motion to set the new rate for high income seniors will be brought forward once there is 2025 Lodge Budget draft in place.

9.0 MOTION by Steve Wannstrom to adjourn the meeting.

NEXT MEETING May 23, 2024, at 4pm



Tom Zariski Chairman



Glenda Youngberg Secretary

REQUEST FOR DECISION

TITLE:	Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL
DATE:	June 3, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	Bylaw # 16.24

SUMMARY:

Portions of undeveloped municipal-right of ways were closed through the passing of Road Closure Bylaw 11.22 in order to facilitate the construction of the Newcastle Berm. Bylaw 11.22 is currently in the process of being registered with Alberta Land Titles.

As part of the funding agreement with the Province of Alberta and the Government of Canada, land acquired for the flood mitigation project must be dedicated as either Environmental Reserves (ERs), Public Utility Lots (PULs) or another designation satisfactory to the Province.

Therefore, Bylaw 16.24 deals with the conversion of the undeveloped right-of-way into three (3) PULs as part to the Newcastle Berm project.

RECOMMENDATION:

Council pass all three readings of Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL

DISCUSSION:

In order to comply with the funding agreement established with the Province of Alberta and the Government of Canada, land acquired for the flood mitigation project must be dedicated as either Environmental Reserves (ERs), Public Utility Lots (PULs), or another designation satisfactory to the Province. PULs are titled parcels of land which are owned by the Town of Drumheller and contain public utilities or municipal infrastructure. Wherever possible, land acquired for the use of berms will be converted into PUL lots as the berms are considered municipal infrastructure.

FINANCIAL IMPACT:

The costs to convert this land are included with the Flood Mitigation project and is a requirement of the funding agreement with the Province of Alberta and the Government of Canada.

STRATEGIC POLICY ALIGNMENT:

Flood Mitigation is the key strategic priority of this Council and Administration.

COMMUNICATION STRATEGY:

Once passed, the town will register the PUL with Land Titles. As this is an Administrative Bylaw, notice will be provided to the public as information only.

MOTION:

Moves that Council gives First Reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

MOTION:

Moves that Council gives Second Reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

MOTION:

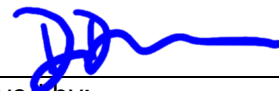
Moves that Council give unanimous consent for Third Reading of Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

MOTION:

Moves that Council gives Third Reading to Bylaw 16.24 - Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL.

Mitchell Visser

Prepared by:
Mitchell Visser
Manager of Legislative Services



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 16.24**

DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL

THIS IS A BYLAW OF THE TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of creating Public Utility Lots to provide for the operation and maintenance of a flood mitigation dyke and appurtenances thereto and holding title to same in the name of the TOWN OF DRUMHELLER pursuant to Section 665 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended;

WHEREAS; the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation dikes along portions of the Red Deer River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and;

WHEREAS: one of the terms of the aforementioned agreement requires that land acquired for this flood mitigation project be dedicated as Environmental Reserves, Public Utility Lots or other designation satisfactory to the Province;

NOW THEREFORE; be it resolved that THE COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta does hereby enact to create Public Utility Lots depicted on the attached Schedule – ‘B’ and more particularly described as:

THAT PORTION OF AREA – ‘A’ AND ALL OF AREAS – ‘C’ and ‘D’ ON PLAN.....

THAT LIES WITHIN AND DESIGNATED PUBLIC UTILITY LOTS;

NAMELY

LOT 1 P.U.L., LOT 2 P.U.L. and LOT 3 P.U.L. ON PLAN

EXCEPTING THEREOUT ALL MINES AND MINERALS.

and obtain and hold title to same in the name of the TOWN OF DRUMHELLER a Municipal Body Corporate with a mailing address of :224 Centre Street, Drumheller, Alberta T0J 0Y4

SHORT TITLE

This Bylaw may be cited as “Newcastle West Lot 1 PUL, Lot 2 PUL, Lot 3 PUL”

TRANSITIONAL

This Bylaw takes effect on the day it is registered in the Land Titles Office.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG


Seal

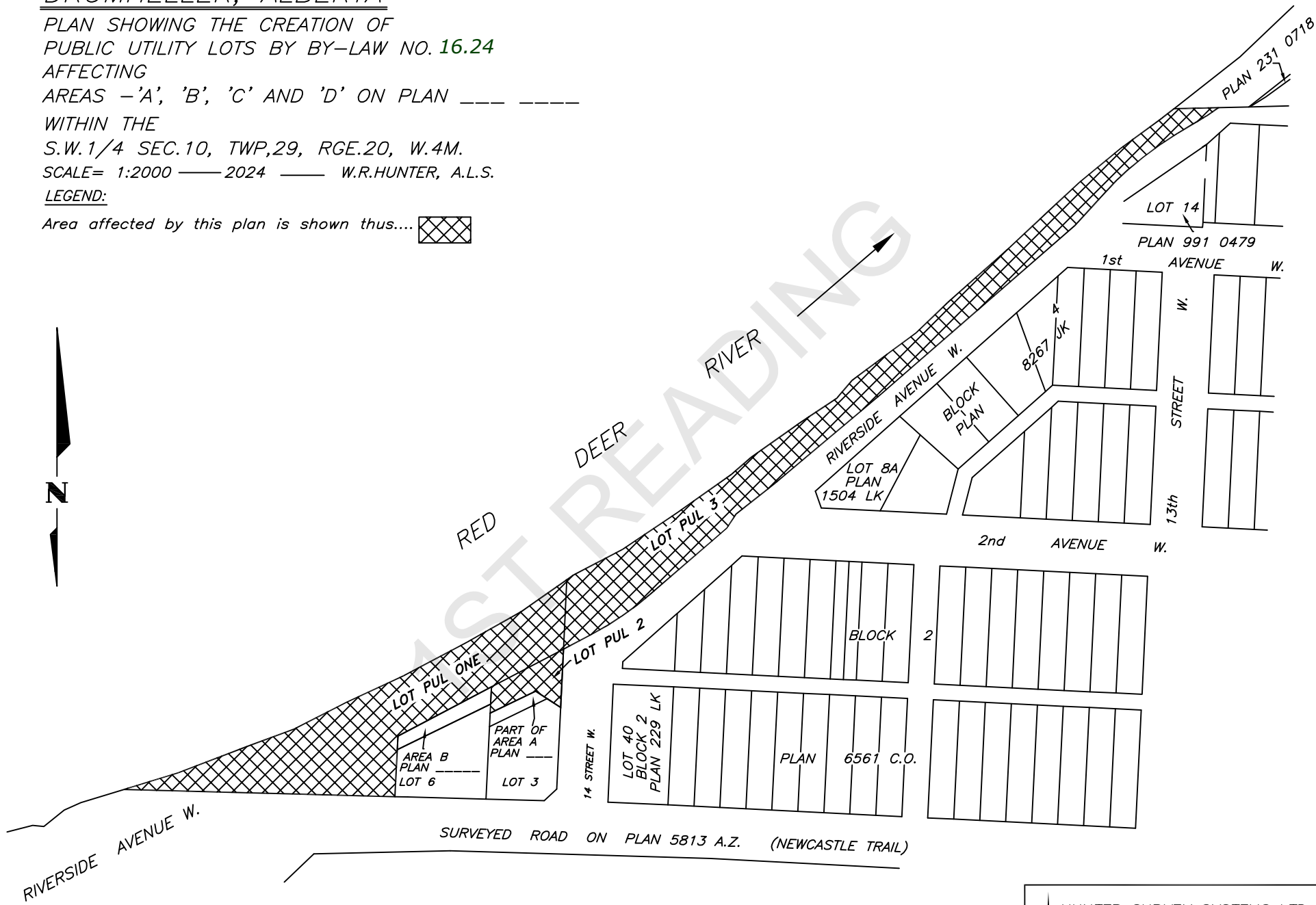
DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

WEST NACMINE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING THE CREATION OF
 PUBLIC UTILITY LOTS BY BY-LAW NO. 16.24
 AFFECTING
 AREAS - 'A', 'B', 'C' AND 'D' ON PLAN _____
 WITHIN THE
 S.W. 1/4 SEC. 10, TWP. 29, RGE. 20, W. 4M.
 SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

LEGEND:

Area affected by this plan is shown thus... 



SURVEYED ROAD ON PLAN 5813 A.Z. (NEWCASTLE TRAIL)

REV.	DATE	DESCRIPTION
0	May 16, 2024	June 03, 2024 ISSUED

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 24-030-48- WESTP0991

REQUEST FOR DECISION

TITLE:	Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL
DATE:	June 3, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	Bylaw # 17.24

SUMMARY:

Portions of undeveloped municipal right of ways were closed through the passing of Road Closure Bylaw #12.22 in order to facilitate the construction of the Newcastle Berm. Bylaw #12.22 is currently in the process of being registered with Alberta Land Titles.

As part of the funding agreement with the Province of Alberta and the Government of Canada, land acquired for the flood mitigation project must be dedicated as either Environmental Reserves (ERs), Public Utility Lots (PULs) or another designation satisfactory to the Province.

Therefore, Bylaw #17.24 deals with the conversion of the undeveloped right-of-way into two (2) PULs as part to the Newcastle Berm project.

RECOMMENDATION:

Council pass all three readings of Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL

DISCUSSION:

In order to comply with the funding agreement established with the Province of Alberta and the Government of Canada, land acquired for the flood mitigation project must be dedicated as either Environmental Reserves (ERs), Public Utility Lots (PULs), or another designation satisfactory to the Province. PULs are titled parcels of land which are owned by the Town of Drumheller and contain public utilities or municipal infrastructure. Wherever possible, land acquired for the use of berms will be converted into PUL lots as the berms are considered municipal infrastructure.

FINANCIAL IMPACT:

The costs to convert this land are included with the Flood Mitigation project and is a requirement of the funding agreement with the Province of Alberta and the Government of Canada.

STRATEGIC POLICY ALIGNMENT:

Flood Mitigation is the key strategic priority of this Council and Administration.

COMMUNICATION STRATEGY:

Once passed, the town will register the PUL with Land Titles. As this is an Administrative Bylaw, notice will be provided to the public as information only.

MOTION:

Moves that Council gives First Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

MOTION:

Moves that Council gives Second Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

MOTION:

Moves that Council give unanimous consent for Third Reading of Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

MOTION:

Moves that Council gives Third Reading to Bylaw 17.24 - Newcastle West Lot 4 PUL, Lot 5 PUL.

Mitchell Visser

Prepared by:
Mitchell Visser
Manager of Legislative Services



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 17.24**

DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Newcastle West Lot 4 PUL, Lot 5 PUL

THIS IS A BYLAW OF THE TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of creating Public Utility Lots to provide for the operation and maintenance of a flood mitigation dike and appurtenances thereto and holding title to same in the name of the TOWN OF DRUMHELLER pursuant to Section 665 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended;

WHEREAS; the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation dikes along portions of the Red Deer River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and;

WHEREAS: one of the terms of the aforementioned agreement requires that land acquired for this flood mitigation project be dedicated as Environmental Reserves, Public Utility Lots or other designation satisfactory to the Province;

NOW THEREFORE; be it resolved that THE COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta does hereby enact to create Public Utility Lots depicted on the attached Schedule – ‘A’ and more particularly described as:

AREAS - ‘E’ and ‘F’ ON PLAN ,
AREAS – ‘A’ and ‘B’ ON PLAN 231 0718
AND PART OF LOT 1, BLOCK 7, PLAN 2773 G.T.

DESIGNATED

LOT 4 P.U.L. and LOT 5 P.U.L

ON PLAN

EXCEPTING THEREOUT ALL MINES AND MINERALS.

and obtain and hold title to same in the name of the TOWN OF DRUMHELLER a Municipal Body Corporate with a mailing address of :224 Centre Street, Drumheller, Alberta T0J 0Y4

SHORT TITLE

This Bylaw may be cited as “Newcastle West Lot 4 PUL, Lot 5 PUL”

TRANSITIONAL

This Bylaw takes effect on the day it is registered in the Land Titles Office.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS _____ DAY OF _____, 2024.

MAYOR: HEATHER COLBERG


Seal

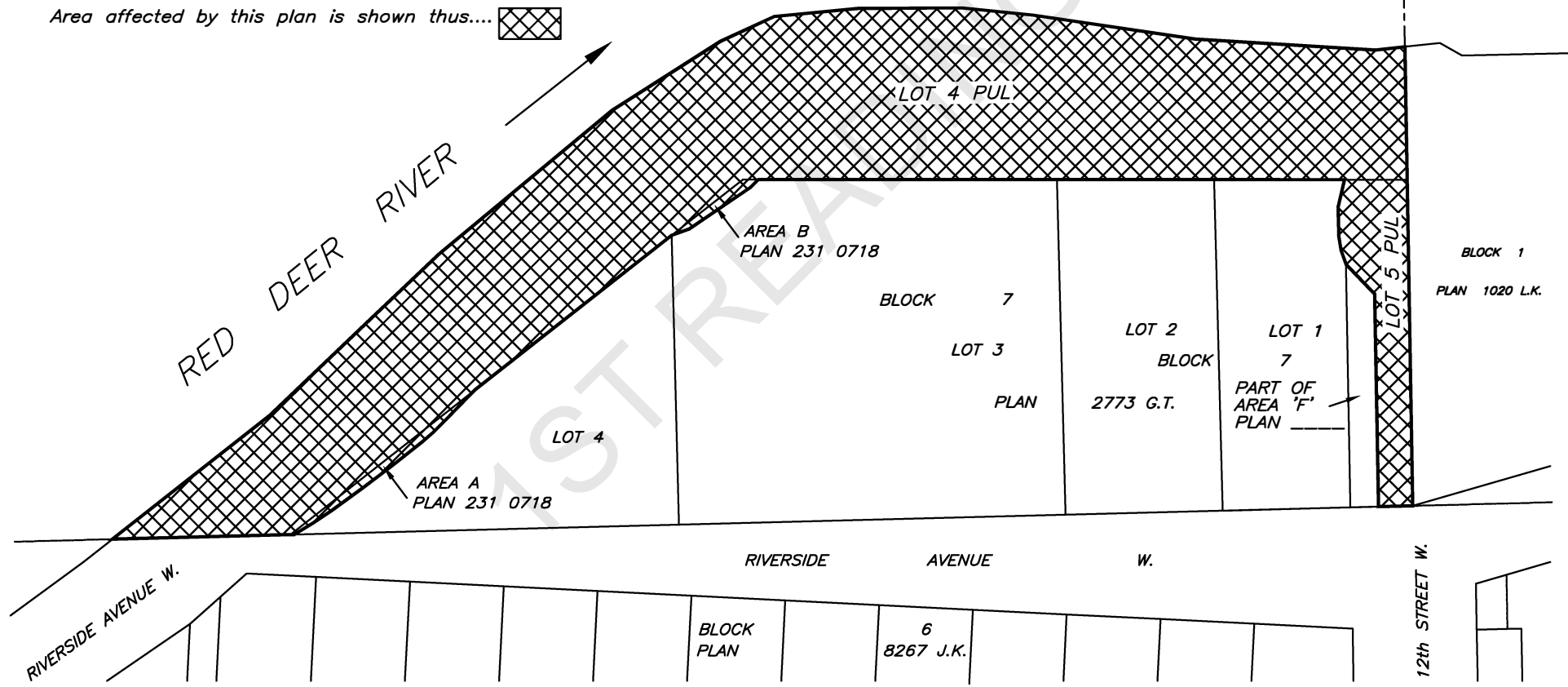
DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

WEST NACMINE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING THE CREATION OF
 PUBLIC UTILITY LOTS BY BY-LAW NO. 17.24
 AFFECTING
 AREAS - 'E' AND 'F' ON PLAN _____
 AREAS - 'A' AND 'B' ON PLAN 231 0718
 AND PART OF LOT 1, BLOCK 7, PLAN 2773 G.T.
 WITHIN THE
 N.W.1/4 SEC.10, TWP,29, RGE.20, W.4M.
 SCALE= 1:1000 — 2024 — W.R.HUNTER, A.L.S.

LEGEND:

Area affected by this plan is shown thus... 



REV.	DATE	DESCRIPTION
0	May 18, 2024	June 03, 2024 ISSUED

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 24-030-48- W210P0092

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block 44 2 Avenue, Nacmine
MEETING DATE:	June 3 rd , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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, 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 rejected our purchase offers of Fair Market Value, as determined by an appraisal.

A Resolution approving Expropriation was passed by Council on February 26, 2024. The Notice of Intention to Expropriate has been served on the registered property owner 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 a portion of 44 2 Avenue (Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block), 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. 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. 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

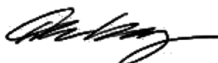
Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owner, and all parties with a registered interest in the subject 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 a portion of the parcel of land described as Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block; Title Number 061 102 801.



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:

THAT PORTION OF:

**“PLAN NACMINE 7125DD
BLOCK "B"**

**EXCEPTING THAT PORTION WHICH LIES TO THE EAST OF A LINE DRAWN
PARALLEL WITH AND ONE HUNDRED AND THREE (103) FEET PERPENDICULARLY
DISTANT NORTH WESTERLY FROM THE SOUTH EASTERLY BOUNDARY OF SAID
BLOCK
EXCEPTING THEREOUT ALL MINES AND MINERALS”**

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as the “Lands”)

1. The nature of the interest in the lands expropriated is: the fee simple estate shown and marked as Area 'A' on Schedule 'A'.
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 Robert Mills in Certificate of Title Number 061 102 801.

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 March 26, 2024, on the Landowner 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 Landowner or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowner or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated June 3, 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

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

RED DEER RIVER
RIGHT BANK OF MAIN CHANNEL BY G.W. WALLACE A.L.S. 2023

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

CENTRE LINE OF
ABANDONED
CHANNEL

REMAINING RED DEER RIVER SECONDARY CHANNEL

C. OF T.
191 049 429

LOT R
(RESERVE)
PLAN 1721 JK

AREA A
PART OF
BLOCK B
PLAN 7125 DD
C. OF T.
061 102 801

R/W
PLAN 931 2240

C. OF T.
001 142 256

1st STREET

3rd AVENUE

2nd STREET

2nd AVENUE

PLAN 7125 DD
BLOCK A

SEWER LINE R/W

LOT 24
BLOCK 11
PLAN 031 1216

PLAN 7125 DD
BLOCK A

BLOCK 4

PLAN 7125 DD

BLOCK 5

PLAN 7125 DD

BLOCK 6

PLAN 7125 DD

BLOCK 7

PLAN 7125 DD

BLOCK 8

PLAN 7125 DD

BLOCK 9

PLAN 7125 DD

BLOCK 10

PLAN 7125 DD

BLOCK 11

PLAN 7125 DD

BLOCK 12

PLAN 7125 DD

**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES


AFFECTING PART OF BLOCK B, PLAN 7125 DD
CERTIFICATE OF TITLE NO 061 102 801

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 2594.8sq.m. = 27930sq.ft.

REV.	DATE	DESCRIPTION
2	Feb. 20, 2024	REVISED BOUNDARY LINE
1	Feb. 7, 2024	TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 25, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 23-256-C OF T-2AVE NACMINE

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less 287 1 Street, Nacmine
MEETING DATE:	June 3 rd , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject partial 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 February 26, 2024. 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 a portion of 287 1 Street (Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 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 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. 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

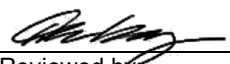
Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owners, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

PROPOSED MOTION

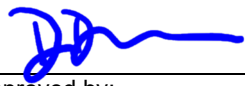
Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less; Title Number 001 142 256.



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:

THAT PORTION OF:

**“PLAN NACMINE 7125DD
THAT PORTION OF THE SOUTH EASTERLY THIRTY ONE AND FORTY HUNDREDTHS
(31.40) METRES IN PERPENDICULAR WIDTH OF BLOCK "B" WHICH LIES TO
THE NORTH EAST OF THE SOUTH WEST TWENTY TWO AND EIGHTY SIX
HUNDREDTHS (22.86) METRES OF THE SAID BLOCK "B"
EXCEPTING THEREOUT:
SUBDIVISION PLAN 9312239 CONTAINING 0.072 HECTARES
(0.180 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**

(hereinafter referred to as the “Lands”)

1. The nature of the interest in the lands expropriated is: the fee simple estate shown and marked as Area 'A' on Schedule 'A'.
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 Ben Wurz and Debra Wurz in Certificate of Title Number 001 142 256.

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 March 26, 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 June 3, 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.

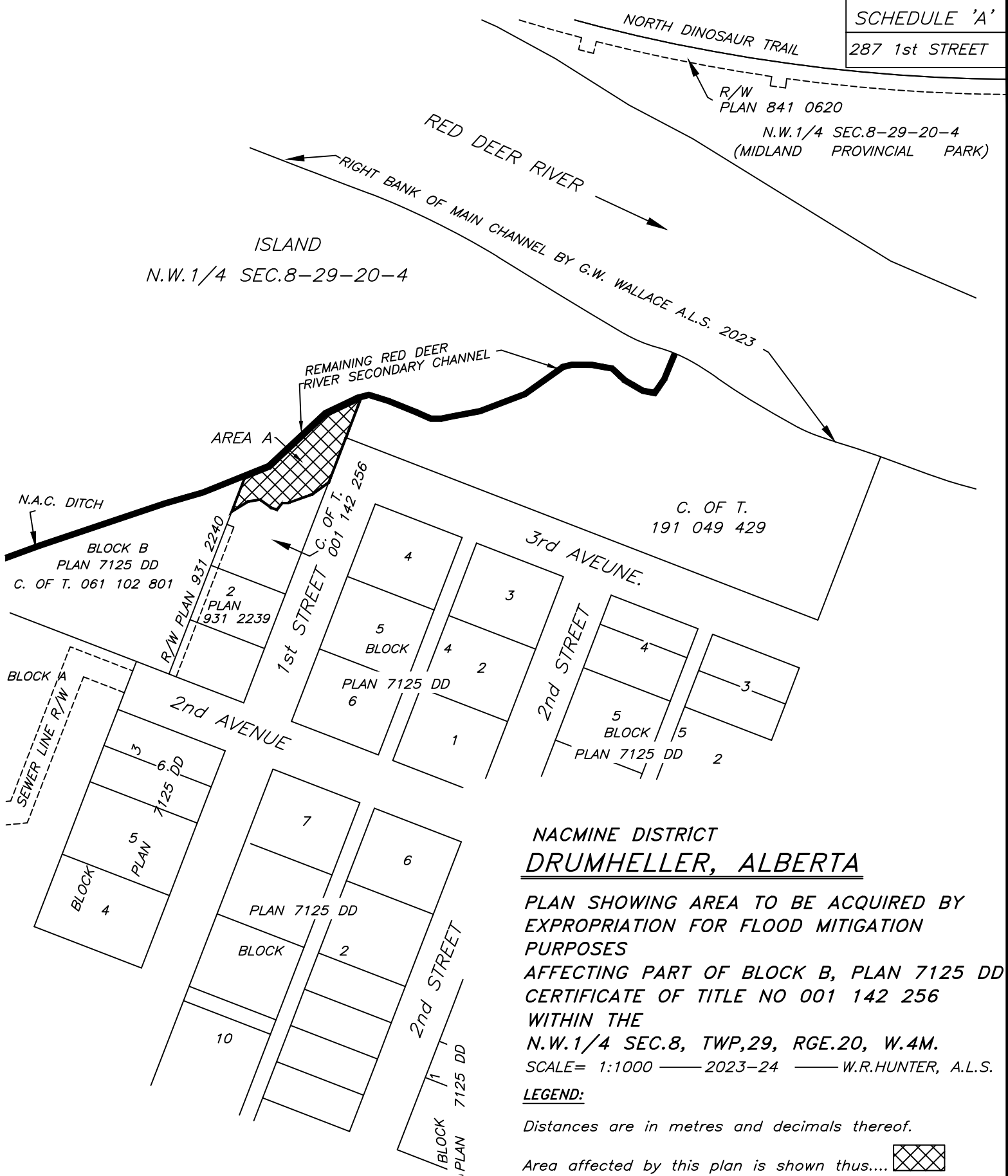
Dated this _____ day of _____, 2024

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 PART OF BLOCK B, PLAN 7125 DD
CERTIFICATE OF TITLE NO 001 142 256
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 820sq.m. = 8828sq.ft.

REV.	DATE	DESCRIPTION
2	Feb 12, 2024	TITLE NUMBER CORRECTION
1	Feb 7, 2024	Agenda June 03, 2024 TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 27, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 23-256-C OF T-1ST NACMINE

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 18A, Block 10, Plan 9410239 492 Railway Avenue, Rosedale
MEETING DATE:	June 3 rd , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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 Rosedale Berm starting in the spring of 2025, full acquisition of this parcel is required. Negotiations with the impacted landowner began in October 2023, and have been ongoing over the past several months. The subject full acquisition property owner has rejected our purchase offers of Fair Market Value, as determined by an appraisal.

A Resolution approving Expropriation was passed by Council on February 26, 2024. The Notice of Intention to Expropriate has been served on the registered property owner and affected parties in accordance with the Expropriation Act. A Notice of Objection was filed with the Province of Alberta Ministry of Justice on April 16, 2024. The Drumheller Resiliency and Flood Mitigation Program has since been able to alleviate the property owner’s concerns regarding the Rosedale Berm project and the objection was withdrawn from the Province of Alberta on May 16, 2024. 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 492 Railway Avenue (9410239;10;18A), 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 Rosedale Berm project on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, a Notice of Objection was filed with the Province of Alberta on April 16, 2024 in relation to this property; the objection was subsequently withdrawn from the Province of Alberta on May 16, 2024. 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. 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 owner, 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 18A, Block 10, Plan 9410239; Title Number 201 030 219.



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 9410239
BLOCK 10
LOT 18A
EXCEPTING THEREOUT ALL MINES AND MINERALS**

(hereinafter referred to as the "Lands")

1. The nature of the interest in the lands expropriated is: fee simple estate.
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 Brian Kakuk in Certificate of Title Number 201 030 219.

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 March 26, 2024, on the Landowner and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS a Notice of Objection was filed with the Province of Alberta by the Landowner on April 16, 2024 and subsequently withdrawn from the Province of Alberta on May 16, 2024;

AND WHEREAS the period during which an Objection can be issued by the Landowner or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated June 3, 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

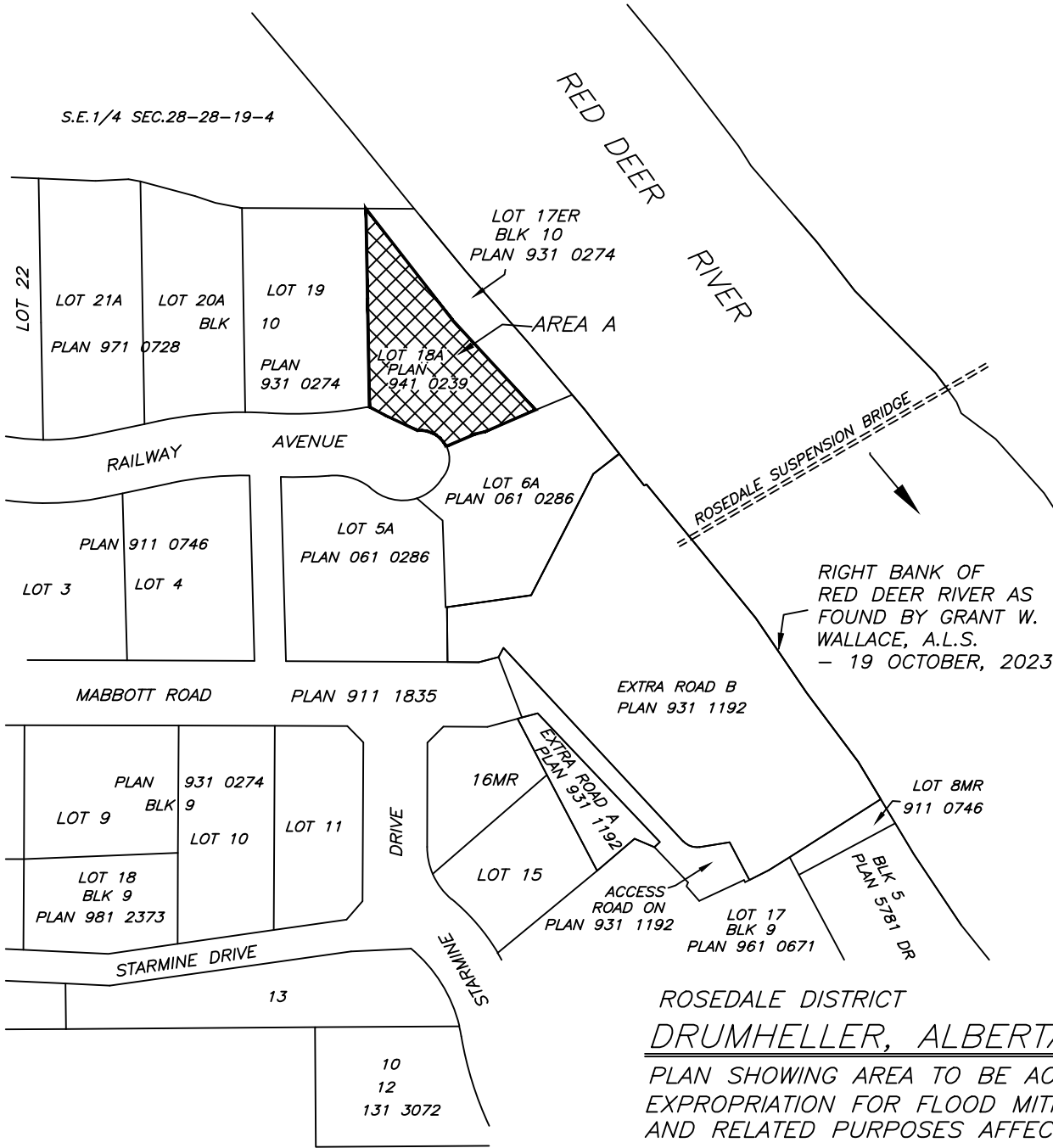
Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

S.E.1/4 SEC.28-28-19-4




RIGHT BANK OF RED DEER RIVER AS FOUND BY GRANT W. WALLACE, A.L.S. - 19 OCTOBER, 2023



ROSEDALE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREA TO BE ACQUIRED BY EXPROPRIATION FOR FLOOD MITIGATION AND RELATED PURPOSES AFFECTING LOT 18A, BLOCK 10, PLAN 941 0239 WITHIN THE S.E.1/4 SEC.28, TWP.28, RGE.19, W.4M. SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

LEGEND:

Area affected by this plan is shown thus...  And contains 1830.8sq.m. = 19706sq.ft.

REVISION TABLE		
0	Feb. 9, 2024	ISSUED

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 23-260-L18A-ROSEDALE

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting: Lot 6A, Block 10, Plan 0610286 503 Railway Avenue, Rosedale
DATE:	June 3 rd , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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 Rosedale Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in October 2023, and were ongoing over several months. The subject partial acquisition property owners have 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 February 26, 2024 and registered with Land Titles on March 21, 2024. On April 16, 2024, the landowners 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 503 Railway Avenue (0610286;10;6A), 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 owners, 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 owners 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 26th day of February 2024 pertaining to a portion of the parcel of land legally described as:
Lot 6A, Block 10, Plan 0610286; Title Number 061 036 718 +1.
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:
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

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Lot 6A, Block 10, Plan 0610286 503 Railway Avenue, Rosedale
DATE:	February 26 th , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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 Rosedale Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in October 2023, and have been on-going over the past several months. The subject partial acquisition property owners have 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 Rosedale Berm construction is expropriation. A 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 503 Railway Avenue (0610286;10;6A), 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 owners for the Rosedale 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 owners, 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 owners 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 Price, Hansen-Zacharuk_M2024.87_2024Feb26

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Lot 6A, Block 10, Plan 0610286; Title Number 061 036 718 +1.

SECONDED:



Prepared 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:

THAT PORTION OF:
"PLAN 0610286
BLOCK 10
LOT 6A
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").

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 26 day of FEBRUARY, 2024.

TOWN OF DRUMHELLER



Heather Colberg, Mayor



Darryl Drohomerski, 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:

"PLAN 0610286
BLOCK 10
LOT 6A
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

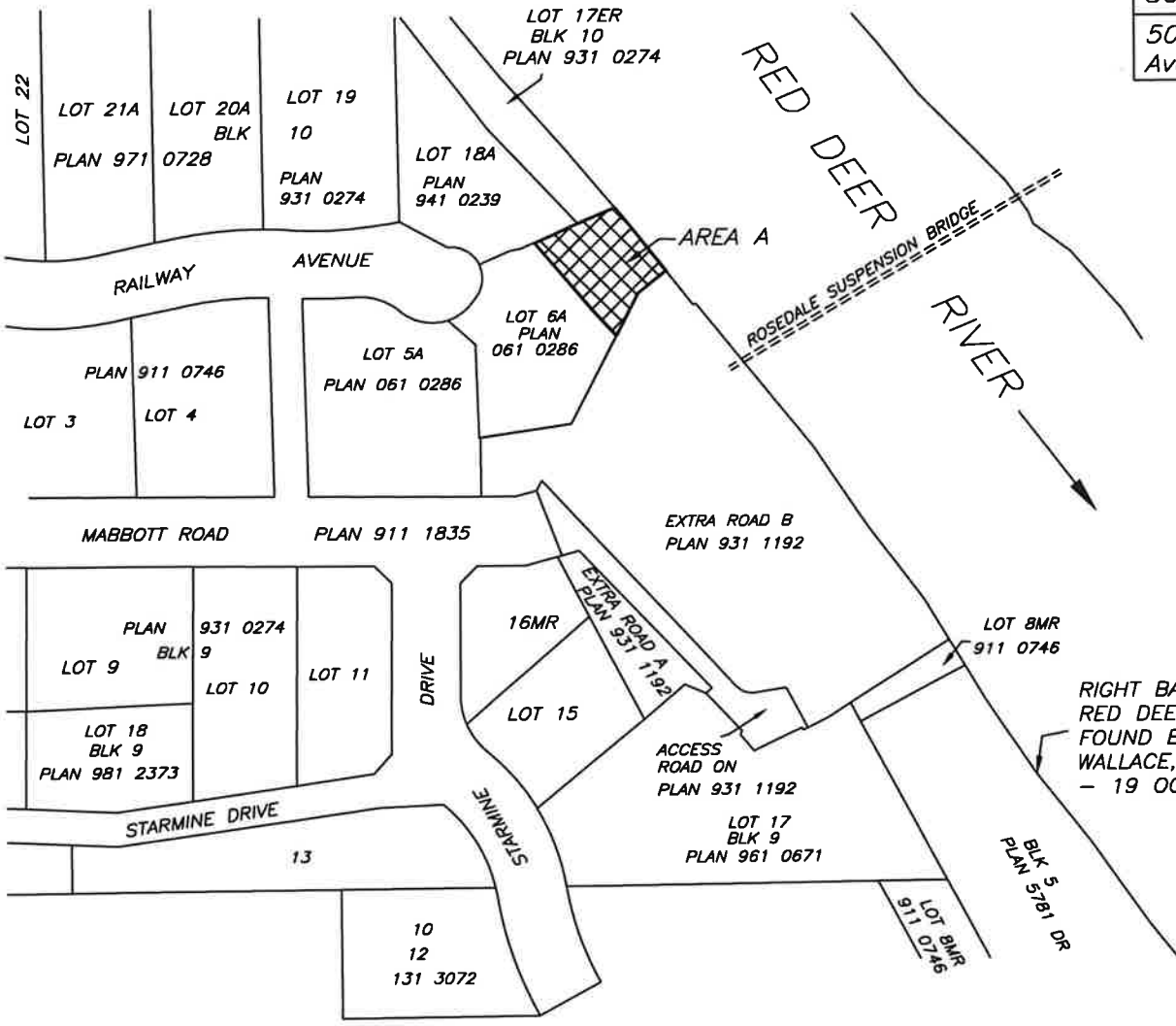
Per: 
Darryl Drohomerski, C.E.T., Chief Administrative Officer



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

SCHEDULE 'A'
503 Railway Avenue




RIGHT BANK OF RED DEER RIVER AS FOUND BY GRANT W. WALLACE, A.L.S. - 19 OCTOBER, 2023

S.E.1/4 SEC.28-28-19-4

ROSEDALE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREA TO BE ACQUIRED BY EXPROPRIATION FOR FLOOD MITIGATION AND RELATED PURPOSES AFFECTING LOT 6A, BLOCK 10, PLAN 061 0286 WITHIN THE

S.E.1/4 SEC.28, TWP.28, RGE.19, W.4M.
SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

LEGEND:
Area affected by this plan is shown thus... 
And contains 677.8sq.m. = 7296sq.ft.

REVISION TABLE		HUNTER SURVEY SYSTEMS LTD. CALGARY, ALBERTA FILE: 23-260-L6A-ROSEDALE
0	Feb. 9, 2024	

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

To: The Registrar, South Alberta Land Titles Office

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:
PLAN 0610286
BLOCK 10
LOT 6A
EXCEPTING THEREOUT ALL MINES AND MINERALS

standing in the Register of the South Alberta Land Registration District in the name of Brian Kakuk and Tracy Kakuk under Certificate of Title Number 061 036 718 +1.

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 241 080 285.

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

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 6A, Block 10, Plan 0610286 503 Railway Avenue, Rosedale
DATE:	June 3 rd , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	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 Rosedale Berm starting in the spring of 2025, full acquisition of land from this parcel is required. Negotiations with the impacted landowners began in October 2023, and have been on-going over the past several months. The subject full acquisition property owners have 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 Rosedale Berm construction is expropriation.

A Resolution Approving Expropriation for a portion of this lot was originally approved by Council on February 26, 2024, and registered with Land Titles on March 21, 2024. The property owners filed a formal objection to the partial taking on April 16, 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 Resolution Approving Expropriation 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 503 Railway Avenue (0610286;10;6A), 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 Rosedale 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 Rosedale Berm. The landowners 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:

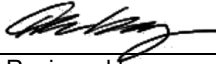
Direct notice of the intended expropriation will be provided to the affected property owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners 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 Lot 6A, Block 10, Plan 0610286; Title Number 061 036 718 +1.



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

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:

PLAN 0610286
BLOCK 10
LOT 6A
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.

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:

PLAN 0610286
BLOCK 10
LOT 6A
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

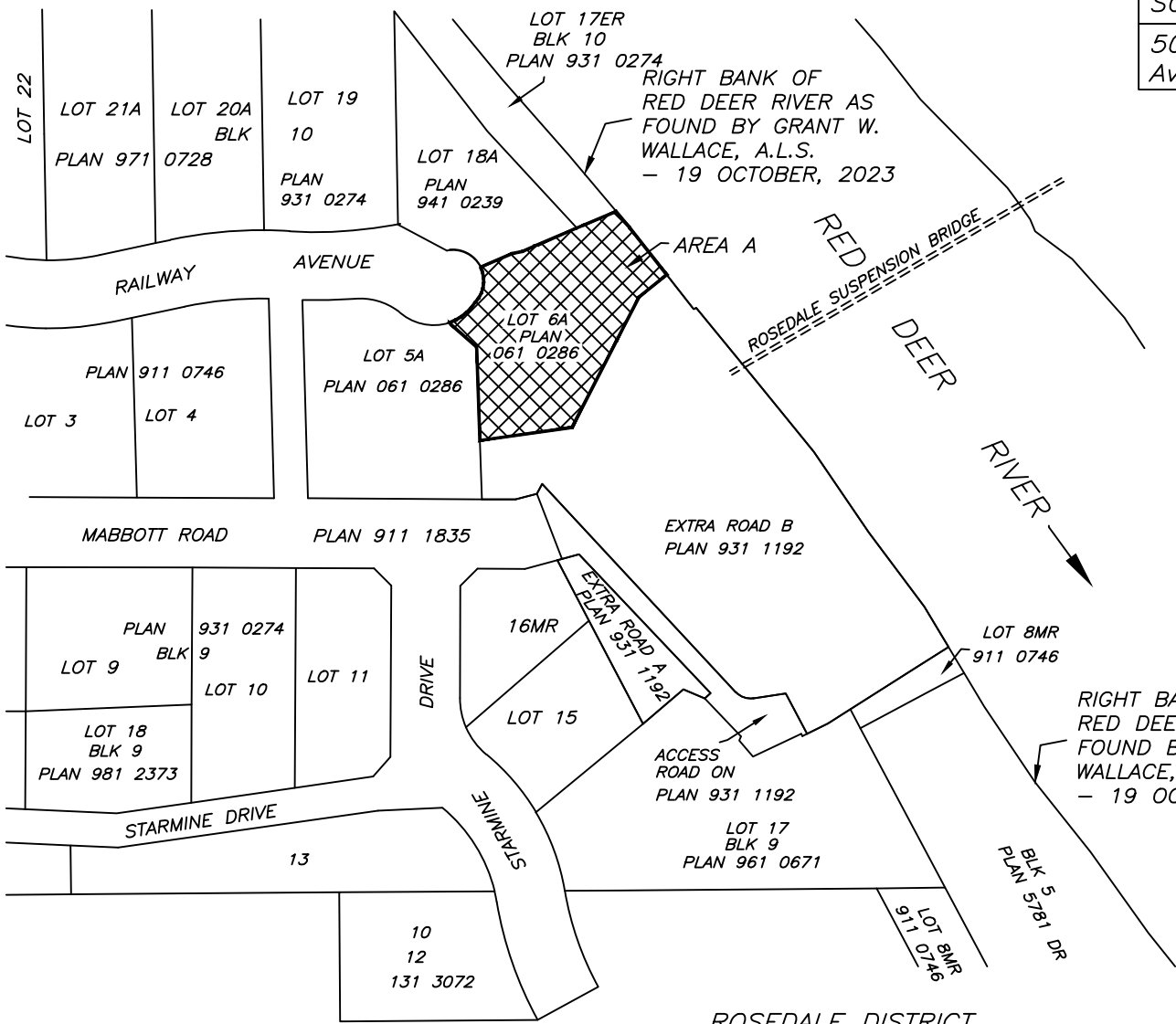
Per: _____
Heather Colberg, Mayor (c/s)

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

SCHEDULE 'A'
503 Railway Avenue




S.E.1/4 SEC.28-28-19-4

ROSEDALE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREA TO BE ACQUIRED BY EXPROPRIATION FOR FLOOD MITIGATION AND RELATED PURPOSES AFFECTING ALL OF LOT 6A, BLOCK 10, PLAN 061 0286 WITHIN THE

S.E.1/4 SEC.28, TWP.28, RGE.19, W.4M.
SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

LEGEND:

Area affected by this plan are shown thus... 
Area 2351.9 sq.m. = 25314 sq.ft.

REVISION TABLE		
2	May 22, 2024	CHANGED FROM PARTIAL TO ENTIRE LOT EXPROPRIATION
1	May 16, 2024	UPDATE AREA
0	Feb. 9, 2024	ISSUED

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 23-260-L6A-R2-ROSEDALE

REQUEST FOR DECISION

TITLE:	Safety Codes Bylaw #15.24 (2 nd Reading)
DATE:	June 3 rd , 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	Safety Codes Bylaw #15.24 (2 nd Reading) Safety Codes By-law #01.12

SUMMARY:

On May 21, 2024 Administration presented 1st reading of the Safety Codes Bylaw #15.24 to Council. Bylaw #15.24 represents a complete rewriting of Safety Codes By-law #01.12 in an effort to align the new Bylaw with current practices. Council did not request any changes to Bylaw #15.24 at the meeting on May 21st, 2024

RECOMMENDATION:

Council gives 2nd and 3rd reading to Safety Codes Bylaw #15.24.

DISCUSSION:

Safety Codes Bylaw #15.24 will better align with current best practices.

FINANCIAL IMPACT:

Administration costs associated with amending this bylaw.

STRATEGIC POLICY ALIGNMENT:

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

COMMUNICATION STRATEGY:

After 3rd and final reading, the Bylaw will be updated on our website, internal staff will be notified of the change and the planning and development webpage will be updated to reflect the changes in the Bylaw.

MOTION:


That Council give 2nd reading to Safety Codes Bylaw #15.24.

MOTION:

That Council give 3rd reading to Safety Codes Bylaw #15.24.

Mitchell Visser

Prepared by:
Manager of Legislative
Services



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

TOWN OF DRUMHELLER
BYLAW NUMBER 15.24
DEPARTMENT: DEVELOPMENT AND PLANNING

A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA, TO
REGULATE THE PROVISIONS OF THE SAFETY CODES ACT FOR THE PURPOSE OF
PERMITTING AS AN ACCREDITED MUNICIPALITY

WHEREAS, the Town of Drumheller has been designated as an accredited municipality by the Safety Codes Council of Alberta to administer and enforce the *Safety Codes Act*, RSA 2000, c S-1, and the codes established pursuant to this Act;

AND WHEREAS, pursuant to Section 66 of the *Safety Codes Act*, RSA 200, c S-1 an accredited municipality may pass bylaws respecting minimum maintenance standards for buildings and structures, fees for anything issued or any material or service provided, and respecting the carrying out of the power and duties of an accredited municipality;

AND WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the following matters: the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to Subsection 8(b) of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws to deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;

AND WHEREAS, pursuant to Subsection 8(c) of the *Municipal Government Act*, RSA 2000, c M-26, a Council may pass bylaws to provide for a system of licences, permits or approvals.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER, DULY
ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT NAME

1.1 This Bylaw shall be cited as the "Safety Codes Permit Bylaw".

2. DEFINITIONS

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "**Act**" means the *Safety Codes Act*, RSA 2000, c S-1, as amended from time to time and successor legislation;
- b) "**Bylaw**" means the Safety Codes Permit Bylaw;
- c) "**Construction Value**" means a total cost of all labour and materials required to build or construct the project for which the permit is requested or issued;
- d) "**Fee Schedule**" means the Town of Drumheller Fees, Rates and Charges Bylaw 01.24,

as amended from time to time, and its successor legislation;

- e) “**Master Electrician**” means a person who is a holder of a Master Electrician Certificate issued by the Board of Certification;
- f) “**Occupancy**” means the use of intended use of a building or any part of a building for the shelter or support of individuals, animals, or property;
- g) “**Owner**” means a person who has care and control of an **undertaking** and includes a lessee, a person in charge, and a person who holds out that the person has the powers and authority of ownership, or who at the time being exercises the power and authority of ownership;
- h) “**Quality Management Plan**” means the Uniform Quality Management Plan for the **Town**;
- i) “**Quality Management Plan Manager**” means an employee of the **Town** responsible for the administration of the **Quality Management Plan**;
- j) “**Permit**” means the written authorization from the **permit issuer** to perform work regulated by this **Bylaw**, and may include permits for building, gas, electrical, plumbing, and private sewage;
- k) “**Permit Issuer**” means a **Safety Codes Officer** or a **person** designated to issue **permits** pursuant to the **Act**;
- l) “**Person**” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator, or legal representative;
- m) “**Regulations**” means any regulations passed pursuant to the **Act**, including any codes adopted in such regulations;
- n) “**Safety Codes Officer**” means a certified building, electrical, plumbing, gas, or private sewage Safety Codes Officer pursuant to the **Act** and **Regulations**;
- o) “**Single-Family Dwelling**” means a house used or intended to be used by the **owner** of the building with habitable spaces;
- p) “**Skilled Trades and Apprenticeship Education Act**” means the *Skilled Trades and Apprenticeship Education Act*, SA 2021, c S-7.88, as amended from time to time and successor legislation;
- q) “**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, as the context may require; and,
- r) “**Undertaking**” means the construction of a thing, control or operation of a thing, and process or activity to which the **Act** applies.

3. INTERPRETATION

3.1 Unless otherwise defined herein, the definitions contained in the **Act** and **Regulations** shall have a similar meaning in this **Bylaw**.

- 3.2 Nothing in this **Bylaw** relieves a **person** from complying with any provision of any federal, provincial, or municipal law or regulation or any requirement of any lawful **permit**, order or licence.
- 3.3 The issuance of **permits**, or the carrying out of any inspections pursuant to this **Bylaw**, shall in no way be construed as a warranty by the **Town** of the fitness or suitability of any plans, designs or construction to meet the **owner's** purposes.
- 3.4 Each provision of this **Bylaw** is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this **Bylaw** remain valid and enforceable.
- 3.5 In this **Bylaw**, words in the singular include the plural and words in the plural include the singular.

4. SCOPE

- 4.1 This **Bylaw** applies to the issuance of **permits** respecting:
- a) The construction, demolition, installation, alteration, repair, and removal of a building within the **Town**;
 - b) **Occupancy** or change in use of any building regulated by the **Act** within the **Town**; and,
 - c) The installation, alteration, or repair of electrical, plumbing, and gas equipment and systems regulated by the **Act** within the **Town**.

5. PERMITS REQUIRED

- 5.1 A **person** shall not start any **undertaking** for which a **permit** is required pursuant to the **Act**, the **Regulations**, or this **Bylaw** unless a valid and subsisting permit has been issued and is in effect.
- 5.2 A building **permit** is required to carry out work for any excavation, construction, change in **occupancy**, relocation, alteration, addition, repair, and demolition of any building or structure.
- a) Notwithstanding Section 5.1, a building **permit** is not required to carry out the following:
 - i. Placement of a building that is manufactured in a plant that has a quality assurance program acceptable to the building administrator;
 - ii. **Undertakings** less than \$5,000 in **construction value**, unless deemed necessary by the **Safety Codes Officer**; or,
 - iii. Construction of retaining walls not exceeding 1 metre in height at the highest point.
- 5.3 An electrical **permit** is required to install, alter, or add to an electrical system except for:
- a) Communication systems;
 - b) Electrical installations to which the CSA Standard CAN/CSA M421-00(R2000) The Use of Electricity in Mines applies;

- c) Electrical installations related to an elevating device;
- d) Extra low voltage, Class 2 electrical circuits unless they are for any of the following:
 - i. safety control;
 - ii. locations described as hazardous in the Electrical Code;
 - iii. electro-medical purposes; and,
 - iv. lighting.
- e) The replacement of electrical equipment with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the ratings or characteristics of the electrical installation.

5.4 A plumbing or private sewage **permit** is required to install, renew, or change any plumbing equipment or system except for:

- a) Repairs or maintenance of a plumbing system or private sewage system; or,
- b) The replacement of any fixture, water heater, faucet, valve, septic tank, or cistern provided there is no change to the piping system.

5.5 A gas **permit** is required to install, alter, or make an addition to any gas installation except:

- a) The replacement of a gas dryer or gas range if there is no design change made to the gas piping and venting system;
- b) Connection of a residential water heater or residential heating appliance with a similar type;
- c) Relocation, by a gas utility provider, of a meter from interior to the exterior of a building; or,
- d) New or replacement of a liquified petroleum tank with a capacity of not more than 300 litres including service line.

5.6 Notwithstanding this Section, if there is imminent serious danger to **persons** or property because of any thing, process or activity to which the **Act** applies or because of a fire hazard or risk of an explosion, a **person** may, without a **permit**, start an **undertaking** for which a **permit** is required pursuant to this **Bylaw** but that **person** must apply for a permit as soon as the danger, fire hazard or risk of explosion has been remedied.

6. PERMIT ELIGIBILITY

6.1 A **permit issuer** may issue a **permit** in the building discipline to the following:

- a) A **person** having the appropriate certificate to carry out the **undertaking** as required by the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** for the installation of building systems in the dwelling; or,

- c) An **owner's** agent.

6.2 A **permit issuer** may issue a **permit** in the electrical discipline to the following:

- a) A **master electrician** for any electrical system within the scope of the **master electrician's** certification;
- b) A restricted **master electrician** for any electrical system within the scope of the restricted **master electrician's** certification;
- c) A rural wireman for an electrical undertaking in a residence, farm building or similar structure, in an area of Alberta prescribed by an administrator, if the service ampacity does not exceed 100 amperes and 300 volts single phase;
- d) An **owner** who resides or intends to reside in a **single-family dwelling** for the installation of building systems in the dwelling;
- e) An **owner** of a farm building served by a single-phase electrical system;
- f) An **owner**, operator or designate of a power line construction company or an electrical utility for the construction of an overhead or underground power system governed by the Alberta Electrical Utility Code; and,
- g) A sign installation technician to perform electrical undertakings within the scope of the technician's duties as permitted by the **Skilled Trades and Apprenticeship Education Act**.

6.3 A **permit issuer** may issue a permit in the gas discipline to the following:

- a) A gasfitter as defined in the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** if the gas system serves the dwelling;
- c) An **owner** of a farm building if the gas system serves the farm building;
- d) A **person** who has satisfactorily completed a course of training acceptable to the Administrator for the installation of liquefied petroleum tanks;
- e) A **person** who has satisfactorily completed a course of training acceptable to the Administrator for the installation of natural gas secondary lines; or,
- f) A sheet metal worker as defined in the **Skilled Trades and Apprenticeship Education Act** if the **permit** is for the replacement of a furnace in a **single-family dwelling** including, if applicable, the replacement of the gas piping downstream of the shut off valves for the furnace.

6.4 A **permit issuer** may issue a **permit** in the plumbing discipline to the following:

- a) A plumber as defined in the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** if the plumbing system serves the dwelling;

- c) An **owner** of a farm building if the plumbing system serves the farm building; or,
- d) A **person** holding a valid private sewage installer certificate of competency, in respect of a portion of a plumbing system that is:
 - i. located outside the building; or,
 - ii. required for the treatment, flow control or pressure delivery of wastewater from a plumbing system that discharges into a municipal sewage collection system.

6.5 A **permit issuer** may issue a **permit** in the private sewage discipline to the following:

- a) A certified private sewage system installer;
- b) an **owner** who resides or intends to reside in a **single-family dwelling** for any private sewage system if the private sewage system serves the dwelling; and,
- c) an **owner** of a farm building for any private sewage system if the private sewage disposal system serves the farm building.

7. PERMIT APPLICATION

7.1 In addition to to any other requirement, every **person** applying for a **permit** pursuant to the **Act**, the **Regulations**, or this **Bylaw** must provide to the **permit issuer**:

- a) A completed application for the appropriate discipline;
- b) Plans and specifications as required by the **permit issuer**;
- c) The **construction value** of the proposed **undertaking**;
- d) Any fees or charges outlined in the **fee schedule**; and,
- e) Any additional information deemed necessary by the **permit issuer** for purposes of evaluation or processing of the application.

8. ISSUANCE OF PERMIT

8.1 The **permit issuer** shall issue a **permit** pursuant to the **Act**, the **Regulations**, or this **Bylaw** only when:

- a) The **undertakings** described in the permit application, meets the requirements of the **Act**, the **Regulations**, and this **Bylaw**;
- b) The plans and specifications submitted in the application meet the requirements of the **Act**, the **Regulations**, and this **Bylaw**; and,
- c) Any outstanding fees and charges as outlined in the **fee schedule** are paid in full.

8.2 The **permit issuer** may place a valuation on any **undertakings** for the purpose of calculating the required fee.

8.3 The **permit issuer** may impose any terms and conditions on any **permit** issued under

this **Bylaw** as are deemed necessary to ensure compliance with the purpose and intent of the **Act**, this **Bylaw**, and any other legislative requirements.

9. PERMIT HOLDER OBLIGATIONS

9.1 A **person** to which a **permit** has been issued must:

- a) Comply with the terms and conditions of the **permit**;
- b) Call for inspections as outlined in the **Town's Quality Management Plan** and the **permit** conditions;
- c) Comply with all inspection conditions and recommendations;
- d) Undertake the construction, process, or activity in accordance with the **Act**, the **Regulations**, and this **Bylaw**;
- e) Make at their own expense, the tests necessary to prove compliance with a **permit** or this **Bylaw** and shall promptly file a copy of all such tests or inspection reports with the appropriate **Safety Codes Officer**;
- f) Ensure that all approved plans and specifications are available at the construction site at all reasonable times for inspection by a **Safety Codes Officer**;
- g) Ensure that a **permit** for the building discipline is posted, or other identified at the construction site;
- h) Be responsible for any cost to repair any damage to public property or works located that occur as a result of the **undertaking** for which the **permit** was required; and,
- i) Ensure the civic address for the property for which the **permit** was issued is clearly visible from the roadway to which the property is address.

10. REVISIONS & RE-EXAMINATION

10.1 The **permit issuer** may accept a revision to the construction for which a **permit** has been issued and determine the appropriate fee to be charged for the service.

10.2 Documents submitted with an application for a **permit** are incomplete or contain errors or omissions, the application may be rejected by the **permit issuer**. The documents may be re-submitted for further re-examinations upon payment in full of the required fee.

10.3 Any documents submitted which are incomplete and do not form the basis of the **permit** issued may be destroyed by the **permit issuer**.

11. TRANSFER

11.1 A **person** shall not transfer a **permit** to any other **person** unless the transfer has been authorized in writing by the **permit issuer**.

12. REFUSAL TO ISSUE, SUSPENSION, OR CANCELLATION

12.1 In addition to any powers pursuant to the **Act**, the **permit issuer** may refuse to issue a **permit**, and the **Safety Codes Officer** may revoke, suspend, or cancel a **permit** that has been issued, if:

- a) An addition or alteration is made to an ongoing **undertaking** which renders it unsafe or reduces the level of safety below that which is intended in the **Act** or this **Bylaw**;
- b) The **permit** was issued on the basis of incorrect, inadequate or insufficient information;
- c) Payment in full has not been received for any applicable fee outlined in the **fee schedule**;
- d) There is a contravention of any condition under which the **permit** was issued; or,
- e) The **permit** was issued in error.

13. PERMIT TERM AND EXTENSION

13.1 A **permit**, other than an **occupancy permit**, shall expire according to the expiry date, and terms and conditions set in the **permit**.

- a) In the absence of an expiry date, a **permit** will expire in conformance with the **Act** and **Regulations**.

13.2 A **permit issuer** may extend a **permit** for a fixed period of time that they consider appropriate, if:

- a) A written request from the permit holder is submitted;
- b) The required fee outlined in the **fee schedule** is paid in full; and,
- c) The existing **permit** has not been closed, expired, or revoked.

13.3 A **permit** that has expired may be reinstated by the **permit issuer** at the written request of the applicant within 30 days of expiry of the **permit** provided that:

- a) No changes are made to the original **undertaking** originally applied for; and,
- b) The required fee outlined in the **fee schedule** have been paid in full.

13.4 A closed **permit** may be re-opened in the following circumstances:

- a) The **permit** was closed in error;
- b) Within thirty (30) days after the **permit** was closed, provided the **permit** has not expired; or,
- c) At the **permit issuer's** sole discretion if the **permit** has been closed for more than thirty (30) days.

14. OCCUPANCY PERMIT

14.1 No **person** shall occupy, or allow the **occupancy** of, or use of, any building or portion thereof until:

- a) A final inspection has occurred in all applicable disciplines; and
- b) The building **Safety Codes Officer** has deemed the building or portion thereof ready to use or occupy via a final inspection report.

14.2 No **person** shall allow a change in use, tenancy or the **occupancy** classification is permitted without approval of a building **Safety Codes Officer**.

14.3 A **Safety Codes Officer** shall have the right to inspect the **occupancy permit** at any reasonable time.

15. INSPECTIONS

15.1 Any inspection conducted by the **Safety Codes Officer** shall be conducted in accordance with the **Town's Quality Management Plan**.

16. FEES AND BONDS

16.1 Every application for a **permit** required pursuant to this **Bylaw** must be accompanied by any applicable fees or charges as outlined in the **fee schedule**.

16.2 If any **undertaking** is commenced prior to a **permit** being issued pursuant to this **Bylaw**, the amount payable for the **permit** shall be double the cost of the fee as outlined in the **fee schedule**.

16.3 An additional fee is payable if an additional inspection is required for any of the following reasons:

- a) The municipal address of the parcel for which the **permit** was issued is not displayed; or,
- b) When an inspection has been previously arranged, and:
 - i. the **Safety Codes Officer** is unable to access the building during the scheduled inspection;
 - ii. the **undertaking** is not ready for an inspection upon arrival of the **Safety Codes Officer**; or,
 - iii. A previously identified deficiency has not been corrected.

16.4 The **Quality Management Plan Manger** may require a **person** to file a bond prior to the issuance of any **permit**.

- a) Any bond required pursuant to this Section must be in the form and amount satisfactory to the **Quality Management Plan Manger** and shall be issued by a licensed Alberta bond issuer.

17. REFUNDS

17.1 A **person** who has paid a fee for a **permit** may cancel, withdraw or surrender the **permit** to the **permit issuer**, and make an application in writing for a refund.

- a) The **Town** will maintain a holdback of 50% for any refunds issued.
- b) The Safety Code Levy is non-refundable regardless of amount.
- c) No refund of a fee shall be made if:
 - i. the **permit** has been revoked or has expired;
 - ii. the **occupancy**, relocation, construction, or demolition of the building or the installation of the mechanical equipment systems has commenced;
 - iii. an extension of the **permit** has been granted; or,
 - iv. an inspection has been completed.

18. SAFETY CODE OFFICER AUTHORITY

18.1 A **Safety Codes Officer** may exercise any and all powers given to him or her under the **Act**, and without restricting the generality of the foregoing is empowered to order:

- a) The removal or demolition of any building or part thereof constructed in contravention of this **Bylaw**;
- b) The removal or disconnection of any electrical, plumbing, or gas work **undertaken** in contravention of this **Bylaw**; and,
- c) The cessation of any **occupancy** if any unsafe condition exists because of work being **undertaken** or not completed.

19. OFFENCE

19.1 Any **person** who contravenes the **Act** or regulations made pursuant thereto, including this **Bylaw**, shall be guilty of an offence under the **Act**.

20. GENERAL

20.1 The onus of proving that the **permit issuer** has issued a **permit** in relation to any **undertaking** otherwise regulated, restricted or prohibited by this **Bylaw** is on the person alleging the existence of such a **permit**.

20.2 The onus of proving that a **person** is exempt from the provisions of this **Bylaw** requiring a **permit** is on the **person** alleging the exemption.

21. TRANSITION

21.1 This **Bylaw** shall come into force and effect when it receives third reading and is duly signed.

21.2 Bylaw 01.12 is hereby repealed.

READ A FIRST TIME THIS __ DAY OF MARCH, 2024

READ A SECOND TIME THIS __ DAY OF MARCH, 2024

READ A THIRD AND FINAL TIME THIS __ DAY OF APRIL, 2024

MAYOR

CHIEF ADMINISTRATIVE OFFICER

2ND READING

**TOWN OF DRUMHELLER
BY-LAW 01.12**

Being a By-law of the Town of Drumheller respecting Safety Codes Services.

Council of the Town of Drumheller enacts as follows:

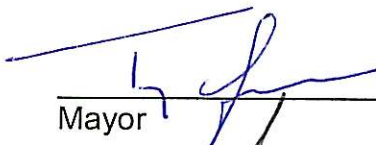
- (1) This By-law may be cited as the "Safety Codes By-law".
- (2) Words used in this By-law shall have the same meaning as ascribed to them in the Safety Codes Act.
- (3) No person shall commence the construction or demolition of any building unless that person is authorized to do so by a permit issued pursuant to the Safety Codes Act, Regulations and this By-law.
- (4) No person shall commence the installation, repair or alteration to any electrical system, gas system, plumbing system or heating/air conditioning system unless that person is authorized to do so by a permit issued pursuant to the Safety Codes Act, Regulations and this By-law.
- (5) Permits may be issued to:
 - (a) A contractor with a current Town of Drumheller business license and those in possession of a certificate of competence in accordance with the Tradesman Qualifications Act, where required.
 - (b) A homeowner to perform work in or within his own owner occupied single family dwelling.
- (6) The fees which shall be paid for permits issued and inspections hereunder are those contained in Schedule "A" attached to and forming part of the By-law.
- (7) The minimum construction value factors contained in Schedule "B" shall be used to estimate construction values for the calculation of Safety Code Permit fees.
- (8) Commence of construction prior to obtaining a permit may result in a fine or a permit fee doubling in required amount.
- (9) An applicant for a permit hereunder shall complete and file with the Town of Drumheller, an application form prescribed by him together with such plans, site plans and specifications and copies thereof as the Safety Codes Officer requires.
- (10) No person, firm or corporation shall use or occupy all or any portion of a new building, or all or any portion of an existing building where there is a change of occupancy for that portion of a building to be occupied unless the owner of the building shall have prior thereto obtained from the Town an occupancy permit issued pursuant to this By-law.

- (11) Any person convicted of a breach of any provision of the Safety Codes Act shall be liable on conviction to a penalty outlined in the Safety Codes Act.
- (12) Council may amend Schedule "A" and "B" by resolution.
- (13) By-law 12.01 is hereby repealed.
- (14) This by-law comes into force upon the final passing hereof.

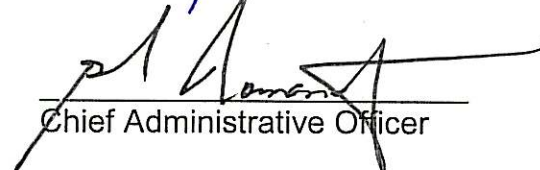
READ A FIRST TIME this 16th day of January, 2012.

READ A SECOND TIME this 16th day of January, 2012.

READ A THIRD AND FINAL TIME this 30th day of January, 2012.



Mayor



Chief Administrative Officer

**TOWN OF DRUMHELLER
BYLAW 01.12
SCHEDULE "A"
SAFETY CODES FEES**

BUILDING PERMIT FEES

- **See Annual Service Fee Schedule**

SAFETY CODES

NOTES:

- Safety Codes Council Levies are not included in permit fees.
- A fax/photo copy fee may be applied to permit where applicable
- A method of payment must accompany all permits before they will be processed. Methods of payment include cash, cheques, visa or master card
- Cancellation and refund of a permit – refund and amount to be determined at the time of cancellation (minimum hold back 33%). No refund will apply after a time lapse of three months of date of issuance.

TOWN OF DRUMHELLER
BYLAW 12.01
SCHEDULE "B"
(effective February 1, 2012)
PROJECT VALUE DETERMINATION FACTORS

Residential Occupancies

The project value, when determining the building permit fee, must include all costs associated with the construction of the residential dwelling excluding the cost of the land and any landscaping.

Commercial and Industrial Occupancies

The project value, when determining the building permit fee, must include the costs of all engineering, design, materials, and labour of the following components. These components are regulated by the Alberta Building Code and must be reviewed in accordance with the Safety Codes Act.

SITE

- Temporary buildings and services (tents, skids, stick-built structures, relocatable structures, modulars, sea cans etc.)
- Building access for emergency response vehicles
- Fire hydrants, fire pumps
- Deep services for firewater, hydrants, plumbing, gas for building heat
- Storage of water supply for fire fighting (tanks, ponds reservoirs etc.—if required)
- Other buildings, equipment shelters or facilities for fire fighting

BUILDING/STRUCTURE

- Foundation including site preparation
- Building structure including means of egress (elevators, stairs, landings, catwalks etc.)
- Exterior building envelope (cladding, doors, windows, overhead doors etc.)
- Interior platforms, floor and wall assemblies including fire separations
- Fire-resistance rating of building structural assemblies
- Smoke control
- Structural support of tanks, process equipment, building services etc.

MECHANICAL

- Heating, ventilation & air conditioning
- Smoke and fire control (dampers, duct smoke detection etc.)
- Plumbing system (fixtures, drainage facilities etc.)
- Boilers, furnaces, pumps, and other fuel fired building appliances

ELECTRICAL

- Interior and exterior lighting
- Emergency lighting & exit signs
- Fire alarm & detection systems
- Emergency power supply (batteries, chargers, DC bus)
- Auxiliary power/outlets
- Telephone, radio, data, and security systems

FIRE PROTECTION

- Automatic fire suppression systems (sprinklers)
- Localized or alternate suppression systems (foam, deluge systems etc.)
- Standpipe and hose systems
- Portable fire extinguishers
- Gas detection, emergency shut down, etc. (industrial projects)

EQUIPMENT

- Project value must include the total value of all equipment, appliances, fixtures and other appurtenances required for the operation of the building.
- Process equipment that is directly used to produce the end product in industrial buildings should not be used in determining total project value.

LABOUR

- All costs associated with construction labour throughout the project
- All costs associated with engineering, design & consulting services throughout the project

MINIMUM CONSTRUCTION VALUE FACTORS

(effective February 1, 2012)

Minimum Construction Value Factors	Per Square foot	Per Square Meter
As of May 1, 2010		
Residential Housing		
Single Family	\$150.00	\$1,612.50
Basement Development	\$40.00	\$430.00
Multi-Family (3 storeys or less)	\$170.00	\$1,827.50
Multi-Family (more than 3 storeys)	\$155.00	\$1,666.25
Townhouses or Rows	\$170.00	\$1,827.50
Garages (attached or detached)	\$35.00	\$376.25
Carport	\$35.00	\$376.25
Renovations	\$75.00	\$806.25
Apartments		
Concrete Construction	\$135.00	\$1,451.25
Masonry and Wood Construction	\$135.00	\$1,451.25
Basement Parkade	\$90.00	\$967.50
Above-Ground Parkade	\$90.00	\$967.50
Commercial (Offices, Restaurants, Service Stations, Strip Malls, Warehouses)		
Concrete Construction	\$135.00	\$1,451.25
Masonry Construction	\$135.00	\$1,451.25
Masonry and Wood or Steel Construction	\$135.00	\$1,451.25
Steel Construction	\$135.00	\$1,451.25
Wood Construction	\$120.00	\$1,290.00
Renovations	\$120.00	\$1,290.00
Churches, Hotels, Schools		
Concrete Construction	\$135.00	\$1,451.25
Masonry and Wood or Steel Construction	\$135.00	\$1,451.25
Wood Construction	\$120.00	\$1,290.00
Hospitals		
Concrete Construction	\$270.00	\$2,902.50
Masonry and Wood or Steel Construction	\$245.00	\$2,633.75
Wood Construction	\$215.00	\$2,311.25
Industrial		
Call Superior Safety Codes Inc. at 1-866-999-4777		

REQUEST FOR DECISION

TITLE:	Land Use Amending Bylaw #12.24 (3 rd Reading)
DATE:	June 3, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	Land Use Amending Bylaw #12.24 (3 rd Reading) Bylaw #16.20 (Tracked Changes, 2 rd Reading) Bylaw #16.20 (Original)

SUMMARY:

On May 21st, 2024 a public hearing was held to discuss Land Use Amending Bylaw #12.24. There was no attendance or written submissions for the Public Hearing. Also, on May 21, the 2nd reading of Bylaw #12.24 was held. There were no suggested changes from Council.

Since 2nd reading, Administration is recommending the removal of the following amendment:

Section	Description	Type of Change
4.1.18	<p>Removal of the suggested provision for a maximum of two (2) a-board signs or portable signs per parcel at any time.</p> <p>This section was originally added to help maintain the aesthetics of the Town. However, there are already provisions for both a-board signs and portable signs that limit the number of signs per parcel. Administration believes that the inclusion of this provision may cause confusion when enacting this Bylaw. There are additional charges that could take place to improve the administration of signs, however, this will take additional time and thought. Administration recommends that this section be removed for the time-being and that an annual review of the Land Use Bylaw take place to ensure the document remains up-to-date and conforms with all current legislation.</p>	Removal

RECOMMENDATION:

Council give 3rd reading to the Land Use Amending Bylaw #12.24.

DISCUSSION:

Administration reviewed all changes from the 1st and 2nd reading to ensure they aligned with our objective to enhance clarity, streamline administrative processes and eliminate unnecessary red tape. The amendment in 3rd reading will provide more clarity regarding temporary signs, as the current provisions in the Land Use Bylaw meet the objective of mitigating unsightly properties.

FINANCIAL IMPACT:

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 will be submitted after third reading

MOTION:

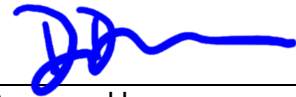
That Council give 3rd reading to the Land Use Amending Bylaw #12.24.

Connor Schweder

Prepared by:
Connor Schweder
Municipal Intern

Mitchell Visser

Reviewed by:
Mitchell Visser
Manager of Legislative
Services



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

**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(2) is changed from “Each **development** and **subdivision** application shall be reviewed against the **Government of Alberta Flood Hazard** and existing protection reviewed to confirm the suitability of the

site for development.” Is changed to “Each **development** and **subdivision** application shall be reviewed against the **Government of Alberta Flood Hazard Maps** for a **Design Flood** that results in a river flow rate of 1,850 m³/s, and against existing protection to confirm the suitability of the *site for development.*”

- II. 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.”
- III. Section 2.5.3(6) the words “Outdoor storage” is changed to “Storage.”
- IV. Section 2.5.3.(1)(1) the word “designated” is changed to “located.”
- V. 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 “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. 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 75% 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 75% 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 “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. 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,”\
 - IV. Section 5.2.4(1) the sentence “Refer a **development permit** application to the **Municipal Planning Commission** when deemed necessary by the **Development Officer**” is changed to “Shall refer, with comments and recommendations, all applications for discretionary uses to the **Municipal Planning Commission**”
 - V. Section 5.2.4(2) the sentence “refer any other planning or **development** matter to the **Municipal Planning Commission** for its review, support, direction, or decision” is changed to “May refer any other planning or **development** matter to the **Municipal Planning Commission** for its review, comment, or advice.”
- (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 **m³/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">i. no cooking facilities in guest rooms;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;iii. window compulsory for guest room;iv. sanitation and potable water as required by Health Unit;v. smoke alarms required for each level of buildings; andvi. portable fire extinguisher required for each level of building
<p>(17) Solar Energy System</p>	<p>(a) A Solar Energy System attached to a building shall not extend beyond the outermost edge of</p>

	the roof or wall to which it is mounted.
(18) Tourist Dwelling	<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"> i. no cooking facilities in guest rooms; 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; iii. window compulsory for guest room; iv. sanitation and potable water as required by Health Unit; v. smoke alarms required for each level of buildings; and vi. portable fire extinguisher required for each level of building

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>	<p>(a) For hummocks, buttes, or other isolated land projections, slopes of greater than 20% are considered unsuitable for development unless otherwise determined by the Development Authority.</p> <p>(b) 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>(c) These sloped area definitions area meant as thresholds to identify sites that require more specific analysis to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this are classified as suitable for development 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 grades 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.</p>

	<p>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 development adjacent to river valley, bench and coulee slopes; unless otherwise determined by the Development Authority.</p> <p>(b) For any proposed development adjacent to river valley, bench and coulee slopes proposing a relaxation of the Town’s default setbacks from the toe or crest of a slope, a geotechnical slope assessment report is required; with no exceptions.</p> <p>(c) For any development proposing a relaxation of the Town’s default setbacks 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-development slope stability in terms of FS; which supports the proposed development plans. The report must provide geotechnical recommendations for development of the property to ensure these FS conditions are maintained.</p>
<p>(5) Setbacks</p>	<p>(a) For proposed developments, two (2) levels of top-of-slope and/or toe-of slope setbacks must be determined in the geotechnical slope assessment report:</p> <ol style="list-style-type: none"> i. Urban Development Setbacks (UDS). For top-of-slope development 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

	<p>infrastructure or property lines of private development, and</p> <p>ii. Structural Building Setbacks (SBS). Structures 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 structure is “set back” a distance from the crest to provide this factor of safety</p> <p>(b) Default UDS setbacks have been developed. The intent of these setbacks is to provide a conservative starting point for development planning. The Development Authority may relax the default UDS setbacks 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 setbacks will not impact slope stability.</p>
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2nd Reading

<p>(6) Default UDS Setbacks from Toes of Slopes</p>	<p>(a) Unless otherwise determined by the Development Authority, setbacks from toes of slopes shall be as follows:</p> <ul style="list-style-type: none"> i. Intensive Land Use 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 setback from the point where begins to rise steeper than 33% shall be one-third (1/3) of the height of the slope; and ii. Extensive Land Use A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 15.2 metres. Lanes and utilities may be constructed within the setback area. <p>(b) The Development Authority may relax the required setbacks 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 setbacks will not impact slope stability. Applicants 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>
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<p>(7) Default UDS Setbacks from Valley or Coulee Breaks (top of the escarpment)</p>	<p>(a) The following default setbacks for property lines from front edge top of the escarpment (i.e. crest) apply unless otherwise determined by the Development Authority:</p> <ul style="list-style-type: none"> i. Where the average height of slope is between 0 and 15.4 metres, the minimum setback from the top of the escarpment is 22.8 metres; ii. Where the average depth of valley is between 15.5 metres and 30.5 metres, the minimum setback is 45.7 metres; and; and, iii. Where the average depth of valley is more than 30.5 metres, the minimum setback is 61 metres or the height of the slope, whichever is greater. <p>(b) The Development Authority may increase the setbacks 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) Lanes and utilities may not be developed within the setback area 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 parcels.</p>
<p>(8) Setbacks for escarpment benches</p>	<p>(a) The setbacks from the upslope toe and downslope crest of bench 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) Agriculture – General	Agriculture – General 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]		Dwelling Unit – Move On

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	Tourist Dwelling	

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 Uses		Solar Energy System Communication Structure

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]	Dwelling Unit – Manufactured located within an established and approved Manufactured Home Park	

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>

3.15 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

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

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

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

3.5.14 ***Parcel*** Standards:

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

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

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

(5) Other <i>Setbacks</i>	<ul style="list-style-type: none"> (a) Minimum 4.5 meters between manufactured homes including any porch or addition (b) (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
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3.5.16 Parking, Roads and Walkways:

(1) Vehicle Parking	<ul style="list-style-type: none"> (a) No on-street parking shall be permitted. (b) A minimum of one (1) car parking shall be provided on each manufactured home lot. (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.
(2) Roads and Walkways	<ul style="list-style-type: none"> (a) All roads in the manufactured home park shall be paved and constructed to the municipality's specifications. (b) Internal pedestrian walkways shall be hard-surfaced and have a minimum width of 1.5 meters (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) 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

3.5.17 **Landscaping** Standards:

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

	<ul style="list-style-type: none"> (a) No accessory building or use shall be located in the front yard of a manufactured home lot. (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 Development Authority. (c) All utility lines shall be placed underground. (d) A minimum of 10% of the total area of the manufactured home park shall be set aside for recreational uses. (e) Identification and directional signs shall be of a size, height and type satisfactory to the Development Authority.
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3.18 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;

3.19 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

3.20 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;

3.21 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.

3.22 The following sections are removed from Section 5.5.1:

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

3.23 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;

3.24 The following will be removed from Section 6.2:

<p>Communication Structure</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 structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:</p> <p>Freestanding Antenna System: a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; and Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.</p>
<p>Designated Design Event [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>Design Flood Cross Sections [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 https://floods.alberta.ca/.</p>
<p>Dwelling Unit – Moved On [Bylaw #16.22]</p>	<p>means a single detached dwelling 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 parcel for use as a dwelling;</p>
<p>General Requirements [Bylaw #18.21]</p>	<p>means additional clauses outlined within an approved development permit not otherwise applicable to conditions, that may include but not limited to, reminders of other municipal, provincial, federal legislation, or</p>

	recommendations from the town not otherwise stated within this Land Use Bylaw .
Show Home	means a development 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 subdivision or development area.
Single Detached Dwelling [Bylaw #18.21] [means a use where a building contains only one dwelling unit.
Solar Energy System	means structures and accessories designed to convert solar radiation into electrical or thermal energy.
Tourist Dwelling	means a single Dwelling Unit 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	Dwelling Unit – Manufactured	
(2) Commercial	Home Occupation – Basic Home Occupation – Urban	Retail and Service – General
(3) Institutional	Recreation – Non-Intensive	
(4) Other Uses	Accessory Building or Structure	Accessory Building – Portable

2.6.3 **Parcel** Standards:

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

2.6.4 **Setbacks for Manufactured Homes:**

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

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 roads in the manufactured home park shall be paved and constructed to the specifications of the Town.</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 access way with a minimum width of 4.3 metres.</p> <p>(d) The removal of snow from all internal pedestrian walkways, roads and communal parking stalls, shall be the responsibility of the manufactured home park owner.</p>

2.6.6 **Landscaping** Standards:

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

(1) General Additional Standards	<p>(a) No accessory building or use shall be located in the front yard of a lot.</p> <p>(b) A screened 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 Development Authority.</p> <p>(c) All public utility lines shall be placed underground.</p> <p>(d) A minimum of 10% of the total area of the manufactured home park shall be set aside for recreational uses.</p> <p>(e) Identification and directional signs shall be of a size, height and type satisfactory to the Development Authority.</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) Solar Energy System – Freestanding [Bylaw #12.24]</p>	<ul style="list-style-type: none"> (a) Is considered an accessory building and must abide by the standards of Section 3.1.1 (1). (b) Shall not be located in the front yard, secondary front yard, or side yard of the parcel. (c) Shall not exceed a maximum height of 1.8 metres from the grade. (d) Shall be screened from adjacent parcels with a fence or landscaping. (e) Shall be positioned in a manner to not direct glare onto an adjacent parcel or right-of-way.
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4.9 The following will be added to Section 3.5.1(21):

<p>(21) Solar Energy System – Rooftop [Bylaw #12.24]</p>	<ul style="list-style-type: none"> (a) Shall not project more than 1.0 metres above the roof line in Residential Land Use Districts. (b) Shall not project more than 1.8 metres above the roof line in all other Land Use Districts. (c) The attachment of a solar energy device to a principal or accessory building shall not exceed the maximum building height of the applicable Land Use District. (d) Solar energy devices attached to a principal or accessory building should be integrated with the roof of the structure.
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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>	<ul style="list-style-type: none"> (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. (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
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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"> i. 9.1 metres, when the height of the slope is greater than 3.2 metre; or, 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.
(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"> i. 22.8 metres, when the average height of the slope is between 0.0 and 15.4 metres; ii. 45.7 metres, when the average depth of the valley is between 15.5 metres and 30.5 metres; and, 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.

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 75% into a front setback or rear setback;
- (vii) 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;

4.13 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]		<i>Manufactured Home Park</i>

4.14 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>	

4.15 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>

4.16 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>	

4.17 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]		Storage Structure
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4.18 The following will be added to Section 3.7.3:

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

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

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

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

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

(3.1) Solar Energy System - Rooftop	Shall not project more than 1.8 metres above the roof line of any principal or accessory building .
(4) Additional Standards	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 .

4.24 The following will be added to Section 3.13.3:

(6.1) Solar Energy System – Rooftop	Shall not project more than 1.8 metres above the roof line of any principal or accessory building .
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4.25 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.

4.26 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%.

4.27 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.

4.28 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.

4.30 The following will be added to Section 6.2:

Agriculture – Pasturage	means a development limited to the grazing and keeping of livestock.
Alberta Private Sewage Disposal System Standard of Practice	means the design standards, installation standards, and material requirements for on-site private sewage systems

[Bylaw #12.24]	handling less than 25 cubic metres of sewage volume per day.
Direct Control District [Bylaw #12.24]	means a land use designation for parcels that, because of unique characteristics or innovative design, requires specific regulations unavailable in other land use districts .
Dwelling Unit [Bylaw #12.24]	means a: <ul style="list-style-type: none"> (b) dwelling unit – duplex; (c) dwelling unit – manufactured; (d) dwelling unit – multiple unit (apartment); (e) dwelling unit – multiple unit (attached housing); (f) dwelling unit – single-detached; (g) dwelling unit – secondary suite; and, (h) dwelling unit – garden.
Government of Alberta Flood Hazard Maps [Bylaw #12.24]	means the maps demonstrating the risk of flooding within the Town . The maps can be accessed at floods.alberta.ca .
Historical Resources Act [Bylaw #12.24]	means the Historical Resources Act, RSA 2000, c H-9, as amended from time to time, and its successor legislation.
Home Occupation [Bylaw #12.24]	means an accessory use by a resident of a dwelling unit for small-scale business activities that do not adversely affect the residential character of the property.
Intermunicipal Subdivision and Development Appeal Board Bylaw [Bylaw #12.24]	means the Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21, as amended from time to time, and its successor legislation.
Land Titles Act [Bylaw #12.24]	means the Land Title Act, RSA 2000, c L-4, as amended from time to time, and its successor legislation.
Land Use District [Bylaw #12.24]	means the areas within the jurisdiction of the Town that have been delineated in Section 2 of this Bylaw , and in accordance with the Act .
Residential Mixed-Use [Bylaw #12.24]	means a development that has both a residential use and a commercial use within a shared building, with the commercial use located on the ground floor. A Residential Mixed-Use Development may contain the commercial uses listed as permitted and discretionary for the respective land use district where the Residential Mixed-

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



Town of Drumheller

Land Use Bylaw

Bylaw: 16.20 | December 7, 2020

Consolidated to include amendments to March 2023



2nd Reading (Draft)

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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">- Dwelling Unit types- Murals- Industrial Uses within the Employment District- Manufactured Home Parks- Discretionary Uses 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">• General Clerical Changes• Multiple changes to the Flood Overlay section• Addition of “High Hazard Flood Fringe” provisions• Simplification of the Slope Stability Section• Removal of Tourist Dwelling• Changes to Solar Systems• Removal of Communications Structures• Changes to Variance Powers• Changed Secondary Suites to a Permitted Use in all Land Use Districts• Addition of Mixed-Use Development as a use

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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 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 of the **Town**, in the adoption of this **Bylaw**, is authorized under the **Act**.
- 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 **use** designation in a previously approved **Area Structure Plan** or other Statutory Plan does not align with the **Land Use Districts** of this **Bylaw**, an application for **subdivision** or **development** shall be considered by the **Development Authority** and the most similar **Land Use District** considered.

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/>. [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**, 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]
- (4) A **Land Use District** boundary location which cannot be resolved shall be referred to the **Development Authority** to decide on the boundary location.

2nd Reading (Draft)

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 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 of this **Bylaw**.

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. 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) Parcel Width	No minimum.
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2.4.3 **Setbacks for *Principal Buildings*:**

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

2.4.4 **Setbacks for *Accessory Buildings*:**

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

2.4.5 **Parcel Coverage Standards:**

(1)	Parcel Coverage	No maximum.
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2.4.6 **Building Height Standards:**

(1)	Parcel Coverage	Maximum 11 metres.
(2)	Accessory Building	Maximum 7.5 metres.

2.5 FLOOD HAZARD AREAS

2.5.1 [Removed by Bylaw 12.24]

2.5.2 General Intent:

- (1) To identify **flood hazard areas** within the **Town** and to regulate the **use** and **development** of land within these areas.
- (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**, 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** for a **Design Flood** that results in a river flow rate of 1,850 m³/s, and against existing protection 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.
- (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) 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.
- (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 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].
- (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 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**.

2.6.2 **Uses:**

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

2.6.3 **Parcel** Standards:

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

2.6.4 **Setbacks for Manufactured Homes:**

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

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. (c) Visitor parking shall consist of one (1) off-street parking stall for every four (4) lots.
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	Visitor parking shall be dispersed throughout the park and shall be clearly identified.
(2) Roads and Walkways	<p>(a) All roads in the manufactured home park shall be paved and constructed to the specifications of the Town.</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 access way with a minimum width of 4.3 metres.</p> <p>(d) The removal of snow from all internal pedestrian walkways, roads and communal parking stalls, shall be the responsibility of the manufactured home park owner.</p>

2.6.6 **Landscaping** Standards:

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

(1) General Additional Standards	<p>(a) No accessory building or use shall be located in the front yard of a lot.</p> <p>(b) A screened 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 Development Authority.</p> <p>(c) All public utility lines shall be placed underground.</p> <p>(d) A minimum of 10% of the total area of the manufactured home park shall be set aside for recreational uses.</p> <p>(e) Identification and directional signs shall be of a size, height and type satisfactory to the Development Authority.</p>
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2nd Reading (Draft)

Page removed - [Bylaw #16.22]

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3. Land Use Districts

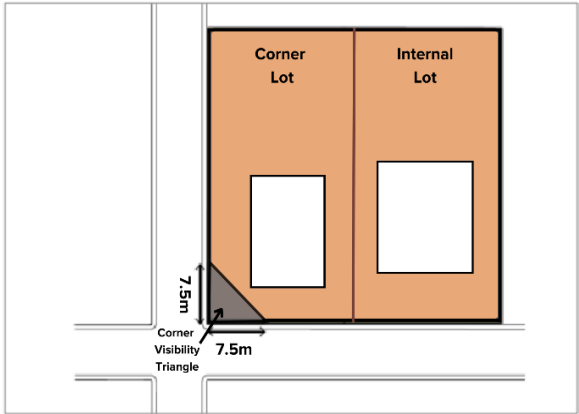
3.5 RULES THAT APPLY TO ALL LAND USE DISTRICTS

3.5.1 Specific *Use* Standards:

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

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

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

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

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

	store to the closest point of the proposed liquor store.
(15) Storage Structure [Bylaw #18.21]	<p>(a) A storage structure shall meet the setback requirements for an accessory building in the appropriate Land Use District.</p> <p>(b) A storage structure shall not be permitted on parcels that contain a residential use.</p> <p>(c) A storage structure shall be screened from view and may require exterior finishing to be in general conformance with the principal building or surrounding development.</p> <p>(d) Shall not be used as a sign.</p> <p>(e) A storage structure may be approved on a temporary basis at the discretion of the Development Authority.</p> <p>(f) A storage structure shall be for cold storage only and shall not connect to public utilities [Bylaw #16.22].</p>
(16) [Removed by Bylaw #12.24]	
(17) [Removed by Bylaw #12.24]	
(18) [Removed by Bylaw #12.24]	
(19) Wind Energy System	(a) Wind energy systems shall not exceed 25 metres in height unless otherwise approved by the Development Authority .
(20) Solar Energy System – Freestanding [Bylaw #12.24]	<p>(a) Is considered an accessory building 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</p>

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

2nd Reading (2024)

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

<p>(1) Dwelling Unit – Garden [Bylaw #16.22]</p>	<p>(a) Only one shall be permitted per parcel and must be detached from the principal building as a standalone structure, or as a dwelling unit (loft) above an accessory building. Dwelling units attached to an existing principal building in any manner shall be considered a dwelling unit - secondary suite.</p> <p>(b) [Removed by Bylaw #12.24] .</p> <p>(c) The subdivision of the property to create two (2) parcels, one for the principal building and one (1) for the dwelling unit – garden is prohibited.</p> <p>(d) Shall be restricted to a single-storey dwelling unit with a maximum height of five (5) metres,).</p> <p>(d.1) notwithstanding subsection e), a dwelling unit-garden may be located in the loft of an accessory building, which may include an attached single car garage.</p> <p>(e) With all applications, Development Authority will take into consideration the potential effect of the development on the privacy of adjacent parcels in regard to such potential issues as window placement, landings for entrances, outdoor amenity space, and building height.</p> <p>(f) Shall be designed to complement the existing principal building on the site. The appearance and quality of the finishing materials of the dwelling unit – garden must reflect the fact that it is a dwelling unit.</p> <p>(g) Shall be separated from the principal building by a minimum of 4.0 metres and a minimum of 1.2 metres from all other accessory buildings.</p> <p>(h) Rear setbacks and side setbacks must meet requirements for accessory buildings.</p> <p>(i) Only one (1) servicing connection per public utility will be permitted (water, sewer) per parcel. The public utilities must be first connected to the principal building, and then fed to the dwelling unit – garden. Installation of all services and public utilities are at the cost of the developer.</p> <p>(j) Shall not be constructed within the front yard</p>
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	<p>of the principal building.</p> <p>(k) All parcels with a dwelling unit – garden shall have a driveway that provides access to the dwelling unit – garden from side yard or rear yard.</p> <p>(l) Shall only be permitted to have one (1) civic address.</p> <p>(m) may take the form of a dwelling unit - manufactured, but must be designed to complement the existing principal building.</p>
<p>(2) Dwelling Unit – Manufactured [Bylaw #16.22]</p>	<p>(a) Will be a discretionary use unless established within a manufactured home park defined under this Bylaw.</p> <p>(b) [Removed by Bylaw #12.24]</p> <p>(c) In determining the suitability of a dwelling unit – manufactured for placement on a parcel, consideration shall be given to its condition and appearance in context with the adjacent parcels.</p> <p>(d) The undercarriage of a dwelling unit – manufactured shall be screened from view by the foundation or by skirting within thirty (30) days of placement of the dwelling unit – manufactured.</p> <p>(e) All accessory structures such as stairways and landings, patios, decks, and skirting shall be of complementary quality and design to the dwelling unit – manufactured.</p> <p>(f) All dwelling unit – manufactured shall be provided with stairways and landings to all entrances within forty-five (45) days of their placement.</p>
<p>(3) Dwelling Unit – Secondary Suite [Bylaw #16.22]</p>	<p>(a) A maximum of one (1) dwelling unit – secondary suite may be permitted per parcel where a dwelling unit – single detached exists.</p> <p>(b) 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</p>

	<p>public street.</p> <p>(c) A principal building containing a dwelling unit - secondary suite may not be converted into condominiums.</p> <p>(d) [Removed by Bylaw #12.24]</p> <p>(e) A dwelling unit - secondary suite shall have a maximum of two (2) bedrooms.</p> <p>(f) A dwelling unit - secondary suite shall not be permitted on the same parcel as a bed and breakfast establishment or home occupation.</p>
<p>(4) Relocation of Buildings</p>	<p>(a) 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.</p> <p>(b) A development permit for the relocation of a building may include the following conditions of approval:</p> <ul style="list-style-type: none"> i. the building and the proposed location of the building meets the requirements of the Land Use District in which the building is to be relocated to; ii. the building is compatible with the character of the neighbourhood in which the building is to be relocated to; and iii. the building be renovated to a satisfactory condition within a specified time.

3.5.2 **Development** Near Steep Slopes:

<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 submitted in a geotechnical slope assessment.</p>
<p>(2) Toe of Slope Setback [Bylaw #12.24]</p>	<p>(a) Unless otherwise determined by the Development Authority, the minimum setback from the toe of slopes shall be as follows:</p> <ul style="list-style-type: none"> i. 9.1 metres, when the height of the slope is greater than 3.2 metre; or, 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.
<p>(3) Top of Slope Setback [Bylaw #12.24]</p>	<p>(a) Unless otherwise determined by the Development Authority, the minimum setback from the front edge top of slopes, shall be as follows:</p> <ul style="list-style-type: none"> i. 22.8 metres, when the average height of the slope is between 0.0 and 15.4 metres; ii. 45.7 metres, when the average depth of the valley is between 15.5 metres and 30.5 metres; and, 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.

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 a vehicle for stock car races, a vehicle which has all or part of its superstructure removed, or a 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]
- (4) [Removed by Bylaw #12.24]
- (5) [Removed by Bylaw #12.24]
- (6) Industrial and commercial equipment including vehicles shall not be stored on within 50 metres of a **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 **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**.
- (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]

3.5.8 Architectural Controls and Guidelines [Bylaw #16.22]:

- (1) In addition to the rules for **permitted** and **discretionary uses** in the respective **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		<i>Agriculture – Pasturage</i>
(2) Institutional	<i>Recreation – Non-intensive</i>	

3.6.3 [Removed by Bylaw #12.24]

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]	<i>Dwelling Unit – Single Detached</i> <i>Dwelling Unit – Secondary Suite</i> <i>Dwelling Unit – Manufactured</i>	<i>Dwelling Unit – Garden</i> <i>Manufactured Home Park</i>
(2) Lodging	<i>Bed & Breakfast</i>	<i>Campground</i> <i>Recreation Vehicle Resort</i>
(3) Commercial	<i>Artist Studio</i> <i>Home Occupation – Rural</i> <i>Home Occupation – Basic</i>	<i>Restaurant/Café</i> <i>Kennel</i>
(4) Institutional	<i>Recreation – Non-Intensive</i>	<i>After Life Care Cemetery</i> <i>Culture</i> <i>Government</i> <i>Human Services</i> <i>Recreation – Intensive</i>
(5) Agricultural	<i>Agriculture – General</i>	<i>Agriculture – Intensive</i>
(6) Other Uses	<i>Accessory Building</i> <i>Accessory Building – Portable</i> <i>Solar Energy System – Freestanding</i> <i>Solar Energy System – Rooftop</i>	<i>Billboard Sign</i> <i>Freestanding Sign</i> <i>Projecting Sign</i> <i>Wind Energy System</i>

	<p>Storage Structure</p> <p>Fascia Signs are considered a permitted use when associated with an approved Lodging, Commercial, or Institutional development on the same parcel [Bylaw #16.22]</p>	
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3.7.3 Specific **Use** Standards:

(1) Accessory Buildings	An accessory building shall be located a minimum of 4.5 metres from any principal building .
(2) [Removed by Bylaw #12.24]	
(3) Dwelling Unit – Manufactured [Bylaw #16.22]	<p>(a) The minimum width of a dwelling unit – manufactured shall be 7.3 metres.</p> <p>(b) Dwelling unit – manufactured constructed greater than ten (10) years from the time of development permit application may only be approved at the discretion of the Development Authority.</p> <p>(c) The massing, design and appearance of a dwelling unit – manufactured shall be consistent with adjacent development to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:</p> <ul style="list-style-type: none"> i. a porch or veranda on the front façade; ii. horizontal wall articulation on the front façade; iii. the use of thick columns or brackets on roof overhangs; iv. dormers, gables, cross gables or varied pitches for articulated roof lines; v. large or bay windows on the front façade, with strong window trim; vi. architectural features or other detailing over entrances;

	<ul style="list-style-type: none"> vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and, viii. the use of trim and moldings that contrast the exterior siding.
(3.1) Solar Energy System – Rooftop [Bylaw #12.24]	Shall not project more than 1.8 metres above the roof line of any principal or accessory building .
(4) Additional Standards	No use 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 Development Authority .

3.7.4 **Parcel** Width Standards:

(1) Parcel Area	Minimum 2.0 acres
(2) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.7.5 Residential **Density**:

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

(1) Front Setback	<ul style="list-style-type: none"> (a) Minimum 7.5 metres from a Municipal road. (b) Minimum 40 metres from a Provincial road.
(2) Secondary Front Setback	<ul style="list-style-type: none"> (a) Minimum 7.5 metres from a Municipal road. (b) Minimum 40 metres from a Provincial road.
(3) Side Setback	Minimum 5.0 metres.
(4) Rear Setback	Minimum 15 metres.
(5) Projections into Setbacks	<ul style="list-style-type: none"> (a) The following features may project into a setback: <ul style="list-style-type: none"> i. unenclosed steps and wheelchair ramps; ii. signs;

	<ul style="list-style-type: none"> iii. fences; iv. eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a front setback or side setback and up to 1.5 metres into a rear setback; and, v. balconies may project up to 1.5 metres into a front setback or rear setback and may project into a side setback, but must maintain a minimum of 1.2 metres from the side parcel boundary. vi. an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 75% into a front setback or rear setback [Bylaw #12.24]. vii. 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].
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3.7.7 **Setbacks for Accessory Buildings:**

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

3.7.8 **Building Height Standards:**

(1) Principal Building	Maximum 14 metres.
(2) Accessory Building	Maximum 11 metres.
(3) Additional Building	There is no maximum building height for uses listed

Height Standards	in subsection 3.7.2(4).
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2nd Reading (Draft)

3.7.9 Additional Standards

<p>(1) Subdivision</p>	<p>(a) A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.</p> <p>(b) A subdivision may require an approved Area Structure Plan and/or concept plan at the discretion of the Subdivision/Development Authority [Bylaw #18.21].</p>
<p>(2) Stormwater Management</p>	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the rear lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for uses listed in subsection 3.7.2(3) and 3.7.2(4).</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]	Dwelling Unit – Single Detached Dwelling Unit – Manufactured Dwelling Unit – Secondary Suite	Dwelling Unit – Garden Manufactured Home Park
(2) Lodging	Bed & Breakfast	Campground Recreation Vehicle Resort
(3) Commercial	Artist Studio Home Occupation – Rural Home Occupation – Basic	Kennel Restricted Substance Retail Restaurant/Café Retail & Service – General
(4) Institutional	Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive	Cemetery
(5) Agricultural	Agriculture - General	
(6) Other Uses	Accessory Building Accessory Building –	Freestanding Sign Projecting Sign

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

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

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

3.8.4 **Parcel** Width Standards:

(1) Parcel Area	Minimum 0.5 acres.
(2) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.8.5 Residential **Density**:

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

(1) Front Setback	Minimum 10 metres.
(2) Secondary Front Setback	Minimum 7.5 metres.
(3) Side Setback	Minimum 3.0 metres.
(4) Rear Setback	Minimum 10 metres.
(5) Projections into Setbacks	<p>(a) The following features may project into a setback:</p> <ul style="list-style-type: none"> i. unenclosed steps and wheelchair ramps; ii. signs; iii. fences; iv. an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 75% into a front setback or rear setback; v. 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; vi. 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, vii. balconies may project up to 1.5 metres in a front setback or rear setback and may project into a side setback, but must maintain a minimum of 1.2 metres from the side parcel boundary.

3.8.7 **Setbacks for Accessory Buildings:**

(1) Front Setback	Minimum 10 metres.
(2) Secondary Front Setback	Minimum 7.5 metres.
(3) Side Setback	Minimum 3.0 metres.

(4) Rear Setback	Minimum 10 metres.
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3.8.8 **Parcel Coverage** Standards:

(1) Maximum Parcel Coverage	25%
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3.8.9 **Building Height** Standards:

(1) Principal Building	Maximum 14 metres.
(2) Accessory Building	Maximum 7.5 metres.
(3) Additional Building Height Standards	There is no maximum building height for uses listed in subsection 3.8.2(4).

3.8.10 Parking, Loading and Access Standards:

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

3.8.11 **Landscaping** Standards:

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

<p>(1) Screening</p>	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
<p>(2) Fences [Bylaw #16.22]</p>	<p>(a) A fence located in a front yard 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 structure, object, or plant exceeding 1.2 metres in height shall be permitted within the corner visibility triangle.</p>

3.8.13 Additional Standards:

<p>(1) Subdivision</p>	<p>A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.</p>
<p>(2) Stormwater Management</p>	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the rear lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for uses listed in 3.8.2(3) and 3.8.2(4).</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 subsection 3.9.2(4).

3.9.2 Uses:

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	Dwelling Unit – Duplex Dwelling Unit – Multi Unit (Apartment) Dwelling Unit – Multi Unit (Attached) Dwelling Unit – Single Detached Dwelling Unit – Secondary Suite	Dwelling Unit – Manufactured Dwelling Unit – Garden Manufactured Home Park
(2) Lodging	Bed & Breakfast	Campground
(3) Commercial	Artist Studio Home Occupation – Urban Home Occupation – Basic	Restricted Substance Retail Restaurant/Café Retail & Service – General Office

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

3.9.3 Specific *Use* Standards:

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

	<p>façade;</p> <ul style="list-style-type: none"> ix. horizontal wall articulation on the front façade; x. the use of thick columns or brackets on roof overhangs; xi. dormers, gables, cross gables or varied pitches for articulated roof lines; xii. large or bay windows on the front façade, with strong window trim; xiii. architectural features or other detailing over entrances; xiv. changes in exterior siding materials, textures and colors to break up long wall expanses; and, xv. the use of trim and moldings that contrast the exterior siding.
(3.1) Solar Energy System – Rooftop [Bylaw #12.24]	Shall not project more than 1.0 metres above the roof line of any principal or accessory building .
(4) Additional Standards	No use 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 Development Authority .

3.9.4 **Setbacks for Principal Building:**

(1) Front Setback	<ul style="list-style-type: none"> (a) Minimum 3.0 metres. (b) Maximum 6.0 metres.
(2) Secondary Front Setback	<ul style="list-style-type: none"> (a) Minimum 3.0 metres (b) Maximum 6.0 metres.
(3) Side Setback	Minimum 1.2 metres.
(4) Rear Setback	Minimum 6.0 metres.

<p>(5) Projections into Setbacks</p>	<p>(a) The following features may project into a setback:</p> <ul style="list-style-type: none"> i. unenclosed steps and wheelchair ramps; ii. signs; iii. fences; iv. an unenclosed deck, porch or other similar structure, below 0.6 metres in height may project up to 75% into a front setback or rear setback; v. 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; vi. Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres into a front setback or side setback and up to 1.5 metres into a rear setback; and, vii. Balconies may project up to 1.5 metres in a front setback or rear setback and may project into a side setback, but must maintain a minimum of 1.2 metres from the side parcel boundary.
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3.9.5 **Setbacks for Accessory Buildings:**

(1) Front Setback	Principal building front setback plus 1.0 metre.
(2) Secondary Front Setback	Minimum 3.0 metres.
(3) Side Setback	Minimum 1.2 metres.
(4) Rear Setback	Minimum 1.2 metres.

3.9.6 **Parcel Coverage Standards:**

(1) Maximum Parcel Coverage	70%
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(2) Accessory Building	Floor area of an accessory building must not exceed 80% floor area coverage of the principal building [Bylaw #16.22].
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3.9.7 **Building Height** Standards:

(1) Principal Building	Maximum 11 metres.
(2) Accessory Building [Bylaw #16.22]	<ul style="list-style-type: none"> (a) Must not exceed height of principal building. (b) Maximum of 7.5 metres, if associated with a dwelling unit - garden. (c) Maximum 5.0 metres if not associated with a dwelling unit – garden. (d) Must not have overhead doors greater than 3.0 metres in height.
(3) Additional Building Height Standards	There is no maximum building height for uses listed in subsection 3.9.2(4).

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

(1) Bicycle Parking	<ul style="list-style-type: none"> (a) Where bicycle parking is provided for uses listed in subsection 3.9.2(3), bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building. (b) Where bicycle parking is provided for uses listed in subsection 3.9.2(1), bicycle parking shall be located and secured within a principal building or accessory building.
(2) Vehicle Parking	<ul style="list-style-type: none"> (a) There is no minimum required number of parking stalls for any development in the Neighbourhood District. (b) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. (c) Surface parking areas and/or parking structures shall not be allowed unless located on the same parcel as a development. (d) Any parking area having four (4) or more parking stalls that are visible from an

	<p>adjacent parcel or road shall provide and maintain landscaping along the perimeter of the parking area.</p> <p>(e) 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.</p>
(3) Vehicle Access	<p>(a) Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane.</p> <p>(b) Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street.</p> <p>(c) In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the front yard.</p> <p>(d) Parcels shall have two (2) or more access points in order to provide adequate egress in the event of an emergency.</p>

3.9.9 **Landscaping** Standards:

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

(5) Number of Shrubs	The minimum number of shrubs required for a development shall be one (1) shrub per 15 square metres of landscaped area .
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3.9.10 **Screening, Fences, and Hedges:**

(1) Screening	<ul style="list-style-type: none"> (a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes. (b) Outdoor storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.
(2) Fences and Hedges [Bylaw #16.22]	<ul style="list-style-type: none"> (a) A fence or hedge located in a front yard or a secondary front yard 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) [Removed by Bylaw #12.24]. (d) [Removed by Bylaw #12.24]. (e) 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.

3.9.11 Additional Standards:

(1) Subdivision	A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(2) Stormwater Management	<ul style="list-style-type: none"> (a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the rear, the street, and/or a stormwater management system. (b) A stormwater management plan shall be required for all subdivision and development applications for uses listed in the subsection 3.9.2(3) and 3.9.2(4).

3.9.12 [Removed by Bylaw #12.24]

2nd Reading (Draft)

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

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

(1) Car Wash	<p>(a) Minimum site 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) Gas Station	<p>(a) 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).</p> <p>(b) 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.</p> <p>(c) The pumps shall be located a minimum of 4.5 metres from the building.</p>
(3) Dwelling Unit – Manufactured [Bylaw #16.22]	<p>(a) The minimum width of a dwelling unit – manufactured shall be 7.3 metres.</p> <p>(b) Dwelling unit – manufactured constructed greater than ten (10) years from the time of</p>

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

3.10.3 **Setbacks for Principal Buildings:**

(1) Front Setback	Maximum 3.0 metres.
(2) Secondary Front Setback	Maximum 3.0 metres.
(3) Side Setback	Minimum 1.2 metres.
(4) Rear Setback	Minimum 3.0 metres.

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

3.10.4 **Setbacks for Accessory Buildings:**

<p>(1) Front Setback</p>	<p>Principal building front setback plus 1.0 metre.</p>
<p>(2) Secondary Front Setback</p>	<p>Minimum 3.0 metres.</p>
<p>(3) Side Setback</p>	<p>Minimum 1.2 metres.</p>
<p>(4) Rear Setback</p>	<p>Minimum 1.2 metres.</p>

3.10.5 **Parcel Coverage** Standards:

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

3.10.6 **Building Height** Standards:

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

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

(1) Bicycle Parking	<ul style="list-style-type: none"> (a) Where bicycle parking is provided for uses listed in subsection 3.10.2(3), bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building. (b) Where bicycle parking is provided for uses listed in subsection 3.10.2(1), bicycle parking shall be located and secured within the principal building or accessory building.
(2) Vehicle Parking	<ul style="list-style-type: none"> (a) There is no minimum required number of parking stalls for any development in the Neighbourhood Centre District. (b) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. (c) Surface parking areas and/or parking structures shall not be allowed unless associated with a development.

	<p>(d) Any parking area having four (4) or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain landscaping along the perimeter of the parking area.</p> <p>(e) 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.</p>
(3) Vehicle Access	<p>(a) The following regulations apply only to the uses listed in subsection 3.10.2(1):</p> <ul style="list-style-type: none"> i. Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane. ii. Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. iii. In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard. iv. Access to parking areas and/or structures shall be no wider than 6.0 metres adjacent to the front parcel boundary v. Parcels shall have two (2) or more access points in order to provide adequate egress in the event of an emergency.

3.10.8 **Landscaping** Standards:

(1) General Landscaping Standards	For uses listed in subsection 3.10.2(1) the front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area .
(2) Landscaped Area	All portions of a site not covered by structures , parking, or vehicular circulation areas shall be landscaped .

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

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

(1) Screening	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(2) Fences and Hedges [Bylaw #16.22]	<p>(a) A fence or hedge located in a front yard 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) 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 at the discretion of the Development Authority.</p>

3.10.10 Additional Standards:

(1) Subdivision	(a) A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(2) Stormwater Management	(a) Unless otherwise determined by the

	<p>Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the rear lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for the uses listed in subsection 3.10.2(3) and 3.10.2(4).</p>
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2nd Reading (Draft)

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>Dwelling Unit – Duplex</p> <p>Dwelling Unit – Multi Unit (Apartment)</p> <p>Dwelling Unit – Multi Unit (Attached)</p> <p>Dwelling Unit – Secondary Suite</p> <p>Residential Mixed-Use Development</p>	<p>Dwelling Unit – Single Detached</p>
(2) Lodging	<p>Bed & Breakfast</p> <p>Hotel/Motel</p>	
(3) Commercial	<p>Artist Studio</p> <p>Drinking Establishment</p> <p>Entertainment Facility</p> <p>Home Occupation – Urban</p> <p>Home Occupation – Basic</p> <p>Restaurant/Café</p> <p>Retail & Service – General Office</p>	<p>Adult Entertainment</p> <p>Restricted Substance Retail</p> <p>Brewery/Distillery</p>
(4) Institutional	<p>Culture</p> <p>Education</p>	<p>After Life Care</p>

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

3.11.3 Specific *Use* Standards:

(1) [Removed by Bylaw #12.24]	
(2) Hotel/Motel	Vehicle access and parking areas, including any structures , shall not be located between a street and a façade of the building .
(2.1) Solar Energy System – Rooftop [Bylaw #12.24]	Shall not project more than 1.0 metres above the roof line of any principal or accessory building .
(3) Additional Standards	No use 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 Development Authority .

3.11.4 **Setbacks** for **Principal Buildings**:

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

3.11.5 **Setbacks for Accessory Buildings:**

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

3.11.6 **Building Height** Standards:

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

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

(1) Bicycle Parking	<p>(a) Where bicycle parking is provided for uses listed in subsection 3.11.2(3) and 3.11.2(4), bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.</p> <p>(b) Where bicycle parking is provided for uses listed in subsection 3.11.2(1), bicycle parking shall be located and secured within a principal building or accessory building.</p>
(2) Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any development in the Downtown District.</p> <p>(b) Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development, at the discretion of the Development Authority.</p> <p>(c) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible.</p> <p>(d) Surface parking areas and/or parking structures shall not be allowed unless associated with a development.</p> <p>(e) Any parking area having four (4) or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain landscaping along the perimeter of the parking area.</p> <p>(f) 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.</p>

<p>(3) Vehicle Access</p>	<p>(a) Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane.</p> <p>(b) Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street.</p> <p>(c) In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard.</p> <p>(d) Access to parking areas and/or structures shall be no wider than 6.0 metres adjacent to the front parcel boundary.</p> <p>(e) Parcels shall have two (2) or more access points in order to provide adequate egress in the event of an emergency.</p>
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3.11.8 **Landscaping** Standards:

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

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

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

3.11.10 Additional Standards:

<p>(1) Subdivision</p>	<p>A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.</p>
<p>(2) Stormwater Management</p>	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the rear lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for the uses listed in subsection 3.11.2(3) and 3.11.2(4).</p>
<p>(3) Character, Design and Appearance of Buildings [Bylaw #16.22]</p>	<p>(a) 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.</p> <p>(b) Roller shutters must be located on the inside of windows and screened 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 & Service – General</i> <i>Retail & 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 Uses	<i>Accessory Building</i> <i>Solar Energy System — Freestanding</i> <i>Solar Energy System — Rooftop</i> The following signs are considered permitted when associated with an approved Lodging, Commercial, Industrial development on the same parcel : [Bylaw #16.22]	<i>Billboard Sign</i> <i>Freestanding Sign</i> <i>Portable Sign</i> <i>Projecting Sign</i> <i>Rooftop Sign</i> <i>Storage Structure</i>

	A-Board Sign Fascia Sign	
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3.12.3 Specific **Use** Standards:

(1)	[Removed by Bylaw #12.24]	(a) [Removed by Bylaw #12.24]
(2)	Car Wash	<p>(a) Minimum site 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>
(3)	Gas Station	<p>(a) 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.</p> <p>(b) The pumps shall be located a minimum of 4.5 metres from the building.</p>
(3.1)	Solar Energy System – Rooftop [Bylaw #12.24]	Shall not project more than 1.8 metres above the roof line of any principal or accessory building .
(4)	Additional Standards	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 .

3.12.4 **Setbacks** for **Principal Buildings**:

(1)	Front Setback	Minimum 3.0 metres.
(2)	Secondary Front Setback	Minimum 3.0 metres.
(3)	Side Setback	<p>(a) Minimum 3.0 metres.</p> <p>(b) Minimum 6.0 metres where the parcel is adjacent to a residential use.</p>
(4)	Rear Setback	Minimum 6.0 metres.

(5) Projections into Setbacks	(a) The following features may project into a setback : <ul style="list-style-type: none"> i. unenclosed steps and wheelchair ramps; and, ii. signs.
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3.12.5 **Setbacks for Accessory Buildings:**

(1) Front Setback	Minimum 3.0 metres.
(2) Secondary Front Setback	Minimum 3.0 metres.
(3) Side Setback	(a) Minimum 3.0 metres. (b) Minimum 6.0 metres where the parcel is adjacent to a residential use .
(4) Rear Setback	Minimum 6.0 metres.

3.12.6 **Building Height** Standards:

(1) Principal Building	Maximum 14 metres.
(2) Accessory Building	Maximum 7.5 metres.
(3) Additional Building Height Standards	There is no maximum building height for uses listed in subsection 3.12.2(4).

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

(1) Bicycle Parking	Where bicycle parking is provided, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
(2) Vehicle Parking	(a) There is no minimum required number of parking stalls for any development in the Tourism Corridor District. (b) Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development , at the discretion of the Development Authority . (c) Parking areas and/or structures shall be located to the side or rear of a building , or

	<p>underground, wherever possible.</p> <p>(d) Surface parking areas and/or parking structures shall not be allowed unless associated with a development.</p> <p>(e) Any parking area having four (4) or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain landscaping along the perimeter of the parking area.</p> <p>(f) 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.</p>
(3) Vehicle Access	<p>(a) In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the front yard.</p> <p>(b) Vehicle access to parking areas and/or structures shall be no wider than 6.0 metres adjacent to the front parcel boundary.</p> <p>(c) Parcels shall have two (2) or more access points if required for emergency access.</p>
(4) Additional Parking, Loading, and Access Standards	<p>(a) All the uses listed in subsection 3.12.2(3) and 3.12.2(4) shall provide sufficient space and access for loading vehicles to the satisfaction of the Development Authority.</p> <p>(b) All loading areas shall be a minimum of 2.5 metres wide.</p> <p>(c) All loading areas shall provide no less than 3.6 metres overhead clearance.</p> <p>(d) All loading areas shall be hard surfaced if the access is from a street or land which is hard surfaced.</p> <p>(e) Access to all loading areas shall be from a public road, a lane, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting streets or lanes.</p>

3.12.8 **Landscaping** Standards:

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

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

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

3.12.10 Additional Standards:

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

	<p>(b) A stormwater management plan shall be required for all subdivision and development applications for the uses listed in subsection 3.10.2(3) and 3.10.2(4).</p>
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2nd Reading (Draft)

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:**

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

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

(1) Car Wash	<p>Minimum site 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>
(2) Gas Station	<p>(a) 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.</p> <p>(b) The pumps shall be located a minimum of 4.5 metres from the building.</p>
(3) Industrial Uses	<p>Industrial uses on parcels that do not have lane access must provide a minimum 4.5 metre side setback on one (1) side of the parcel.</p>
(4) Work Camp [Bylaw #16.22]	<p>(a) An application for a development permit for a work camp must provide the following information:</p> <ul style="list-style-type: none"> i. the location, type, and purpose of the work camp; 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 current Alberta Private Sewage

	<p>Systems Standard Practice and be to the satisfaction of the health authority; the number of persons proposed to reside in the work camp;</p> <ul style="list-style-type: none"> iii. demonstrated approval from Alberta Environment if the work camp is located on Crown land; iv. the start date of the development, date of occupancy, and removal date of the work camp; and v. reclamation measures once the work camp is no longer needed. <p>(b) A development permit for a work camp shall not be approved unless:</p> <ul style="list-style-type: none"> i. it is directly associated with a development or business situated within the area; ii. it is deemed compatible with surrounding development and uses by the Development Authority; iii. sufficient screening is provided from surrounding uses as determined by the Development Authority; iv. it shall be for a temporary period of time in accordance with the timelines of a work project as specified by the Development Authority; v. all required access provisions are provided to the satisfaction of the Development Authority at the sole cost of the developer vi. the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed and the subject site returned to its original condition upon completion as it was before the work camp was developed.
<p>(5) Industrial – Cannabis Production Facility [Bylaw #16.22]</p>	<p>(a) [Removed by bylaw #12.24]</p> <p>(a) As a condition of development and prior to the operation of the facility, the owner must</p>

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

	<p>estimated operation time frame;</p> <p>iv. reclamation proposals; and,</p> <p>v. any other information considered necessary by the Development Authority.</p> <p>(b) Must be a minimum of 300 metres from an approved dwelling unit 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 Development Authority.</p> <p>(d) Applications within the flood hazard overlay may be referred to the Ministry of Environment and Protected Areas, in order to assist in determining whether river channel integrity or fisheries will be jeopardized by the proposal.</p> <p>(e) The Development Authority may require a letter of credit from a financial institution to guarantee that these requirements are carried out.</p>
(6.1) Solar Energy System – Rooftop [Bylaw #12.24]	Shall not project more than 1.8 metres above the roof line of any principal or accessory building .
(7) Additional Standards [Bylaw #16.22]	<p>(a) No use 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 Development Authority.</p> <p>(b) Storage piles of natural resources less than 4.0 metres in height must be at least 6.0 metres from any right-of-way.</p> <p>(c) Storage piles of natural resources over 4 metres in height must be at least 30 metres from any right-of-way.</p>

3.13.4 **Setbacks for Principal Buildings**

(1) Front Setback	Minimum 6.0 metres.
(2) Secondary Front Setback	Minimum 6.0 metres.
(3) Side Setback	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 6.0 metres.
(4) Rear Setback	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 6.0 metres.
(5) Projections into Setbacks	(a) The following features may project into a setback : <ul style="list-style-type: none"> i. unenclosed steps and wheelchair ramps; and ii. signs.

3.13.5 **Setbacks for Accessory Buildings**

(1) Front Setback	Minimum 6.0 metres.
(2) Secondary Front Setback	Minimum 6.0 metres.
(3) Side Setback	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.
(4) Rear Setback	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.

3.13.6 **Building Height** Standards

(1) Principal Building	Maximum 14 metres.
(2) Accessory Building	Maximum 11 metres.
(3) Additional Building Height Standards	There is no maximum building height for uses listed in subsection 3.13.2(4).

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 principal building , but shall not impede pedestrian circulation or access to the building .
(2) Vehicle Parking	<ul style="list-style-type: none"> (a) There is no minimum required number of parking stalls for any development in the Employment District. (b) Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development, at the discretion of the Development Authority. (c) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. (d) Surface parking areas and/or parking structures shall not be allowed unless associated with a development. (e) Any parking area having four (4) or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain landscaping along the perimeter of the parking area. (f) 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.
(3) Vehicle Access	<ul style="list-style-type: none"> (a) Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. (b) 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.

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

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

3.13.9 **Screening**, Fences, and Hedges

<p>(1) Screening</p>	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
<p>(2) Fences and Hedges [Bylaw #16.22]</p>	<p>(a) A fence or hedge located in a front yard shall be a maximum height of 1.2 metres. Fences within front yards with a height of</p>

	<p>over 1.2 metres may be required to be setback from the road at a distance at the discretion of the Development Authority [Bylaw #16.22].</p> <p>(b) All other fences or hedges shall be a maximum height of 1.8 metres.</p>
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3.13.10 Additional Standards

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

- (1) [Removed by Bylaw #12.24]
- (2) [Removed by Bylaw #12.24]
- (3) [Removed by Bylaw #12.24]
- (4) remove the **sign** copy, while leaving the related structural components, within thirty (30) days from the date of receipt of such notice;
- (5) replace 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 **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].

4.2 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** 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].

2nd Reading (Draft)

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;
- (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,
- (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

- (1) Shall refer, with comments and recommendations, all applications for discretionary uses to the **Municipal Planning Commission**; and,
- (2) May refer any other planning or **development** matter to the **Municipal Planning Commission** for its review, comment, or advice .

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]

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:

- (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]
- (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** 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** 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, 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 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:
- (1) **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:
 - (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]
 - (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** 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 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, 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 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;
- (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**, 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**.

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

2nd Reading (Draft)

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.

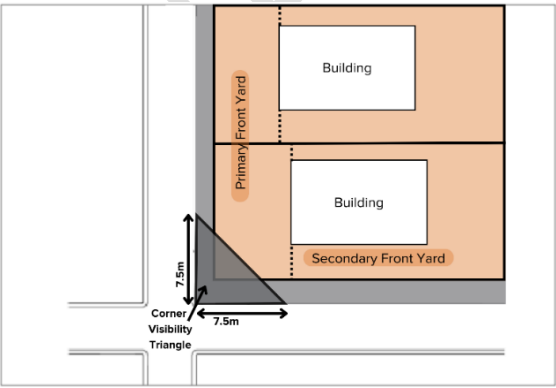
6.2 DEFINITIONS

A	
A-Board Sign	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.
Access	means the area and method by which persons and/or vehicles shall have sufficient ingress and egress to a parcel or dwelling unit .
Accessory Building	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 .
Accessory Building – Portable [Bylaw #18.21]	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 .
Act	means the <i>Municipal Government Act</i> , RSA 2000 c. M-26 as amended from time to time, and its successor legislation.
Adaptive Fill [Bylaw #16.22]	means a temporary fill material placed by the Town during a flood emergency to close gaps in existing berms and bring them to the flood construction level plus freeboard .
Adjacent	means land that is contiguous or would be contiguous if not for a public road , railway, reserve land , utility right-of-way , river, or stream.
Adult Entertainment	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.

After Life Care	means a development 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 use does not include a cemetery .
Agriculture – General	means a development 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 confined feeding operations .
Agriculture – Intensive	means a development for the growing of crops primarily within a building and/or structure for the purpose of commercial food production. This does not include confined feeding operations .
Agriculture – Pasturage	means a use limited to the limited to the grazing and keeping of livestock.
Alberta Private Sewage Disposal System Standard of Practice [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.
Applicant	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 Bylaw .
Area Redevelopment Plan	means a Statutory Plan adopted by bylaw as an Area Redevelopment Plan pursuant to the Act .
Area Structure Plan	means a Statutory Plan adopted by bylaw as an Area Structure Plan pursuant to the Act .
Artist Studio	means small-scale, on-site production of goods by hand manufacturing. Typical uses 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	
Balcony	means a horizontal platform that is attached to a building above the first-storey level and is intended for use as an outdoor amenity space.

Bed & Breakfast	means a dwelling unit that is occupied by the property owner or manager and provides overnight accommodation for a fee in rooms with no in-room cooking facilities.
Bench	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). Bench lands typically have a slope of between 1% and 15% and a valley edge may have more than one bench at different elevations.
Bench Sign [Bylaw #18.21]	means a sign 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 site where the bench sign is located.
Billboard Sign [Bylaw #18.21]	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 .
Brewery/Distillery [Bylaw #18.21]	means a facility licensed by the Alberta Gaming and Liquor Commission (AGLC) 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 brewery/distillery 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 drinking establishment .
Building	means anything constructed or placed on, in, over, or under land, but does not include a highway or road or a bridge forming part of a highway or road .
Building Height	means the vertical distance measured from the finished grade to the highest point of a building . Building height does not include any accessory roof structure 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 building .
Building Permit	means a permit authorizing construction in accordance with the Safety Codes Act .

Bylaw	means the Town of Drumheller Land Use Bylaw 16.20 as amended from time to time.
Bylaw Officer	means a person appointed by the Town to enforce the provisions of this Bylaw , and includes a member of the Royal Canadian Mounted Police (RCMP) and a Community Peace Officer.
C	
Campground	means a development for the purpose of providing <u>temporary</u> accommodation for recreational vehicles or tents.
Cannabis [Bylaw #16.22]	means cannabis plant, fresh cannabis, dried cannabis , cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the <i>Cannabis Act</i> , S.C. 2018, c.16 and its regulations, as amended from time to time and includes cannabis products that are ingested or applied as a topical.
CAO	means the Chief Administrative Officer of the Town as appointed by Council .
Car Wash	means an establishment for the washing of vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.
Cemetery	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 <i>Cemeteries Act</i> , R.S.A. 2000, Chapter C-3 as amended from time to time, and its successor legislation.
m³/s	cubic metres per second (river flow rate).
[Removed by Bylaw #12.24]	
Concept Plan	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 .
Confined Feeding Operation	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 <i>Agricultural Operations Practices Act</i> RSA 2000 Chapter A-7) through the Natural Resources Conservation Board (NRCB).
Corner Parcel	means a parcel at the intersection of two (2) roads , excluding lanes .
Corner Visibility Triangle [Bylaw #16.22]	means a triangular area formed on the corner parcel by the two (2) street property lines and a straight line which intersects them at 7.5 metres from the corner where they meet. 
Council	means the Council of the Town of Drumheller.
Culture	means a development used by one or more organizations for arts, religion, community and/or cultural activities, but does not include an entertainment facility .
D	
Day Home	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 <i>Early Learning and Child Care Act</i> , RSA 2007 Chapter E-0.1.

Deck [Bylaw #18.21]	means an uncovered horizontal structure at or below the main floor level of a building that is intended for use as an outdoor amenity space, but does not include a balcony .
Density	means the number dwelling units allows for each parcel .
[Removed by Bylaw #12.24]	
Design Flood	means a flood event that results in a river flow rate of 1,850 m ³ /s.
[Removed by Bylaw #12.24]	
Development	means: <ul style="list-style-type: none"> (a) an excavation or stockpile and the creation of either of them; (b) a building or an addition to, or replacement or repair of a building, and the construction or placing of any of them on, in, over, or under land; (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
Development Agreement	means a legal agreement between the applicant for a development permit and the Town committing to the provision of any matter required by a condition of the development permit .
Development Authority	means the person or persons appointed pursuant to the Act that has been authorized to exercise development powers on behalf of the Town .
Development Officer	means the position established pursuant to Section 5.2 of this Bylaw .

Development Permit	means a permit that is issued in accordance with Part 5 of this Bylaw and authorizes a development .
Direct Control District [Bylaw #12.24]	means a land use designation for parcels that, because of unique characteristics or innovative design, requires specific regulations unavailable in other land use districts .
Discretionary Use [Bylaw #18.21]	means a use of land, buildings , or structures for which a development permit may be issued with or without conditions, at the discretion of the Development Authority .
Driveway	means a vehicle access route between a road and a use on a parcel .
Drinking Establishment [Bylaw #16.22]	means a use 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 restricted substance retail and may include the preparation of food for the consumption on the premises
Dwelling Unit [Bylaw #12.24]	means a: (e) dwelling unit – duplex ; (f) dwelling unit – manufactured ; (g) dwelling unit – multiple unit (apartment) ; (h) dwelling unit – multiple unit (attached housing) ; (i) dwelling unit – single-detached ; (j) dwelling unit – secondary suite ; and (k) dwelling unit – garden .
Dwelling Unit – Duplex	means a single building containing two dwelling units 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.
Dwelling Unit – Manufactured [Bylaw #16.22]	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.

[Removed by Bylaw #12.24]	
Dwelling Unit – Multiple Unit (Apartment) [Bylaw #16.22]	means a residential building comprising three (3) or more dwellings with shared entrances and other essential facilities and services.
Dwelling Unit – Multiple Unit (Attached Housing) [Bylaw #16.22]	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 . (
Dwelling Unit – Single Detached [Bylaw #16.22]	means a building designed and built to only contain one dwelling.
Dwelling Unit – Secondary Suite [Bylaw #16.22]	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 .
Dwelling Unit – Garden [Bylaw #16.22]	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.
E	
Education	means a development providing places of public or private learning for any age. This includes licensed childcare facilities.
Entertainment Facility [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 adult entertainment .
F	
Fascia Sign [Bylaw #18.21]	means a sign attached to, marked, or inscribed on

	and parallel to the face of a building wall but does not include a billboard sign .
Finished Grade	means the ground elevation determined by averaging the finished level of the ground adjacent to the foundation of the principal building .
Flood Construction Level	means the required elevation of the underside of a wooden floor system or top of a concrete slab for habitable buildings that is calculated from the specified elevation of the design flood of a flow rate of 1,850 m³/s .
Flood Mitigation Structure	means structural measures that reduce the risk of flooding and potential damage that could result from a flood.
Floor Area	means the total area of all floors in a building .
Freeboard [Bylaw #16.22]	means additional height added to a flood mitigation structure to account for level of accuracy of the flood model, debris jams, sediment deposition and super elevation of the river during a flood event.
Freestanding Sign [Bylaw #18.21]	means a sign that is supported independently of a building wall or structure , but does not include a billboard sign .
Front Parcel Boundary	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 .
Front Setback	means the distance between a building façade and the front parcel boundary . A front setback is not a front yard .
Front Yard	means a yard extending across the full width of a parcel from the front parcel boundary to the front façade of the principal building .
Flood Hazard Area [Bylaw #16.22]	means the flood hazard area 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 flood hazard area is comprised of the floodway, flood fringe, high hazard flood fringe and protected flood fringe areas.

Floodway [Bylaw #16.22]	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.
Flood Fringe [Bylaw #16.22]	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 .
G	
Gas Station	means a business engaged in the sale of vehicle fuel and ancillary products.
Government	means a development 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 education facilities.
Government of Alberta Flood Hazard Maps [Bylaw #12.24]	means the maps demonstrating the risk of flooding within the Town . The maps can be accessed at floods.alberta.ca .
Grade	means the ground elevation established for the purpose of regulating building height . Grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be the finished ground elevation adjacent to the wall of the building at the lowest finished elevation of the property.
H	

Habitable Area	means any space or room, that can be used for dwelling purposes, business, or the storage of goods susceptible to damage by flood.
Hard Landscaping	means the use of non-vegetative material, including but not limited to concrete, paving stone, asphalt, or gravel, as part of a landscaped area .
Hard Surface	means asphalt, concrete, paving stone, or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area.
Health Services	means a development providing medical and health care services on both an inpatient and an outpatient basis, or provincially licensed extended medical care, but does not include restricted substance retail .
High Hazard Flood Fringe [Bylaw #16.22]	those lands within the flood fringe with deeper (typically > 1m) or faster moving water than the rest of the flood fringe .
Historic Resource	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 site, structure , or object, as set out by the Historical Resources Act .
Historical Resources Act [Bylaw #12.24]	means the <i>Historical Resources Act</i> , RSA 2000, c H-9, as amended from time to time, and its successor legislation.
Home Occupation [Bylaw #12.24]	means an accessory use by a resident of a dwelling unit for small-scale business activities that do not adversely affect the residential character of the property.
Home Occupation - Basic	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 .
Home Occupation - Rural	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 .
Home Occupation - Urban	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 .
Hotel/Motel	means a facility that offers lodging that is not within a dwelling unit .
Human Services	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.
I	
Infill [Bylaw #18.21]	means the insertion of new development into an existing subdivision 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 road to reach the site .
Industrial – Cannabis Production [Bylaw #16.22]	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 <i>Cannabis Act</i> , S.C. 2018, c.16.
Industrial – Heavy [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 parcel boundaries of the property. This use may include natural resource extraction .
Industrial – Light [Bylaw #16.22]	means the manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, or any industrial activities primarily within a building and does not

	produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts. This use may include food production.
Intermunicipal Subdivision and Development Appeal Board Bylaw [Bylaw #12.24]	means the Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21, as amended from time to time, and its successor legislation.
K	
Kennel	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.
L	
Land Titles Act [Bylaw #12.24]	means the <i>Land Title Act</i> , RSA 2000, c L-4, as amended from time to time, and its successor legislation.
Landscaped	means the enhancement of a parcel by the addition of topsoil, trees, shrubs, turf, grass, other vegetative material, or non-vegetative material.
Landscaped Area	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 building, decks, patio, sidewalk, driveway , parking area, or similar hard landscaping .
Land Use District [Bylaw #12.24]	means the areas within the jurisdiction of the Town that have been delineated in Section 2 of this Bylaw , and in accordance with the Act .
Lane	means a secondary access located to the side or rear of a parcel and provides access to service areas, parking, accessory buildings , and may contain public utility easements.
Loading Area	means an area on the same parcel as a commercial building for the temporary parking of a commercial vehicle while goods and materials are being loaded or

	unloaded.
M	
Manufactured Home Park [Bylaw #16.22]	means a parcel of land under one Certificate of Title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include accessory uses, including; convenience stores, parking facilities and other services.
Municipal Planning Commission	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.
Mural [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 mural shall be approved by the Town in accordance with Town policies.
N	
Natural Resource Extraction [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.
Non-Conforming Building	means a building : (a) That is lawfully constructed or lawfully under construction at the date this Bylaw becomes effective; and (b) That on the date this Bylaw becomes effective does not, or when constructed will not, comply with this Bylaw .
Non-Conforming Use	means a lawful specific use : (a) Being made of land or a building or intended to be made of land or a building lawfully under construction at the date this Bylaw becomes effective; and (b) That on the date this Bylaw becomes effective

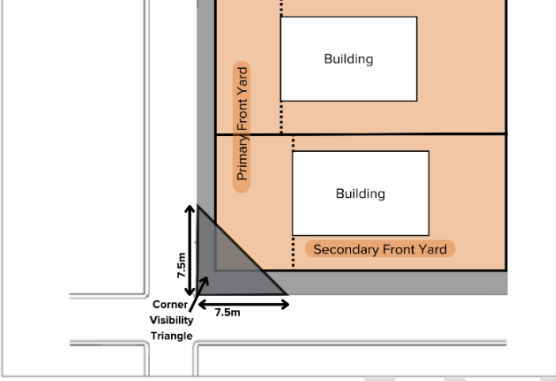
	does not, or in the case of a building under construction, will not, comply with this Bylaw .
Nuisance	means an activity or effect that is offensive to the sense, including smoke, airborne emissions, vapours, odours, noise, earthborn vibrations, glare, flashing light, heat, dust, unsightly or unsafe 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 building , whether public or private.
O	
Office	means a development that includes premises available for the transaction of general business.
Outdoor Storage	means the keeping of materials, goods, or vehicles on-site for a timeframe exceeding twenty-four (24) hours.
Overlay	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 .
P	
Parcel	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.
Parcel Boundary	means the boundary that legally and geometrically demarcates a parcel , also known as a property line.
Parcel Coverage	means the cumulative coverage of all covered buildings on a parcel .
Patio [Bylaw #18.21]	means an uncovered horizontal structure with a surface height, at any point, no greater than 0.60 metres above grade and is intended as an outdoor amenity space.

Permitted Use [Bylaw #18.21]	means a use of land, building , or structures for which a development permit shall be issued, with or without conditions, by the Development Authority .
Porch	means an unenclosed covered structure forming an entry to a building .
Portable Sign	means a sign which is not in a permanently installed or affixed position, but does not include an a-board sign
Principal Building or Principal Use	means the use or building on a parcel that occupies the major or central portion of a parcel and constitutes the principal purpose for which the parcel is used. Principal uses may be located within a building , or portion of a building that is separated structurally from other uses within the same building . One or more principal uses may occur on a parcel .
Projecting Sign	means sign which projects from a structure or a building face.
Projection	means any structural or architectural element, building feature, or other object that juts out, overhangs, or protrudes into the prescribed setback .
Protected Flood Fringe [Bylaw #16.22]	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.
Provincial Offences Procedures Act [Bylaw #12.24]	means the <i>Provincial Offences Procedures Act</i> RSA, c P-34, as amended from time to time, and its successor legislation.
Public Utilities	means systems and facilities associated with water, sewage, power, heating and cooling, energy, waste, transportation, telecommunications, and any municipal flood mitigation structure .
Q	

<p>Qualified professional [Bylaw #18.21]</p>	<p>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.</p>
<p>R</p>	
<p>Rear Parcel Boundary</p>	<p>means the parcel boundary of a parcel which is opposite the front parcel boundary.</p>
<p>Rear Setback</p>	<p>means the distance between any development, building, or structure and the rear parcel boundary. A rear setback is not a rear yard.</p>
<p>Rear Yard</p>	<p>means a yard extending across the full width of a parcel from the rear parcel boundary to the rear facade of the principal building.</p>
<p>Recreation – Intensive</p>	<p>means a development for leisure activities requiring indoor and/or outdoor facilities, including but not limited to, parks, swimming pools, gyms, arenas.</p>
<p>Recreation – Non-Intensive</p>	<p>means leisure activities that require little to no alteration or formal development of a parcel for public or private enjoyment. This use 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.</p>
<p>Recreation Vehicle</p>	<p>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.</p>
<p>Recreation Vehicle Resort</p>	<p>means a parcel designed, developed, maintained, and capable of providing accommodation on a temporary, seasonal, or permanent basis, for recreation vehicles.</p>
<p>Reserve Land [Bylaw #12.24]</p>	<p>means any parcel designated as municipal reserve,</p>

	environmental reserve, municipal and school reserve, school reserve, conservation reserve, or community services reserve, as defined in the Act or noted as community reserve on a Certificate of Title.
Residential Land Use District [Bylaw #12.24]	means: (a) Neighbourhood District; (b) Neighbourhood Centre District; and, (c) Downtown District.
Residential Mixed-Use Development [Bylaw #12.24]	means a development that has both a residential and commercial use within a shared building , with the commercial use located on the ground floor. A Residential Mixed-Use Development may contain any of the commercial uses listed as permitted or discretionary for the respective land use district where the Residential Mixed-Use Development is located.
Residential Use [Bylaw #12.24]	means a particular usage that falls under the residential use category designated for each specific Land Use District .
Responsible Pet Ownership Bylaw [Bylaw #12.24]	means the Responsible Pet Ownership Bylaw 06.13, as amended from time to time, and its successor legislation.
Restaurant/Café	means a development where prepared food and beverages are offered for sale to the public for consumption on-premises or off-premises.
Restricted Substance Retail	means a retail establishment licensed under the Alberta Gaming and Liquor Commission for the sale of liquor or cannabis for consumption off-premises.
Retail & Service – General	means a development 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.
Retail & Service – Heavy [Bylaw #16.22]	means a development with permanent outdoor display, service, and/or storage areas. Including, but not limited to storage and warehousing facilities, vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, vehicles, watercraft, and/or outdoor

	structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment.
Right-of-Way	means the total width of any land reserved or dedicated as a thoroughfare, lane , pedestrian way, or utility line.
Road	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 street), and includes a bridge forming part of a public road and any structure incidental to a public road.
Rooftop Sign	means a sign affixed to or placed on a building and extending in whole or in part above the vertical walls or parapet of the building ; or the top of a canopy, awning, or other similar appurtenance of the building .
S	
Safety Codes Act [Bylaw #12.24]	means the <i>Safety Codes Act</i> , RSA 2000, C. S-1 as amended from time to time, and its successor legislation.
Screening	means some combination of structural and/or landscaping features used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.
Secondary Front Parcel Boundary	means a side parcel boundary that forms the boundary of a parcel and a road right-of-way .
Secondary Front Setback	means the distance between any development , building , or structure and the secondary front parcel boundary .
Secondary Front Yard [Bylaw #16.22]	means a yard extending across the full width of a parcel from the secondary front parcel boundary of the parcel to the wall of the principal building .

	
Setback	means the minimum distance required between a development and a parcel boundary or any other features specified by this Bylaw .
Setback Area	means the area of a parcel between the parcel boundaries and the walls of the building or structure , as required by the applicable Land Use District in this Bylaw .
Side Setback	means the distance between any part of a development, building, or structure and the side parcel boundary . A side setback is not a side yard .
Side Parcel Boundary	means the boundary of a parcel which connects the front parcel boundary with the rear parcel boundary .
Side Yard	means a yard extending from the front yard to the rear yard situated between the side parcel boundary of the parcel and the wall of the principal building , not including projections .
Sign	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 .
Site	means an area of land on which a building or use exists or for which an application for a development

	permit is made and can comprise more than one parcel .
Slope Stability	<p>Slope stability refers to the condition of inclined soil or rock slopes to withstand or undergo movement</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>(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.</p>
Soft Landscaping	means the use of vegetative material as part of a landscaped area .
Solar Energy System – Freestanding [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy which is placed on the ground.
Solar Energy System – Rooftop [Bylaw #12.24]	means a device and accessories designed to convert solar radiation into electrical or thermal energy mounted to the roof of a building or structure .
Stop Order	means an order issued by the Development Authority pursuant section 5.25 of this Bylaw and Section 645 of the Act .
Storage Structure [Bylaw #18.21]	means a structure in the form of a shipping container, trailer or other structure .
Stormwater Management	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.
Stormwater Management Plan	means a plan that indicates pre- and post- development drainage systems including any required stormwater management features.
Street	means any public road , including the boulevards, sidewalks and improvements, but excluding a lane , bridge or walkway.
Structural Alteration	means altering the main building components that support a building , including but not limited to the roof, foundation, or exterior walls of a structure , that results in the expansion of the useable floor area of a structure or reduces existing setback areas .
Structure	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.
Subdivision	means the division of a parcel into one or more smaller parcels by a plan of a subdivision or other instrument.
Subdivision Agreement	means a legal agreement between the applicant for a subdivision and the Town committing to the provision of any matter required by a condition of the subdivision approval.
Subdivision and Development Regulations	means the Subdivision and Development Regulation, A/R 84/2022, as amended from time to time, and its successor legislation.
Subdivision Authority	means the persons appointed pursuant to the Act that have been authorized to exercise subdivision powers on behalf of the Town .
Subdivision and Development Appeal Board	means the body established by Council pursuant to the act to act as the appeal body for appeals against development permit decisions, subdivision decisions, and stop orders .
T	
Temporary Barriers [Bylaw #12.24]	means adaptive fill or any other structure temporarily installed during a flooding event in accordance with the Town's Emergency Response Plan.

[Removed by Bylaw #12.24]	
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.
U	
Use	means the purpose or activity for which a parcel or a building is designed, arranged, developed, or intended, or for which is occupied or maintained.
Use Area	means the entire floor area of a building or a portion of a building that is occupied by a specific use .
W	
Wind Energy System	means a structure designed to convert wind energy into mechanical or electrical energy.
Work Camp [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.
Window Sign [Bylaw #16.22]	means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.
Y	
Yard	means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided for in this Bylaw .



Town of Drumheller

Land Use Bylaw

Bylaw: 16.20 | December 7, 2020

Consolidated to include amendments to March 2023



Amendments to Land Use Bylaw 16.20

Bylaw No.	Date (Third Reading)	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"> - Dwelling Unit types - Murals - Industrial Uses within the Employment District - Manufactured Home Parks - Discretionary Uses 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

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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 **development** of land and **buildings** in the Town of Drumheller pursuant to Part 17 of the **Act**. 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 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 Document** does not align with this 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.

2 Maps and Overlays

2.1 LAND USE MAPS

2.1.1 The **Town** is hereby divided into the following 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 <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 boundary shown as approximately following a **parcel boundary** shall be deemed to follow the **parcel boundary**;
- (2) A boundary shown as following a **road, lane**, railway, stream, or canal shall be deemed to follow the centre line thereof;

- (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
- (4) A boundary location which cannot be resolved shall be referred to the **Development Authority** to decide on the boundary location.

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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 indicated on the maps provided in this section of the **Bylaw**.

2.3 DEVELOPMENT OPPORTUNITY OVERLAY

2.3.1 General Intent

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** and **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

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

Parcel width	No minimum
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2.4.3 **Setbacks** for **Principal Buildings**

Front Setback	Minimum 6 metres
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Secondary Front Setback	Minimum 4.5 metres
Side Setback	Minimum 1.5 metres
Rear Setback	Minimum 7.5 metres

2.4.4 **Setbacks for Accessory Buildings**

Front Setback	Minimum 6 metres
Secondary Front Setback	Minimum 4.5 metres
Side Setback	Minimum 1 metre
Rear Setback	Minimum 7 metres

2.4.5 **Parcel Coverage Standards**

Parcel coverage	No maximum
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2.4.6 **Building Height Standards**

Principal Building	Maximum 11 metres
Accessory Building	Maximum 7.5 metres

2.5 FLOOD HAZARD AREAS

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

2.5.2 **General Intent**

To identify lands within the **Town** that are susceptible to flooding during high water events and to regulate the **use** and **development** of land within areas susceptible to flooding.

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 (floods.alberta.ca) 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 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**

2.5.3 Floodway Use and Regulations [Bylaw #16.22]

- (1) For **parcels** located in the **Floodway** on which a **building** exists and the use of that **parcel** have been previously approved, the use may continue as a **permitted** or **discretionary use** provided that the **use** is listed in the land use district that the **parcel** is 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;** and
 - b) **Recreation – Non-Intensive.**
 - c) **Natural Areas**
 - d) **Parks;**
 - e) **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, 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**; and
- ii. The renovation does not create a new **Dwelling Unit**.
- 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 #16.22]

- (1) For lands within the **Flood Fringe** and **High Hazard Flood Fringe**, the permitted **uses** and **discretionary uses** listed in the underlying Land Use District shall apply.
- (2) All **buildings** shall be designed and constructed with the first-floor elevation at or above the **flood construction level**.
- (3) 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**.
- (4) **Building** height shall be measured from the specified elevation of the **flood construction level**.
- (5) An application for a **development permit** for a **parcel** located within the **Flood Fringe** must be accompanied by a report prepared by a qualified professional demonstrating how the regulations of the Flood Hazard and the **Flood Construction Level** are met.
- (6) All **buildings** must be set back **6.0 metres** from the edge of the **Floodway**.
- (7) Only those goods that are easily moveable may be stored on a **parcel** in the **Flood Fringe**.

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.

- (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).

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

General Intent

These areas include lands within either the **Floodway** or **Flood Hazard**, protected by a permanent berm and may also include areas protected by planned temporary adaptive measures provided by the Town of Drumheller. **Protected Flood Fringe** areas may be updated at the discretion of the Town of Drumheller as berms are constructed.

- (1) For lands within the **Protected Flood Fringe**, the permitted uses and discretionary uses listed in the underlying Land Use Districts shall apply.
- (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**.

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 (floods.alberta.ca);

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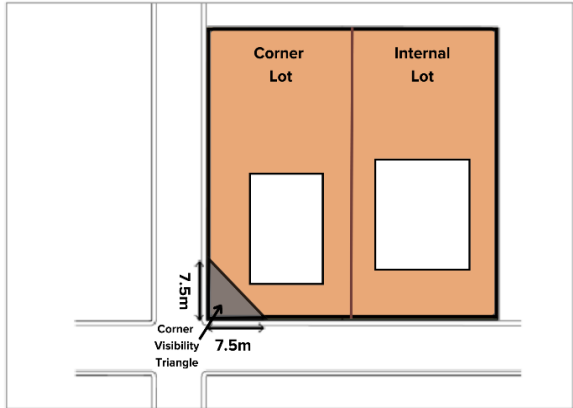
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3 Land Use Districts

3.5 RULES THAT APPLY TO ALL LAND USE DISTRICTS

3.5.1 Specific *Use* Standards

<p>(1) Accessory Buildings</p>	<p>(a) No Accessory Building shall be used as a Dwelling Unit unless the building meets the requirements of the Alberta Safety Codes Act.</p> <p>(b) A structure which is attached to the principal building by a roof, floor, or a foundation is not an Accessory Building, it is considered part of the principal building and shall comply with all requirements applicable to the principal building.</p> <p>(c) No Accessory Buildings or uses shall be located in the Front Yard of a residential district. The Development Authority may permit the development of an Accessory Building and/or use in the front yard under special circumstances dictated by site conditions.</p> <p>(d) An accessory building shall be located at least 2 meters from any principal building.</p>
<p>(2) Accessory Buildings – Portable [Bylaw #18.21]</p>	<p>(a) Shall meet the setback requirements for an Accessory Building in the appropriate district, while meeting all the requirements of the Alberta Safety Code.</p> <p>(b) Accessory Buildings – Portable may only be erected between October- April unless otherwise approved by the Development Authority shall not exceed 18 sqm lot coverage</p>
<p>(3) Adult Entertainment</p>	<p>(a) The maximum use area for Adult Entertainment is 550 square metres.</p> <p>(b) Shall not include any exterior display related to the use.</p>
<p>(4) Bed & Breakfast</p>	<p>(a) May be developed only in a Dwelling Unit;</p> <p>(b) 1 Sign is permitted, in accordance with Part 4.</p>
<p>(5) Campground</p>	<p>(a) Where possible, existing topography and natural features such as tree stands shall be integrated in the site design;</p>

	<p>(b) The whole site perimeter shall be landscaped sufficiently at the discretion of the Development Authority.</p>
<p>(6) Drive Through Facility</p>	<p>(a) May have outdoor speakers provided they are:</p> <ul style="list-style-type: none"> i. Not located within 20 metres of a parcel boundary of any parcel designated Neighbourhood District, Neighbourhood Centre District, or Countryside District; or ii. Separated from a parcel boundary of any parcel designated Neighbourhood District, Neighbourhood Centre District, or Countryside District by a building. iii. Appropriately screened and/ or designed so that the noise from the speaker does not adversely affect adjacent residential land uses at the discretion of the approving authority. <p>(b) Drive through aisles shall be appropriately screened from adjacent residential land uses;</p> <p>(c) Shall not have any drive through aisles in a setback area;</p> <p>(d) Shall not have pedestrian access that crosses a drive through aisle; and</p> <p>Shall provide queuing space for 5 vehicles on site per order board or order window at the discretion of the Development Authority [Bylaw #16.22]</p>
<p>(7) Fences [Bylaw #16.22</p>	<p>(a) Unless otherwise approved, no fence, wall, tree, hedge or other structure, object, or plant exceeding 1.2m in height shall be permitted within the Corner Visibility Triangle.</p> 

	<p>(b) In all district's materials used to construct fences can be wood, brick, stone, concrete, metal, vinyl, or other professionally finished materials at the discretion of the Development Authority.</p> <p>(c) Barbed wire and/or electric fences are prohibited in all Residential Districts and for all other land use districts shall be considered at the discretion of the Development Authority.</p> <p>(d) Fences shall not alter or disrupt the drainage pattern as established in the approved surface drainage plan.</p>
<p>(8) Home Occupation - Basic</p>	<p>(a) Shall not employ any person not residing in the Dwelling Unit.</p> <p>(b) No client or customer visits are permitted;</p> <p>(c) The Home Occupation - Basic shall be contained within the principal building;</p> <p>(d) Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and</p> <p>(a) No Signs are permitted.</p>
<p>(9) Home Occupation - Rural</p>	<p>(a) Shall not employ more than ten people not residing in the Dwelling Unit;</p> <p>(b) May include a day home;</p> <p>(c) Outdoor storage of materials, commodities, or finished products related to the use is permitted; and</p> <p>(d) 1 Sign is permitted, in accordance with Part 4.</p> <p>(e) A development permit for a Home Occupation - Rural may be revoked at any time if, in the opinion of the Development Authority, the operator of the Home Occupation - Rural has violated any provisions of the Bylaw and/or the conditions of the development permit.</p> <p>(e) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location. [Bylaw #18.21]</p>
<p>(10) Home Occupation - Urban</p>	<p>(a) Shall not employ more than four people not residing in the Dwelling Unit;</p> <p>(b) May include a day home.</p>

	<p>(c) Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and</p> <p>(d) 1 Sign is permitted, in accordance with Part 4.</p> <p>(e) A development permit for a Home Occupation - Urban may be revoked at any time if, in the opinion of the Development Authority, the operator of the Home Occupation - Urban has violated any provisions of the Bylaw and/or the conditions of the development permit.</p> <p>(f) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location. [Bylaw #18.21]</p>
(11) Industrial Uses	<p>(f) Industrial uses on parcels that do not have lane access must provide a minimum 4.5 metre side setback on one side.</p>
(12) Kennel	<p>(a) Must be a minimum of 150 metres from an approved Dwelling Unit at the time of approval of the kennel use unless the Dwelling Unit is located on the same parcel as the Kennel [Bylaw #16.22]</p> <p>(b) A development permit for a kennel shall only be approved for a term not exceeding three years.</p> <p>(c) Upon expiration of a development permit, a new application shall be evaluated with consideration of any prior complaints and/or nearby intensification of residential areas.</p> <p>(d) All animals to be kept indoors during quiet hours of the Town of Drumheller Community Standards Bylaw.</p>
(13) Recreation Vehicle Resort	<p>(a) Where possible, existing topography and natural features such as tree stands shall be integrated in the site design;</p> <p>(b) The whole site perimeter shall be landscaped sufficiently at the discretion of the Development Authority.</p> <p>(c) No recreation vehicle shall be located elsewhere than on a designated recreation vehicle lot.</p> <p>(d) Only 1 recreation vehicle is permitted to be located on a designated recreation vehicle lot.</p>

	<ul style="list-style-type: none"> (e) A designated recreation vehicle lot shall be a minimum 140 square metres in size. (a) A maximum of 62 designated recreation vehicle lots shall be permitted per gross developable hectare.
(14) Restricted Substance Retail [Bylaw # 18.21]	<ul style="list-style-type: none"> (a) Shall comply with all Provincial requirements. (b) Restricted Substance Retail for the sale of liquor shall not be located closer than 150 metres to any school at the time of the Development Permit application as measured from the closest point of the subject Parcel boundary to the closest point of proposed Parcel boundary. (f) Restricted Substance Retail for the sale of liquor not be located within 300 metres of any other liquor store, when measured from the closest point of an existing liquor store to the closest point of the proposed liquor store.
(15) Storage Structure [Bylaw #18.21]	<ul style="list-style-type: none"> (a) A Storage Structure shall meet the setback requirements for an Accessory Building in the appropriate district. (b) A Storage Structure shall not be permitted in residential parcels or where the primary land use of a parcel is residential. (c) A storage structure shall be screened from view and may require exterior finishing to be in general conformance with the principal building or surrounding development. (d) Shall not be used as a Sign. (e) A Storage Structure may be approved on a temporary basis at the discretion of the Development Authority. A Storage Structure shall be for cold storage only and shall not connect to utilities [Bylaw #16.22]
(16) Tourist Dwelling	<ul style="list-style-type: none"> (a) May be developed only in a Dwelling Unit; (b) An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied; (c) No Signs are permitted. (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>(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"> i. no cooking facilities in guest rooms; 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; iii. window compulsory for guest room; iv. sanitation and potable water as required by Health Unit; v. smoke alarms required for each level of buildings; and vi. portable fire extinguisher required for each level of building.
(17) Solar Energy System	(a) A Solar Energy System attached to a building shall not extend beyond the outermost edge of the roof or wall to which it is mounted.
(18) Tourist Dwelling	<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.</p> <p>(c) Maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the Development Authority.</p>
(19) Wind Energy System	(e) Wind Energy Systems shall not exceed 25 metres in height unless otherwise approved by the Development Authority .

3.5.2 **Development** Near Steep Slopes

<p>(1) Sloped Areas</p>	<p>(a) For hummocks, buttes, or other isolated land projections, slopes of greater than 20% are considered unsuitable for development unless otherwise determined by the Development Authority.</p> <p>(b) 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>(c) These sloped area definitions are meant as thresholds to identify sites that require more specific analysis to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this are classified as suitable for development 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 grades 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>(a) 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. 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</p>

	<p>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>(b) 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 development adjacent to river valley, bench and coulee slopes; unless otherwise determined by the Development Authority.</p> <p>(b) For any proposed development adjacent to river valley, bench and coulee slopes proposing a relaxation of the Town’s default setbacks from the toe or crest of a slope, a geotechnical slope assessment report is required; with no exceptions.</p> <p>(c) For any development proposing a relaxation of the Town’s default setbacks 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-development slope stability in terms of FS; which supports the proposed development plans. The report must provide geotechnical recommendations for development of the property to ensure these FS conditions are maintained.</p>
<p>(5) Setbacks</p>	<p>(a) For proposed developments, two levels of top-of-slope and/or toe-of slope setbacks</p>

	<p>must be determined in the geotechnical slope assessment report:</p> <ul style="list-style-type: none"> i. Urban Development Setbacks (UDS). For top-of-slope development 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 development; and ii. Structural Building Setbacks (SBS). Structures 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 structure is “set back” a distance from the crest to provide this factor of safety. <p>(b) Default UDS setbacks have been developed. The intent of these setbacks is to provide a conservative starting point for development planning. The Development Authority may relax the default UDS setbacks established in subsections 3.1.2(e) and 3.1.2(f) if it is satisfied the findings of the developers geotechnical report(s) confirm that the reduced setbacks will not impact slope stability.</p>
<p>(6) Default UDS Setbacks from Toes of Slopes</p>	<p>(a) Unless otherwise determined by the Development Authority, setbacks from toes of slopes shall be as follows:</p> <ul style="list-style-type: none"> i. Intensive Land Use 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 setback from the point where begins to rise steeper than 33% shall be one-third of the height of the slope; and ii. Extensive Land Use A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 15.2 metres. Lanes and utilities may be constructed within the setback area.

	<p>(b) The Development Authority may relax the required setbacks 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 setbacks will not impact slope stability. Applicants 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 Setbacks from Valley or Coulee Breaks (top of the escarpment)</p>	<p>(a) The following default setbacks for property lines from front edge top of the escarpment (i.e. crest) apply unless otherwise determined by the Development Authority:</p> <ul style="list-style-type: none"> i. Where the average height of slope is between 0 and 15.4 metres, the minimum setback from the top of the escarpment is 22.8 metres; ii. Where the average depth of valley is between 15.5 metres and 30.5 metres, the minimum setback is 45.7 metres; and iii. Where the average depth of valley is more than 30.5 metres, the minimum setback is 61 metres or the height of the slope, whichever is greater. <p>(b) The Development Authority may increase the setbacks 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) Lanes and utilities may not be developed within the setback area 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 parcels.</p>
<p>(8) Setbacks for escarpment benches</p>	<p>(a) The setbacks from the upslope toe and downslope crest of bench 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>

3.1.2 Specific Design Standards – Dwelling Units

<p>Dwelling Unit – Garden [Bylaw #16.22</p>	<ul style="list-style-type: none">(a) Only one shall be permitted per lot and must be detached from the Primary Building as a standalone structure, or as a Dwelling Unit (loft) above an Accessory Building. Secondary Dwelling Units attached to an existing Primary Building in any manner shall be considered Dwelling Unit – Secondary.(b) Lots with an existing Dwelling Unit - Secondary are prohibited to have a Dwelling Unit – Garden and vice versa(c) The subdivision of the property to create two (2) lots, one for the primary structure and one for the Dwelling Unit – Garden is prohibited.(d) 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.(e) With all applications, Development Authority will take into consideration the potential effect of the development on the privacy of adjacent properties in regard to such potential issues as window placement, landings for entrances, outdoor amenity space, and height.(f) Shall be designed to complement the existing Primary Building on the site. The appearance and quality of the finishing materials of the Dwelling Unit – Garden must reflect the fact that it is a Dwelling Unit.(g) Shall be separated from the Primary Building by a minimum of 4.0 meters and a minimum of 1.2 meters from all other Accessory Buildings.(h) Rear Setbacks and Side Setbacks must meet requirements for Accessory Buildings(i) Only one servicing connection per utility will be permitted (water, sewer) per lot. The Utilities must be first connected to the Primary Building, and then fed to the Dwelling Unit – Garden. Installation of all services and utilities are at the cost of the developer.(j) Shall not be constructed within the Front Setback of the Primary Building.(k) All lots with a Dwelling Unit – Garden shall have a driveway that provides access to the Dwelling Unit – Garden from Side Yard or Rear Yard.
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	(l) Shall only be permitted to have one civic address.
<p><i>Dwelling Unit – Manufactured</i> [Bylaw #16.22</p>	<p>(a) Will be a Discretionary Use unless established within a Manufactured Home Park defined under this Land Use Bylaw</p> <p>(b) The following criteria will apply to all Dwelling Unit – Manufactured;</p> <p>(c) In determining the suitability of a Manufactured Dwelling for placement on a parcel, consideration shall be given to its condition and appearance in context with the adjacent parcels.</p> <p>(d) The undercarriage of a Manufactured Dwelling shall be screened from view by the foundation or by skirting within 30 days of placement of the Manufactured Dwelling.</p> <p>(e) All accessory structures such as stairways and landings, patios, decks, and skirting shall be of complementary quality and design to the Manufactured Dwelling.</p> <p>(f) All Manufactured Dwellings shall be provided with stairways and landings to all entrances within 45 days of their placement</p>
<p><i>Dwelling Unit – Secondary</i> [Bylaw #16.22</p>	<p>(a) A maximum of one secondary suite may be permitted per parcel where a detached dwelling unit exists.</p> <p>(b) 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.</p> <p>(c) A principal building containing a secondary suite may not be converted into condominiums.</p> <p>(d) Lots with an existing <i>Dwelling Unit – Garden</i> are prohibited to have a <i>Dwelling Unit - Secondary</i> and vice versa</p> <p>(e) A secondary suite shall have a maximum of two (2) bedrooms. Alberta Building code for bedrooms in basements must be met.</p> <p>(f) A secondary suite shall not be permitted on the same parcel as a bed and breakfast establishment or home occupation.</p>
<p><i>Relocation of Buildings</i></p>	<p>(a) Notwithstanding Section <u>5.10 When a Development Permit is Not Required a</u></p>

<p>[Bylaw #16.22</p>	<p>development permit shall be required for the relocation of any building to any parcel in the Town of Drumheller</p> <p>(b) A development permit for the relocation of a building may include conditions of approval that:</p> <ul style="list-style-type: none"> i. the building and the proposed location of the building meets the requirements of the Land Use District in which the building is to be located; ii. the building is compatible with the character of the neighbourhood in which the building is to be relocated to; and iii. the building be renovated to a satisfactory condition within a specified time.
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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 a motor vehicle for stock car races, a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain or be parked on a parcel unless it is suitable housed or screened to the satisfaction of the **Development Authority**.
- (2) Not more than two **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) A holiday trailer parked on a parcel may be used for living and sleeping
- (4) accommodation by a bona fide tourist for a period not to exceed three weeks.
- (5) 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 meters of a residential parcel 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 district:
 - (a) Any dilapidated vehicle for more than 14 days
 - (b) No more than one unregistered/uninsured vehicle shall be kept on a residential parcel 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 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 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) Livestock shall not present a public health problem 3.1.8 Minimum Site Area requirements

3.5.8 Architectural Controls and Guidelines

- (1) 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

3.6 BADLANDS DISTRICT

3.6.1 General Intent

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 to topography, hydrology, or vegetation.

3.6.2 Uses

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

3.6.3 Specific Use Standards

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

3.7.1 General Intent

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]	<i>Dwelling – Single-detached</i>	<i>Dwelling Unit – Manufactured</i> <i>Dwelling Unit – Move On</i> <i>Dwelling Unit – Secondary</i> <i>Dwelling Unit – Garden</i>
(2) Lodging	<i>Bed & Breakfast</i> <i>Tourist Dwelling</i>	<i>Campground</i> <i>Recreation Vehicle Resort</i>
(3) Commercial	<i>Artist Studio</i> <i>Home Occupation - Rural</i> <i>Home Occupation - Basic</i>	<i>Restaurant/Café</i> <i>Kennel</i>
(4) Institutional	<i>Recreation – Non-Intensive</i>	<i>After Life Care</i> <i>Cemetery</i> <i>Culture</i> <i>Government</i> <i>Human Services</i> <i>Recreation – Intensive</i>
(5) Agricultural	<i>Agriculture – General</i>	<i>Agriculture – Intensive</i>
(6) Other <i>Uses</i>	<i>Accessory Building or Structure</i> <i>Fascia Sign</i> associated with an approved Lodging, Commercial, or Institutional development on the same lot [Bylaw #16.22]	<i>Accessory Building – Portable</i> <i>Billboard Sign</i> <i>Freestanding Sign</i> <i>Projecting Sign</i> <i>Storage Structure</i> <i>Solar Energy System</i>

		<p>Wind Energy System</p> <p>Communication Structure</p>
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3.7.3 Specific **Use** Standards

(1) Accessory Buildings	An accessory building shall be located a minimum of 4.5 metres from any principal building .
(2) Dwelling Unit	Dwelling units shall be limited to single detached dwellings with or without a secondary dwelling unit .
(3) Dwelling Unit – Manufactured [Bylaw #16.22]	<p>(a) The minimum width of a Manufactured Dwelling shall be 7.3 m.</p> <p>(b) Manufactured Dwellings constructed greater than ten (10) years from the time of development permit application may only be approved at the discretion of the Development Authority.</p> <p>(c) The massing, design and appearance of a Manufactured Dwelling shall be consistent with adjacent development to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:</p> <ul style="list-style-type: none"> i. a porch or veranda on the front façade; ii. horizontal wall articulation on the front façade; iii. the use of thick columns or brackets on roof overhangs; iv. dormers, gables, cross gables or varied pitches for articulated roof lines; v. large or bay windows on the front façade, with strong window trim; vi. architectural features or other detailing over entrances; vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and viii. the use of trim and moldings that contrast the exterior siding.
(4) Additional Standards	(a) No use 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 Development Authority .
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3.7.4 Parcel Width Standards

(1) Parcel Width	Minimum 100 metres
(2) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.7.5 Residential Density

Maximum 2 **dwelling units** per **parcel**.

3.7.6 Setbacks for **Principal Buildings**

(1) Front Setback	(a) Minimum 7.5 metres from a Municipal road (b) Minimum 40 metres from a Provincial road
(2) Secondary Front Setback	(a) Minimum 7.5 metres from a Municipal road (b) Minimum 40 metres from a Provincial road
(3) Side Setback	Minimum 5 metres
(4) Rear Setback	Minimum 15 metres
(5) Projections Into Setbacks	The following features may project into a setback : (a) Unenclosed steps and wheelchair ramps; (b) Signs; (c) Fences; (d) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback ; and (e) Balconies may project up to 1.5 metres in a front setback or rear setback . Balconies may project into a side setback but must maintain a minimum of 1.2 metres from the side parcel boundary .

3.7.7 Setbacks for *Accessory Buildings*

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

3.7.8 Building Height Standards

(1) Principal Building	Maximum 14 metres
(2) Accessory Building	Maximum 11 metres
(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.3.2.

3.7.9 Additional Standards

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

3.8 COUNTRYSIDE DISTRICT

3.8.1 General Intent

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**. Single detached dwellings and **accessory buildings** are the predominant building form.

3.8.2 Uses

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

	Fascia Sign associated with an approved Lodging, Commercial, or Institutional development on the same lot. [Bylaw #16.22	Freestanding Sign Projecting Sign Solar Energy System Communication Structure
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3.8.3 Specific Use Standards

(1) Dwelling Unit	Dwelling units shall be limited to detached dwellings with opportunities for secondary dwelling units located in an accessory building .
(2) Restaurant/Café	(a) The maximum use area for a Restaurant/Café is 300 square metres. (b) 1 Sign is permitted, in accordance with Part 4.
(3) Retail & Service	(a) The maximum use area for Retail & Service is 300 square metres. (b) Permanent outdoor display, service, and/or storage is not permitted. (c) 1 Sign is permitted, in accordance with Part 4.
(4) Dwelling Unit – Manufactured [Bylaw #16.22	(a) The minimum width of a Manufactured Dwelling shall be 7.3 m. (b) Manufactured Dwellings constructed greater than ten (10) years from the time of development permit application may only be approved at the discretion of the Development Authority . (c) The massing, design and appearance of a Manufactured Dwelling shall be consistent with adjacent development to the satisfaction of the Development Authority , and may be required to include enhanced design elements that add visual interest such as: <ul style="list-style-type: none"> i. a porch or veranda on the front façade; ii. horizontal wall articulation on the front façade; iii. the use of thick columns or brackets on roof overhangs; iv. dormers, gables, cross gables or varied pitches for articulated roof lines; v. large or bay windows on the front façade, with strong window trim; vi. architectural features or other detailing over entrances;

	<ul style="list-style-type: none"> vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and viii. the use of trim and moldings that contrast the exterior siding.
(5) Additional Standards	No use 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 Development Authority .

3.8.4 Parcel Width Standards

(1) Parcel Width	Minimum 30 metres
(2) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.8.5 Residential Density

Maximum 2 **dwelling units** per **parcel**.

3.8.6 Setbacks for **Principal Buildings**

(1) Front Setback	Minimum 10 metres
(2) Secondary Front Setback	Minimum 7.5 metres
(3) Side Setback	Minimum 3 metres
(4) Rear Setback	Minimum 10 metres
(5) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> (a) Unenclosed steps and wheelchair ramps; (b) Signs; (c) Fences; (d) An unenclosed deck, porch or other similar structure below 0.6 metres in height; (e) An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a minimum front setback or minimum rear setback; (f) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a minimum front setback or side setback and up to 1.5 metres in a minimum rear setback; and

	(g) Balconies may project up to 1.5 metres in a front setback or rear setback . Balconies may project into a side setback but must maintain a minimum of 1.2 metres from the side parcel boundary .
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3.8.7 Setbacks for Accessory Buildings

(1) Front Setback	Minimum 10 metres
(2) Secondary Front Setback	Minimum 7.5 metres
(3) Side Setback	Minimum 3 metres
(4) Rear Setback	Minimum 10 metres

3.8.8 Parcel Coverage Standards

(1) Maximum parcel coverage	25%
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3.8.9 Building Height Standards

(1) Principal Building	Maximum 14 metres
(2) Accessory Building	Maximum 7.5 metres
(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.4.2.

3.8.10 Parking, Loading, and Access Standards

(1) Bicycle Parking	Where bicycle parking is provided for uses listed in the Commercial Use Category in Section 3.4.2, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
(2) Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any development in the Countryside District.</p> <p>(b) Surface parking areas shall not be allowed unless associated with a development.</p> <p>(c) Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.</p>

3.8.11 Landscaping Standards

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

(1) Screening	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(2) Fences	<p>(a) A fence located in a front yard 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 structure, object, or plant exceeding 1.2m in height shall be permitted within the Corner Visibility Triangle.</p>

3.8.13 Additional Standards

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

3.9 NEIGHBOURHOOD DISTRICT

3.9.1 General Intent

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/Cafés, **Offices**, Home Occupations, **Education**, and personal services are allowed.

Development shall be predominantly residential and may have a wide range of building types: single detached, duplex, rowhouses, and 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.

3.9.2 Uses

Use Category	Permitted Uses	Discretionary Uses
(1) Residential [Bylaw #16.22]	Dwelling – Duplex Dwelling – Multi Unit (apartment) Dwelling Unit – Multi Unit (Attached) Dwelling – Single-detached Dwelling Unit – Manufactured located within an established and approved Manufactured Home Park	Dwelling Unit – Manufactured Dwelling Unit – Move On Dwelling Unit – Secondary Dwelling Unit – Garden Manufactured Home Park
(2) Lodging	Bed & Breakfast Tourist Dwelling	Campground
(3) Commercial	Artist Studio Home Occupation - Urban Home Occupation - Basic	Restricted Substance Retail Restaurant/Café Retail & Service – General Office
(4) Institutional	Culture Education	Recreation – Intensive [Bylaw #16.22]

	Government Health Services Human Services Recreation – Non-Intensive	
(5) Other <i>Uses</i>	Accessory Building or Structure	Accessory Building – Portable Bench Sign [Bylaw #16.22] Fascia Sign Freestanding Sign Projecting Sign Solar Energy System Communication Structure

3.9.3 Specific *Use* Standards

Restaurant/Café	<p>(a) The maximum use area for a Restaurant/Café is 300 square metres.</p> <p>(b) 1 Sign is permitted, in accordance with Part 4.</p>
Retail & Service	<p>(a) The maximum use area for Retail & Service is 300 square metres.</p> <p>(b) Permanent outdoor display, service, and/or outdoor storage is not permitted.</p> <p>(c) 1 Sign is permitted, in accordance with Part 4.</p>
Dwelling Unit – Manufactured [Bylaw #16.22]	<p>(a) The minimum width of a Manufactured Dwelling shall be 7.3 m.</p> <p>(b) Manufactured Dwellings constructed greater than ten (10) years from the time of development permit application may only be approved at the discretion of the Development Authority.</p> <p>(c) The massing, design and appearance of a Manufactured Dwelling shall be consistent with adjacent development to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:</p> <ul style="list-style-type: none"> i. a porch or veranda on the front façade; ii. horizontal wall articulation on the front

	<p>façade;</p> <ul style="list-style-type: none"> iii. the use of thick columns or brackets on roof overhangs; iv. dormers, gables, cross gables or varied pitches for articulated roof lines; v. large or bay windows on the front façade, with strong window trim; vi. architectural features or other detailing over entrances; vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and viii. the use of trim and moldings that contrast the exterior siding.
Additional Standards	(a) No use 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 Development Authority .

3.9.4 Setbacks for *Principal Buildings*

(1) Front Setback	Minimum 3 metres – Maximum 6 metres
(2) Secondary Front Setback	Minimum 3 metres – Maximum 6 metres
(3) Side Setback	Minimum 1.2 metres
(4) Rear Setback	Minimum 6 metres
(5) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> (a) Unenclosed steps and wheelchair ramps; (b) Signs; (c) Fences; (d) An unenclosed deck, porch or other similar structure below 0.6 metres in height may project 50 percent in a front setback or rear setback [Bylaw #16.22]. (e) An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a front setback or rear setback; (f) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback; and

	(g) Balconies may project up to 1.5 metres in a front setback or rear setback . Balconies may project into a side setback but must maintain a minimum of 1.2 metres from the side parcel boundary .
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3.9.5 Setbacks for Accessory Buildings

(1) Front Setback	Principal building front setback plus 1 metre
(2) Secondary Front Setback	Minimum 3 metres
(3) Side Setback	Minimum 1.2 metres
(4) Rear Setback	Minimum 1.2 metres

3.9.6 Parcel Coverage Standards

(1) Maximum parcel coverage	70%
(2) Accessory Building	Site coverage must not exceed coverage of principal building Foot print of Accessory Building must not exceed 80% footprint coverage of principal building [Bylaw #16.22]

3.9.7 Building Height Standards

(1) Principal Building	Maximum 11 metres
(2) Accessory Building	Must not exceed height of Principal Building Maximum of 7.5 meters if associated with a Dwelling Unit - Garden. Maximum 5 meters if no Dwelling Unit - Garden is associated. Must not have overhead doors greater than 3 meters in height [Bylaw #16.22]
(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.5.2.

3.9.8 Parking, Loading, and Access Standards

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

3.9.9 Landscaping Standards

(1) General Landscaping Standards	<p>The front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area.</p>
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(2) Landscaped Area	All portions of a parcel not covered by structures, parking, or vehicular circulation areas shall be landscaped .
(3) Number of Trees	<p>(a) The minimum number of trees required for a residential development shall be 1 tree per 45 square metres of landscaped area, or a minimum of 2 trees per parcel, whichever is greater.</p> <p>(b) The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area.</p>
(4) Tree Size	Minimum height of 2 metres and/or 40 millimeters in caliper .
(5) Number of Shrubs	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 .

3.9.10 Screening, Fences, and Hedges

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

3.9.11 Additional Standards

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

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	<i>Manufactured Home</i>	
(2) Commercial	<i>Home Occupation – Basic</i> <i>Home Occupation - Urban</i>	<i>Retail and Service - General</i>
(3) Institutional	<i>Recreation – Non-Intensive</i>	
(4) Other Uses	<i>Accessory Building or Structure</i>	<i>Accessory Building - Portable</i>

3.5.14 Parcel Standards

(1) Site Area	2 hectares (5 acres) for Site Area
(2) Density	Maximum of 10 units per acre
(3) Lot Area	325 square meters (3500 sqft) for single wide manufactured homes 370 square meters (4000 sqft) for double wide manufactured homes
(4) Building Height Standards	1. 5 meters for manufactured homes; 2. 5 meters for accessory buildings; and 3. (c) Other uses at the discretion of the Development Authority .

3.5.15 Setbacks for Manufactured Homes

(1) Front Setback	Minimum 3 meters from any internal road or common parking area
(2) Secondary Front Setback	Minimum 3 meters from any internal road or common parking area
(3) Side Setback	Minimum 1.2 meters
(4) Rear Setback	Minimum 1.2 meters
(5) Other Setbacks	<ul style="list-style-type: none"> (a) Minimum 4.5 meters between manufactured homes including any porch or addition (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.

3.5.16 Parking, Roads and Walkways

(1) Vehicle Parking	<ul style="list-style-type: none"> (a) No on-street parking shall be permitted. (b) A minimum of one (1) car parking shall be provided on each manufactured home lot. (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.
(2) Roads and Walkways	<ul style="list-style-type: none"> (a) All roads in the manufactured home park shall be paved and constructed to the municipality's specifications. (b) Internal pedestrian walkways shall be hard-surfaced and have a minimum width of 1.5 meters (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) 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.

3.5.17 Landscaping Standards

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

	<ul style="list-style-type: none">(a) No accessory building or use shall be located in the front yard of a manufactured home lot.(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 Development Authority.(c) All utility lines shall be placed underground.(d) A minimum of ten (10%) percent of the total area of the manufactured home park shall be set aside for recreational uses.(e) Identification and directional signs shall be of a size, height and type satisfactory to the Development Authority.
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3.10 NEIGHBOURHOOD CENTRE DISTRICT

3.10.1 General Intent

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 to have 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]	<i>Dwelling – Duplex</i> <i>Dwelling – Multi Unit (apartment)</i> <i>Dwelling Unit – Multi Unit (Attached)</i> <i>Dwelling – Single-detached</i>	<i>Dwelling Unit – Manufactured</i> <i>Dwelling Unit – Move On</i> <i>Dwelling Unit – Secondary</i> <i>Dwelling Unit - Garden</i>
(2) Lodging	<i>Bed & Breakfast</i> <i>Hotel/Motel</i> <i>Tourist Dwelling</i>	
(3) Commercial	<i>Artist Studio</i> <i>Entertainment Facility</i> <i>Home Occupation - Urban</i> <i>Home Occupation - Basic</i> <i>Restaurant/Café</i> <i>Retail & Service – General Office</i>	<i>Car Wash</i> <i>Gas Station</i> <i>Restricted Substance Retail</i> <i>Drinking Establishment</i>
(4) Institutional	<i>Culture</i> <i>Education</i> <i>Government</i> <i>Health Services</i> <i>Human Services</i> <i>Recreation – Non-Intensive</i>	<i>Recreation – Intensive</i> [Bylaw #16.22]
(5) Other <i>Uses</i>	<i>Accessory Building or Structure</i>	<i>Accessory Building – Portable</i>

	<p>The following sign forms when associated with an approved Lodging, Commercial, or Institutional development on the same lot; [Bylaw #16.22]</p> <p>A-Board Sign</p> <p>Fascia Sign</p> <p>Freestanding Sign</p> <p>Projecting Sign</p>	<p>Portable Sign</p> <p>Solar Energy System</p>
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Specific **Use** Standards

<p>(1) Car Wash</p>	<p>(a) Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 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>
<p>(2) Gas Station</p>	<p>(a) Shall only be located at the intersection of two or more streets or highways, or as part of shopping centre.</p> <p>(b) Should locate 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.</p> <p>(c) The pumps shall be located a minimum of 4.5 metres from the building.</p>
<p>(3) Dwelling Unit – Manufactured [Bylaw #16.22]</p>	<p>(a) The minimum width of a Manufactured Dwelling shall be 7.3 m.</p>

	<p>(b) Manufactured Dwellings constructed greater than ten (10) years from the time of development permit application may only be approved at the discretion of the Development Authority.</p> <p>(c) The massing, design and appearance of a Manufactured Dwelling shall be consistent with adjacent development to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:</p> <ul style="list-style-type: none"> i. a porch or veranda on the front façade; ii. horizontal wall articulation on the front façade; iii. the use of thick columns or brackets on roof overhangs; iv. dormers, gables, cross gables or varied pitches for articulated roof lines; v. large or bay windows on the front façade, with strong window trim; vi. architectural features or other detailing over entrances; vii. changes in exterior siding materials, textures and colors to break up long wall expanses; and viii. the use of trim and moldings that contrast the exterior siding.
(4) Additional Standards	<p>No use 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 Development Authority.</p>

3.10.3 Setbacks for Principal Buildings

(1) Front Setback	Maximum 3 metres
(2) Secondary Front Setback	Maximum 3 metres
(3) Side Setback	Minimum 1.2 metres
(4) Rear Setback	Minimum 3 metres
(5) Additional Setback Standards	<p>(a) There is no maximum front setback, secondary front setback, side setback, or rear setback for Carwashes and Gas Stations.</p> <p>(b) The minimum front setback, secondary front setback, side setback, or rear setback is 3.0 metres for Carwashes and Gas Stations.</p>

(6) Projections Into Setbacks	<p>The following features may project into a setback:</p> <p>(a) Unenclosed steps and wheelchair ramps;</p> <p>(b) Signs;</p> <p>(c) Fences;</p> <p>(d) An unenclosed deck, porch or other similar structure below 0.6 metres in height may project 50 percent in a front setback or rear setback. [Bylaw #16.22]</p> <p>(e) An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a front setback or rear setback;</p> <p>(f) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback; and</p> <p>(g) Balconies may project up to 1.5 metres in a front setback or rear setback. Balconies may project into a side setback but must maintain a minimum of 1.2 metres from <i>the side parcel boundary</i>.</p>
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3.10.4 Setbacks for Accessory Buildings

(1) Front Setback	Principal building front setback plus 1 metre
(2) Secondary Front Setback	Minimum 3 metres
(3) Side Setback	Minimum 1.2 metres
(4) Rear Setback	Minimum 1.2 metres

3.10.5 Parcel Coverage Standards

(1) Maximum parcel coverage	80%
(2) Accessory Building	Foot print of Accessory Building must not exceed 80% coverage of principal building [Bylaw #16.22]

3.10.6 Building Height Standards

(1) Principal Building	Maximum 14 metres
(2) Accessory Building	Must not exceed height of Principal Building

[Bylaw #16.22]	<p>Maximum of 7.5 meters if associated with a Dwelling Unit - Garden.</p> <p>Maximum 5 meters if no Dwelling Unit - Garden is associated. Must not have overhead doors greater than 3 meters in height</p>
(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.6.2.

3.10.7 Parking, Loading, and Access Standards

(1) Bicycle Parking	<p>(a) Where bicycle parking is provided for uses listed in the Commercial Use Category or Institutional Use Category in Section 3.6.2, bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.</p> <p>(b) Where bicycle parking is provided for uses listed in the Residential Use Category in Section 3.6.2, bicycle parking shall be located and secured within a principal building or accessory building.</p>
(2) Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any development in the Neighbourhood Centre District.</p> <p>(b) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible.</p> <p>(c) Surface parking areas and/or parking structures shall not be allowed unless associated with a development.</p> <p>(d) Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.</p> <p>(e) Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.</p>
(3) Vehicle Access	(a) The regulations in subsections (ii) through (iv) apply only to the uses listed in the Residential Use Category in Section 3.5.2.

	<p>(b) Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane.</p> <p>(c) Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street.</p> <p>(d) In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard.</p> <p>(e) Access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary.</p> <p>(f) Parcels shall have 2 or more access points if required for emergency access.</p>
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3.10.8 Landscaping Standards

(1) General Landscaping Standards	For uses listed in the Residential Use Category in Section 3.5.2, the front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area .
(2) Landscaped Area	All portions of a site not covered by structures, parking, or vehicular circulation areas shall be landscaped .
(3) Number of Trees	<p>(a) The minimum number of trees required for a residential development shall be 1 tree per 45 square metres of landscaped area, or a minimum of 2 trees per parcel, whichever is greater.</p> <p>(b) The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area.</p>
(4) Tree Size	Minimum height of 2 metres and/or 40 millimeters in caliper .
(5) Number of Shrubs	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 .

3.10.9 Screening, Fences, and Hedges

<p>(1) Screening</p>	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
<p>(2) Fences and Hedges</p>	<p>(a) A fence or hedge located in a front yard 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) No fence, wall, tree, hedge or other structure, object, or plant exceeding 1.2m in height shall be permitted within the Corner Visibility Triangle at the discretion of the Development Authority</p>

3.10.10 Additional Standards

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

3.11 DOWNTOWN DISTRICT

3.11.1 General Intent

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]	Dwelling – Duplex Dwelling – Multi Unit (apartment) Dwelling Unit – Multi Unit (Attached) Residential accommodation accessory to a principal commercial use	Dwelling Unit – Secondary Dwelling Unit – Ready-to-move (RTM) Dwelling – Single-detached Dwelling Unit – Move On
(2) Lodging	Bed & Breakfast Hotel/Motel Tourist Dwelling	
(3) Commercial	Artist Studio Drinking Establishment Entertainment Facility Home Occupation - Urban Home Occupation - Basic Restaurant/Café Retail & Service – General Office	Adult Entertainment Restricted Substance Retail Brewery/Distillery
(4) Institutional	Culture Education Government Health Services	After Life Care

	Human Services Recreation – Intensive Recreation – Non-Intensive	
(5) Other Uses	Accessory Building or Structure The following sign forms when associated with an approved Lodging, Commercial, Industrial development on the same lot; [Bylaw #16.22] A-Board Sign Fascia Sign Freestanding Sign Projecting Sign	A-Board Sign Mural [Bylaw #16.22] Portable Sign Solar Energy System Communication Structure

3.11.3 Specific **Use** Standards

(1) Dwelling Unit(s)	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. [Bylaw #18.21]
(2) Hotel/Motel	Vehicle access and parking areas, including any structures, shall not be located between a street and a façade of the building.
(3) Additional Standards	No use 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 Development Authority .

3.11.4 **Setbacks** for **Principal Buildings**

(1) Front Setback	Maximum 3 metres
(2) Secondary Front Setback	Maximum 3 metres
(3) Side Setback	0 metres where a fire wall is provided otherwise a minimum of 1.2 meters

(4) Rear Setback	0 metres where a fire wall is provided otherwise a minimum of 1.2 meters
(5) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> (a) Unenclosed steps and wheelchair ramps; (b) Signs; (c) Fences; (d) An unenclosed deck, porch or other similar structure below 0.6 metres in height; (e) An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a front setback or rear setback; (f) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback; and (g) Balconies may project up to 1.5 metres in a front setback or rear setback. Balconies may project into a side setback but must maintain a minimum of 1.2 metres from the side parcel boundary.

3.11.5 Setbacks for Accessory Buildings

(1) Front Setback	Principal building front setback plus 1 metre
(2) Secondary Front Setback	Principal building secondary front setback plus 1 metre
(3) Side Setback	0 metres
(4) Rear Setback	0 metres

3.11.6 Building Height Standards

(1) Principal Building	<ul style="list-style-type: none"> (a) Minimum 6 metres (b) Maximum 20 metres
(2) Accessory Building	Maximum 7.5 metres

3.11.7 Parking, Loading, and Access Standards

<p>(1) Bicycle Parking</p>	<p>(a) Where bicycle parking is provided for uses listed in the Commercial Use Category or Institutional Use Category in Section 3.7.2, bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.</p> <p>(b) Where bicycle parking is provided for uses listed in the Residential Use Category in Section 3.7.2, bicycle parking shall be located and secured within a principal building or accessory building.</p>
<p>(2) Vehicle Parking</p>	<p>(a) There is no minimum required number of parking stalls for any development in the Downtown District.</p> <p>(b) Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development, at the discretion of the Development Authority.</p> <p>(c) Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible.</p> <p>(d) Surface parking areas and/or parking structures shall not be allowed unless associated with a development.</p> <p>(e) Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.</p> <p>(f) Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.</p>
<p>(3) Vehicle Access</p>	<p>(a) Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane.</p> <p>(b) Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street.</p> <p>(c) In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard.</p>

	<p>(d) Access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary.</p> <p>(e) Parcels shall have 2 or more access points if required for emergency access.</p>
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3.11.8 Landscaping Standards

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

3.11.9 Screening, Fences, and Hedges

(1) Screening	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(2) Fences and Hedges	(a) Notwithstanding subsection (ii), a fence or hedge located in a front yard shall be a maximum height of 1.2 metres.

	<p>(b) With the exception of Home Occupation - Urban and Home Occupation - Basic, uses listed in the Commercial Use Category in Section 3.6.2 shall not have fences or hedges in a front yard.</p> <p>(c) All other fences or hedges shall be a maximum height of 1.8 metres.</p>
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3.11.10 Additional Standards

(1) Subdivision	A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(2) Stormwater Management	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.</p>
(3) Character, design & appearance of buildings	<p>(a) 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.</p> <p>(b) Roller shutters must be located on the inside of windows and screened from the outside if provided.</p>

3.12 TOURISM CORRIDOR DISTRICT

3.12.1 General Intent

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		Hotel/Motel
(2) Commercial	Artist Studio Drinking Establishment Entertainment Facility Restaurant/Café Retail & Service – General Retail & Service – Heavy Office	Adult Entertainment Car Wash Drive Through Facility Gas Station Restricted Substance Retail
(3) Institutional	After Life Care Culture Education Government Health Services Recreation – Intensive Recreation – Non-Intensive	
(4) Other Uses	Accessory Building or Structure The following sign forms when associated with an approved Lodging, Commercial, Industrial development on the same lot; [Bylaw #16.22] A-Board Sign Fascia Sign	Billboard Sign Freestanding Sign Portable Sign Projecting Sign Rooftop Sign Storage Structure Solar Energy System Communication Structure

3.12.3 Specific *Use* Standards

(1) Additional Standards	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 .
(2) Car Wash	(a) Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 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) Gas Station	(a) 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. (b) The pumps shall be located a minimum of 4.5 metres from the building.

3.12.4 *Setbacks* for **Principal Buildings**

(1) Front Setback	Minimum 3 metres
(2) Secondary Front Setback	Minimum 3 metres
(3) Side Setback	(a) Minimum 3 metres (b) Minimum 6 metres where the parcel shares a side parcel boundary with the Neighbourhood District or Countryside District.
(4) Rear Setback	Minimum 6 metres
(5) Projections Into Setbacks	The following features may project into a setback: (a) Unenclosed steps and wheelchair ramps; and (b) Signs .

3.12.5 *Setbacks* for **Accessory Buildings**

(1) Front Setback	Minimum 3 metres
(2) Secondary Front Setback	Minimum 3 metres
(3) Side Setback	(a) Minimum 3 metres

	(b) Minimum 6 metres where the parcel shares a side parcel boundary with the Neighbourhood District or Countryside District.
(4) Rear Setback	Minimum 6 metres

3.12.6 Building Height Standards

(1) Principal Building	Maximum 14 metres
(2) Accessory Building	Maximum 7.5 metres
(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.8.2.

3.12.7 Parking, Loading, and Access Standards

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

	<p>secondary front yard is not possible, access may be located on the primary front yard.</p> <p>(b) Vehicle access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary.</p> <p>(c) Parcels shall have 2 or more access points if required for emergency access.</p>
(4) Additional Parking, Loading, and Access Standards	<p>(a) All commercial and industrial uses shall provide sufficient space and access for loading vehicles to the satisfaction of the Development Authority.</p> <p>(b) All loading areas shall be a minimum of 2.5 metres wide.</p> <p>(c) All loading areas shall provide no less than 3.6 metres overhead clearance.</p> <p>(d) All loading areas shall be hard surfaced if the access is from a street or land which is hard surfaced.</p> <p>(e) Access to all loading areas shall be from a public road, a lane, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting streets or lanes.</p>

3.12.8 Landscaping Standards

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

3.12.9 Screening, Fences, and Hedges

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

3.12.10 Additional Standards

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

3.13 EMPLOYMENT DISTRICT

3.13.1 General Intent

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

Use Category	Permitted Uses	Discretionary Uses
(1) Lodging		Hotel/Motel Work Camp [Bylaw #16.22]
(2) Commercial	Artist Studio Drinking Establishment Entertainment Facility Kennel Restaurant/Café Retail & Service – General Retail & Service - Heavy Office	Adult Entertainment Car Wash [Bylaw #16.22] Drive Through Facility Gas Station Restricted Substance Retail Brewery/Distillery
(3) Industrial	Industrial - Light	Industrial – Heavy Industrial – Cannabis Production [Bylaw #16.22]
(4) Institutional	Culture Education Government Health Services Recreation – Intensive Recreation – Non-Intensive	After Life Care
(5) Agricultural	Agriculture – Intensive	
(6) Other Uses	Accessory Building or Structure The following sign forms when associated with an approved Lodging, Commercial, Industrial	Portable Sign Projecting Sign Solar Energy System Communication Structure

	development on the same lot; [Bylaw #16.22] Fascia Sign Freestanding Sign	
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3.13.3 Specific Use Standards

(1) Car Wash	Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 1 vehicle upon leaving the washing area.
(2) Gas Station	(a) 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. (b) The pumps shall be located a minimum of 4.5 metres from the building.
(3) Industrial Uses	Industrial uses on parcels that do not have lane access must provide a minimum 4.5 metre side setback on one side.
(4) Work Camp [Bylaw #16.22]	An application for a Development Permit for a Work Camp must provide the following information: (a) the location, type, and purpose of the camp; adjacent land uses; (b) 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 current Alberta Private Sewage Systems Standard Practice and be to the satisfaction of the health authority; the number of persons proposed to reside in the camp; (c) demonstrated approval from Alberta Environment if the camp is located on Crown land; (d) the start date of the development, date of occupancy, and removal date of the camp; and (e) reclamation measures once the work camp is no longer needed. A Development Permit for a Work Camp shall not be approved unless:

	<ul style="list-style-type: none"> (a) it is directly associated with a Development or business situated within the area; (b) it is deemed compatible with surrounding development and land uses by the Development Authority; (c) sufficient screening is provided from surrounding land uses as determined by the Development Authority; (d) it shall be for a temporary period of time in accordance with the timelines of a work project as specified by the Development Authority; (e) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost of the developer; (f) the developer provides undertakings and guarantees acceptable to the Development Authority, that the Work Camp will be removed and the subject Site returned to its original condition upon completion as it was before the Work Camp was developed
<p>(5) Industrial – Cannabis Production Facility [Bylaw #16.22]</p>	<p>Must adhere all Federal, Provincial and Municipal laws and regulations and shall comply with the following conditions:</p> <ul style="list-style-type: none"> (a) As a condition of development and prior to the operation of the facility, the owner must provide a copy of the current license for all activities associated with cannabis production as issued by the Health Canada. (b) The owner or applicant 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 (c) The Development must be done in such a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, garbage containers and waste material. (d) The Development shall not include an outdoor area for the storage of goods, materials or supplies. (e) The Development shall not operate in conjunction with another approved use. (f) The Development must include equipment designed and intended to remove odors from the air where it is discharged from the building as part of a ventilation system. (g) The Development Authority may require as a condition of a development permit, a waste management plan completed by a qualified

	<p>professional, which includes but is not limited to, details on:</p> <ul style="list-style-type: none"> i. the quantity and characteristics of liquid and waste material discharged by the facility, ii. the method and location of collection and disposal of liquid and waste material discharged by the facility; and iii. the disposal of waste products and mitigation of airborne emissions, including smell.
<p>(6) Natural Resource Extraction [Bylaw #16.22]</p>	<ul style="list-style-type: none"> (a) Any application must include plans of the proposed site showing: <ul style="list-style-type: none"> i. the area to be excavated; ii. the roads and access points to the site; iii. the phasing of the development and estimated operation time frame; iv. reclamation proposals; and v. any other information considered necessary by the Development Authority. (b) Must be a minimum of 300 metres from an approved Dwelling Unit at the time of approval. (c) In a commercial soil stripping operation, the area stripped shall be seeded to a grass or legume mixture at the discretion of the Development Authority. (d) Applications within the Flood Hazard Overlay may be referred to Alberta Environmental Protection, in order to assist in determining whether river channel integrity or fisheries will be jeopardized by the proposal. <p>The Development Authority may require a letter of credit from a financial institution to guarantee that these requirements are carried out.</p>
<p>(7) Additional Standards [Bylaw #16.22]</p>	<ul style="list-style-type: none"> (a) No use 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 Development Authority. (b) Storage piles of natural resources less than 4 meters in height must be at least 6 meters from any right of way.

	(c) Storage piles of natural resources over 4 meters in height must be at least 30 meters from any right of way.
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3.13.4 Setbacks for *Principal Buildings*

(1) Front Setback	Minimum 6 metres
(2) Secondary Front Setback	Minimum 6 metres
(3) Side Setback	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
(4) Rear Setback	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
(5) Projections Into Setbacks	The following features may project into a setback: (a) Unenclosed steps and wheelchair ramps; and (b) Signs .

3.13.5 Setbacks for *Accessory Buildings*

(1) Front Setback	Minimum 6 metres
(2) Secondary Front Setback	Minimum 6 metres
(3) Side Setback	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.
(4) Rear Setback	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.

3.13.6 Building Height Standards

(1) Principal Building	Maximum 14 metres
(2) Accessory Building	Maximum 11 metres

(3) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.9.2.
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3.13.7 Parking, Loading, and Access Standards

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

	<p>(c) All loading areas shall provide no less than 3.6 metres overhead clearance.</p> <p>(d) All loading areas shall be hard surfaced if the access is from a street or land which is hard surfaced.</p> <p>(e) Access to all loading areas shall be from a public road, a lane, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting streets or lanes.</p>
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3.13.8 Landscaping Standards

(1) Landscaped Area	All portions of a site not covered by structures, parking, or vehicular circulation areas shall be landscaped .
(2) Number of Trees	The minimum number of trees required for a industrial or commercial development shall be 1 tree per 35 square metres of landscaped area .
(3) Tree Size	Minimum height of 2 metres and/or 40 millimeters in caliper .
(4) Number of Shrubs	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 .

3.13.9 Screening, Fences, and Hedges

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

<p>(1) Subdivision</p>	<p>A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.</p>
<p>(2) Stormwater Management</p>	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.</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 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 to 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** All signs shall be removed within 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: [Bylaw #16.22]
- i. remove the sign including all related structural components within 30 days from the date of receipt of such notice; and
 - ii. restore the immediate area around the sign to the satisfaction of the Town; and
 - iii. bear all the costs related to such removal and restoration;
- or*
- a. remove the sign copy, however leaving the related structural components within 30 days from the date of receipt of such notice; and
 - b. replacing the sign copy with a blank, white, non-illuminated face; and
 - c. 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 Municipality'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 meters of any parcel boundary of a dwelling unit or parcel zoned for residential purposes. Notification shall be sent of any illuminated or digital sign application to residential properties within a 100-meter radius of the proposed location of the sign placement

4.2 FREESTANDING SIGNS

- 4.2.1** No **freestanding sign** shall extend beyond 6 metres above **grade** or be larger than 3 square metres, except in the:
- (1) Tourism Corridor District (TCD) and the Employment District (ED), where the maximum height shall be 9 metres and the maximum area shall be 23 square metres.
- 4.2.2** Only 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 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 square metres in size.
- 4.4.2 No **projecting sign** shall project more than 1 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 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 square metres in size.
- 4.5.2 No **rooftop sign** shall project more than 3 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 1 **portable sign** may be on a **parcel**.
- 4.6.2 No **portable sign** shall be located within 2 metres of any **parcel boundary**.

- 4.6.3 No **portable sign** shall be higher than 2 metres above **grade**.
- 4.6.4 No **portable sign** shall exceed 3 square metres in size.
- 4.6.5 No **portable sign** shall be located on a residential **parcel**.
- 4.6.6 No **portable sign** shall be located within 100 meters of another **portable sign**. [Bylaw #16.22]
- 4.6.7 **Portable signs** shall have a maximum display period of 60 days per **development permit** and only permitted twice per calendar year per lot. [Bylaw #16.22]
- 4.6.8 Removed [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 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** rights-of-way.
- 4.7.6 **A-board signs** must be constructed of a material such that a rigid frame is provided.

4.8 BILLBOARD SIGNS [BYLAW #18.21]

Billboard signs may be permitted within the Tourism Corridor (TCD) or Rural Development District (RDD) provided that;

- 4.8.1 Only 1 **billboard sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.
- 4.8.2 The maximum height shall be 9 metres and the maximum area shall be 23 square metres.
- 4.8.3 The minimum vertical clearance beneath a billboard shall be 3.0 m
- 4.8.4 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 meters where the posted speed is 70 km/hr

c. 50 meters where the posted speed is 50 km/hr

- 4.8.5 Billboards may be illuminated by a constant source of dimmable light, but shall not be lit by flashing electronic, animated, intermittent or rotating lights
- 4.8.6 A Billboard may be erected on a site that is not associated with the development, with landowner consent.
- 4.8.7 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).
- 4.8.8 No Billboard Sign larger than 1.2 metres by 2.4 metres shall be placed within 200 meters 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 100m 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 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 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 **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;
- (a) be incorporated into the design
 - (b) not exceed ten per cent (10%) of the **Mural** surface area.
- 4.10.8** **Murals** must have a linkage to:
- (a) historical events or periods that impacted the community;
 - (b) representative landscapes and physical environments;
 - (c) local culture.
- 4.10.9** **Murals** shall not contain or portray the following:
- (a) obscene or offensive language, symbols or messages;
 - (b) hateful language, symbols or messages;
 - (c) racist or exclusionary imagery or messages;
 - (d) political viewpoints;
 - (e) religious viewpoints; or
 - (f) 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:
- (a) keep it properly painted at all times;
 - (b) ensure that all structural elements needed to support the **Mural** are properly attached and meet applicable safety standards, and
 - (c) clean all **Mural** surfaces as it becomes necessary.
 - (d) ensure any damage is repaired within 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

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:

- 4.11.1** 2 temporary on-site signs, not exceeding 1 square metre in size nor 1.2 metres in height, so long as the **sign** is intended for one of the following purposes:
- (1) Advertising the sale or lease of property;
 - (2) Identifying a construction or demolition project; or

- (3) A political sign 30 days prior to a federal, provincial, municipal election, by-election or referendum.

4.11.2 1 **A-board sign** in accordance with Section 4.7.

4.11.3 Any window sign or graphic painted on, attached to or installed on a window provided that no more than 50 percent of the subject window area is covered. [Bylaw #16.22]

4.11.4 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 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**, as amended; 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 of 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 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) 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) 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**, or other employee 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**.
- 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; and
 - (2) Make recommendations to **Council** on planning and **development** matters.

5.5 VARIANCE POWERS

- 5.5.1 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) The **use** proposed is allowed by this **Bylaw**.
- 5.5.2 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.

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 **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 redesignation of land, the **Development Authority** may require:
- (1) Plan(s) showing the lands which are the subject of 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 redesignated, 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 redesignation and related **Concept Plan**, or if necessary to prepare an **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 to and compliance with approved Statutory Plans and **Council** policies;
 - (2) Relationship to 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 to, or impacts 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 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 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 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 60 days of the application being deemed complete unless the **applicant** has entered into an agreement with the **Subdivision Authority** to extend the 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 AGREEMENT

- 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 districts and shall be exempt from the regulations and **development permit** conditions of this Bylaw.
- 5.10.2 A **development permit** is not required for the following developments provided the **development** complies with all other requirements of this Bylaw:
- (1) Those **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 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 12 months of the date of commencement;
 - (4) 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. [Bylaw #18.21]
- (6) Retaining walls less than 1 metre in height;
- (7) A temporary building associated with construction and not to be used for residential 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 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 metres, with no 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 metres in height;
- (16) A satellite dish antenna less than 1 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) 1 copy and 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) 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) 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 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;
- (7) content and design of the **Mural** including colours and materials;
- (8) if the sign or **Mural** will be illuminated, and the proposed manner of illuminating;
- (9) means to affix the sign or **Mural** to the building and;
- (10) a written artists statement that described the concept, message and interpretation of the **Mural**; and
- (11) 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 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 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 months after the refusal.

5.12 DISCRETIONARY USES [BYLAW #16.22]

- 5.12.1 When deciding on a development permit application for a discretionary use, the **Development Authority** shall consider;
- a) any plans and policies affecting the parcel;
 - b) the purpose statements in the applicable land use district;
 - c) the appropriateness of the location and parcel for the proposed development;
 - d) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
 - e) the merits of the proposed development;
 - f) servicing requirements;
 - g) access and transportation requirements;
 - h) vehicle and pedestrian circulation within the parcel; and sound planning principles.
- 5.12.2 The **Development Authority** may:
- a) approve the application unconditionally; or
 - b) approve the application permanently or for a limited period of time and impose conditions considered appropriate; or
 - c) 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 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 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 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) 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 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 12 months. The **Development Authority** shall only grant one 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 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 21 days of the notification of the decision, or, if no decision is made on the **development permit** application within 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 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 ACKNOWLEDGEMENTS

- 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 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 percent 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 5.20 to 5.23 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 Queen'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 is 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 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,

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.

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. 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 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

A	
A-Board Sign	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.
Access	means the place, means, or way by which pedestrians and/or vehicles shall have adequate ingress and egress to a property.
Accessory Building, Structure, or Use	means a building, structure , or use which is detached from and subordinate, incidental, and directly related to the principal building or use.
Accessory Building – Portable [Bylaw #18.21]	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
Act	means the <i>Municipal Government Act</i> , RSA 2000 c M-26 as amended or replaced.
Adaptive Fill [Bylaw #16.22]	temporary fill material placed by the Town during a flood emergency to close gaps in existing berms and bring them to the flood construction level plus freeboard
Adjacent	means land that is contiguous or would be contiguous if not for a public road , railway, reserve land, utility right-of-way , river, or stream.
Adult Entertainment	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.
After Life Care	means a development 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 use does not include a Cemetery .
Agriculture – General	means a development for the rural production of farm or agricultural products and includes the cultivation of land, breeding and raising of livestock, and horticultural growing operations. Does not include confined feeding operations .
Agriculture – Intensive	means a development for the growing of crops primarily within a building and/or structure for the purpose of commercial food production. Does not include confined feeding operations .
Applicant	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 Bylaw .
Area Redevelopment Plan	means a Statutory Plan adopted by bylaw as an Area Redevelopment Plan pursuant to the Act .
Area Structure Plan	means a Statutory Plan adopted by bylaw as an Area Structure Plan pursuant to the Act .
Artist Studio	means small-scale, on-site production of goods by hand manufacturing. Typical uses 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	
Balcony	means a horizontal platform that is attached to a building above the first storey level and is intended for use as an outdoor amenity space.
Bed & Breakfast	means a Dwelling Unit that is occupied by the property owner or manager and provides overnight accommodation for a fee in rooms with no in-room cooking facilities.
Bench	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). Bench-lands typically have a slope of between 1 and 15 percent and a valley edge may have more than one bench at different elevations.

Bench Sign [Bylaw #18.21]	means a sign 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 site where the Sign is located.
Billboard Sign [Bylaw #18.21]	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
Brewery/Distillery [Bylaw #18.21]	means a facility licensed by the Alberta Gaming and Liquor Commission 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 Brewery/Distillery 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 Drinking Establishment.
Building	means anything constructed or placed on, in, over, or under land, but does not include a highway or road or a bridge forming part of a highway or road .
Building Height	means the vertical distance measured from the finished grade to the highest point of a building . Building height does not include any accessory roof structure 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 building .
Building Permit	means a permit authorizing construction in accordance with the Alberta Safety Codes Act.
Bylaw	means the Town of Drumheller Land Use Bylaw.
Bylaw Officer	means a person appointed by the Town to enforce the provisions of this Bylaw , and includes a member of the Royal Canadian Mounted Police and a Community Peace Officer.
C	

Campground	means a development for the purpose of providing temporary accommodation for recreational vehicles or tents.
Cannabis [Bylaw #16.22]	means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes cannabis products that are ingested or applied as a topical.
CAO	means the Chief Administrative Officer as appointed by Council .
Car Wash	means an establishment for the washing of motor vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.
Cemetery	means land or a building for the burial or interment of the deceased.
m3/s	cubic metres per second (river flow rate)
Communication Structure	<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 structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:</p> <p>(a) Freestanding Antenna System: a structure (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-Mounted Antenna System: an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.</p>
Concept Plan	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.
Confined Feeding Operation	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).
Corner Parcel	means a parcel at the intersection of two roads , excluding lanes .
Corner Visibility Triangle [Bylaw #16.22]	means a triangular area formed on the corner site by the two street property lines and a straight line which intersects them at 7.5 meters from the corner where they meet.
Council	means the Council of the Town of Drumheller.
Culture	means a development used by one or more organizations for arts, religion, community and/or cultural activities, but does not include Entertainment Establishment.
D	
Day Home	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.
Deck [Bylaw #18.21]	means an uncovered horizontal structure at or below the main floor level of a building that is intended for use as an outdoor amenity space, but does not include balcony.
Density	means the number dwelling units allows for each parcel .
Designated Design Event [Bylaw #16.22]	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 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.

Design Flood	means a flood event that results in a minimum river flow rate of 1,850 <i>m³/s</i> .
Design Flood Cross Sections [Bylaw #16.22]	The geodetic elevation determined by the nearest upstream cross section made available and determined from the Alberta Government Provincial Flood Hazard Mapping, available at https://floods.alberta.ca/ .
Development	means: <ul style="list-style-type: none"> (a) an excavation or stockpile and the creation of either of them; (b) a building or an addition to, or replacement or repair of a building, and the construction or placing of any of them on, in, over, or under land; (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
Development Agreement	means a legal agreement between the applicant for a development permit and the Town committing to the provision of any matter required by a condition of the development permit .
Development Authority	means the person or persons appointed pursuant to the Act that has been authorized to exercise development powers on behalf of the Town .
Development Officer	means a development officer established pursuant to Section 5.2 of this Bylaw .
Development Permit	means a document that is issued under this Bylaw and authorizes a development .
Discretionary Use [Bylaw #18.21]	means a use of land, buildings , or structures for which a development permit may be issued with or without conditions, at the discretion of the Development Authority .
Driveway	means a vehicle access route between a road and a use on a parcel .

<p>Drinking Establishment [Bylaw #16.22]</p>	<p>Means a use where: liquor is sold on the premises; where a license for the sale of liquor is issued by Alberta Gaming and Liquor Commission (AGLC). May include off sales though not considered Restricted Substance Retail and may include the preparation of food for the consumption on the premises</p>
<p>Dwelling Unit – Duplex</p>	<p>means a single building containing two dwelling units 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.</p>
<p>Dwelling Unit - Manufactured [Bylaw #16.22]</p>	<p>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.</p>
<p>Dwelling Unit – Moved On [Bylaw #16.22]</p>	<p>means a single detached dwelling 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 parcel for use as a dwelling;</p>
<p>Dwelling Unit – Multiple Unit (Apartment) [Bylaw #16.22]</p>	<p>means a residential building comprising three or more dwelling units with shared entrances and other essential facilities and services;</p>
<p>Dwelling Unit – Multiple Unit (Attached Housing) [Bylaw #16.22]</p>	<p>means a building designed and built to contain three or more dwelling units 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);</p>
<p>Dwelling Unit – Single-Detached [Bylaw #16.22]</p>	<p>means a use where a building designed for residential use contains one principal Dwelling Unit.</p>
<p>Dwelling Unit – Secondary [Bylaw #16.22]</p>	<p>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</p>

	<p>of this Bylaw and meets the requirements of the Alberta Safety Codes Act.</p> <p>A Principal Building containing a <i>Dwelling Unit - Secondary</i> may not be converted into condominiums.</p>
<p><i>Dwelling Unit – Garden</i> [Bylaw #16.22]</p>	<p>Means a self-contained, secondary <i>Dwelling Unit</i>, installed in the <i>Rear Yard</i> or <i>Side Yard</i> of a lot with an existing, permanent, single-family dwelling, usually containing cooking, eating, living, sleeping, and sanitary facilities;</p> <p>A <i>Dwelling Unit – Garden</i> may take the form of a Garden Suite, Laneway Home, or Carriage House</p> <p>A <i>Dwelling Unit - Garden</i> may take the form of a park model or manufactured home, however must be designed to complement the existing <i>Primary Building</i> on the site.</p>
E	
<i>Education</i>	means public and private places of learning for any age including licensed childcare facilities.
<i>Entertainment Facility</i> [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 Adult Entertainment.
F	
<i>Fascia Sign</i> [Bylaw #18.21]	means a <i>sign</i> attached to, marked, or inscribed on and parallel to the face of a <i>building</i> wall but does not include a <i>billboard sign</i> .
<i>Finished Grade</i>	means the ground elevation determined by averaging the finished level of the ground <i>adjacent</i> to the foundation of the <i>principal building</i> .
<i>Flood Construction Level</i>	means the required elevation of the underside of a wooden floor system or top of a concrete slab for habitable <i>buildings</i> that is calculated from the specified elevation of the <i>design flood</i> of a minimum flow rate of 1,850 <i>m³/s</i> .
<i>Flood Mitigation Structure</i>	structural measures that reduce the risk of flooding and potential damage that could result from a flood.

Floor Area	means the total area of all floors in a building .
Freeboard [Bylaw #16.22]	Additional height added to a flood mitigation structure to account for level of accuracy of the flood model, debris jams, sediment deposition and superelevation of the river during a flood event. Freeboard within the Town of Drumheller is a minimum of 0.5 meters.
Freestanding Sign [Bylaw #18.21]	means a sign that is supported independently of a building wall or structure but does not include a billboard sign .
Front Parcel Boundary	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 .
Front Setback	means the distance between a building façade and the front parcel boundary . A front setback is not a front yard .
Front Yard	means a yard extending across the full width of a parcel from the front parcel boundary to the front wall of the principal building .
Flood Hazard Area [Bylaw #16.22]	The Flood Hazard Area 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 Flood Hazard Area is comprised of the Floodway, Flood Fringe, High Hazard Flood Fringe and Protected Flood Fringe areas.
Floodway [Bylaw #16.22]	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.
Flood Fringe [Bylaw #16.22]	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 .
G	

Gas Station	means a business engaged in the sale of vehicle fuel and ancillary products.
General Requirements [Bylaw #18.21]	means additional clauses outlined within an approved Development Permit not otherwise applicable to conditions, that may include but not limited to, reminders of other Municipal, Provincial, Federal legislation, or recommendations from the Town not otherwise stated within this Land Use Bylaw.
Government	means a development 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 Education facilities.
Grade	means the ground elevation established for the purpose of regulating building height . Grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be the finished ground elevation adjacent to the wall of the building at the lowest finished elevation of the property.
H	
Habitable Area	means any space or room, that can be used for dwelling purposes, business, or the storage of goods susceptible to damage by flood.
Hard Landscaping	means the use of non-vegetative material, including but not limited to concrete, paving stone, asphalt, or gravel, as part of a landscaped area .
Hard Surface	means asphalt, concrete, paving stone, or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area.
Health Services	means a development providing medical and health care services on both an inpatient and an outpatient basis, or provincially licensed extended medical care, but does not include Restricted Substance Retail .
High Hazard Flood Fringe [Bylaw #16.22]	those lands within the Flood Fringe with deeper (typically > 1m) or faster moving water than the rest of the flood fringe.

Historic Resource	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 site, structure, or object, as set out by the <i>Historical Resources Act</i> .
Home Occupation - Basic	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.
Home Occupation - Rural	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.
Home Occupation - Urban	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.
Hotel/Motel	means a facility that offers lodging that is not within a dwelling unit .
Human Services	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.
I	
Infill [Bylaw #18.21]	means the insertion of new development into an existing subdivision 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 road to reach the site.

<p>Industrial – Cannabis Production [Bylaw #16.22]</p>	<p>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.</p>
<p>Industrial - Heavy[Bylaw #16.22]</p>	<p>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 parcel boundaries of the property. This use may include Natural Resource Extraction</p>
<p>Industrial – Light [Bylaw #16.22]</p>	<p>The manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, or any industrial activities primarily within a building and does not produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts. This use may include food production.</p>
<p>K</p>	
<p>Kennel</p>	<p>means any premises where 3 or more dogs and/or 5 or more cats are cared for, maintained, boarded, bred, or trained in exchange for compensation.</p>
<p>L</p>	
<p>Landscaped</p>	<p>means the enhancement of a parcel by the addition of topsoil, trees, shrubs, turf, grass, other vegetative material, or non-vegetative material.</p>
<p>Landscaped Area</p>	<p>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 building, decks, patio, sidewalk, driveway, parking area, or similar hard landscaping.</p>
<p>Lane</p>	<p>means a secondary access located to the side or rear of a parcel and provides access to service areas, parking, accessory buildings, and may contain utility easements.</p>

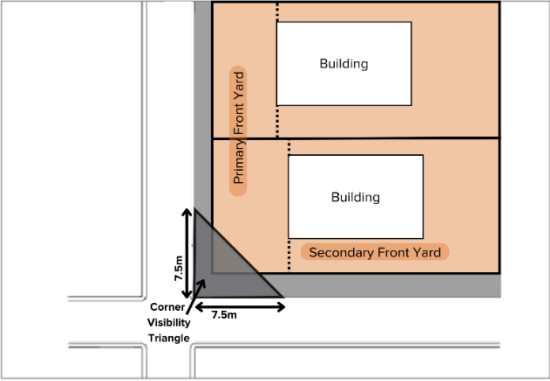
Loading Area	means an area on the same parcel as a commercial building for the temporary parking of a commercial vehicle while goods and materials are being loaded or unloaded.
M	
Manufactured Home Park [Bylaw #16.22]	A parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include accessory uses, including; convenience stores, parking facilities and other services.
Municipal Planning Commission	means the Town's Municipal Planning Commission established pursuant to the Act .
Mural [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 Mural shall be approved by the Town of Drumheller in accordance with Town policies;
N	
Natural Resource Extraction [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.
Non-Conforming Building	means a building : (a) That is lawfully constructed or lawfully under construction at the date this Bylaw become effective; and (b) That on the date this Bylaw becomes effective does not, or when constructed will not, comply with this Bylaw .
Non-Conforming Use	means a lawful specific use: (a) Being made of land or a building or intended to be made of land or a building lawfully under construction at the date this Bylaw becomes effective; and

	(b) That on the date this Bylaw becomes effective does not, or in the case of a building under construction, will not, comply with this Bylaw .
Nuisance	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 building , whether public or private.
O	
Office	means a development that includes premises available for the transaction of general business.
Outdoor Storage	means the keeping of materials, goods, or vehicles on-site for a timeframe exceeding 24 hours.
Overlay	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.
P	
Parcel	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.
Parcel Boundary	means the boundary that legally and geometrically demarcates a parcel , also known as a property line.
Parcel Coverage	means the portion of the parcel area covered by all covered structures .
Patio [Bylaw #18.21]	means an uncovered horizontal structure with a surface height, at any point, no greater than 0.60 metres above grade and is intended as an outdoor amenity space.

Permitted Use [Bylaw #18.21]	means a use of land, building , or structures for which a development permit shall be issued, with or without conditions, by the Development Authority .
Porch	means an unenclosed covered structure forming an entry to a building .
Portable Sign	means a sign which is not in a permanently installed or affixed position.
Principal Building or Use	means the use or building on a parcel that occupies the major or central portion of a parcel and constitutes the principal purpose for which the parcel is used. Principal uses may be located within a building , or portion of a building that is separated structurally from other uses within the same building . One or more principal uses may occur on a parcel .
Projecting Sign	means sign which projects from a structure or a building face.
Projection	means any structural or architectural element, building feature, or other object that juts out, overhangs, or protrudes into the prescribed setback.
Protected Flood Fringe [Bylaw #16.22]	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.
Public Utilities	means systems and facilities associated with water, sewage, power, heating and cooling, energy, waste, transportation, telecommunications, and any municipal flood mitigation structure .
Q	
Qualified professional [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.
R	
Rear Parcel Boundary	means the parcel boundary of a parcel which is opposite the front parcel boundary .
Rear Setback	means the distance between any development, building, or structure and the rear parcel boundary . A rear setback is not a rear yard .
Rear Yard	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 .
Recreation – Intensive	means a development for leisure activities requiring indoor and/or outdoor facilities, including but not limited to, parks, swimming pools, gyms, arenas.
Recreation – Non-Intensive	means leisure activities that require little to no alteration or formal development of a parcel for public or private enjoyment. This use 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.
Recreation Vehicle	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.
Recreation Vehicle Resort	means a parcel designed, developed, maintained, and capable of providing accommodation on a temporary, seasonal, or permanent basis, for recreation vehicles .
Restaurant/Café	means a development where prepared food and beverages are offered for sale to the public for consumption on-premises or off-premises.
Restricted Substance Retail	means a retail establishment licensed under the Alberta Gaming and Liquor Commission for the sale of liquor or cannabis for consumption off-premises.
Retail & Service – General	means a development 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.
Retail & Service – Heavy	means a development with permanent outdoor display, service, and/or storage areas. Including, but not limited to storage and warehousing facilities, vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, vehicles, watercraft, and/or outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment [Bylaw #16.22].
Right-of-Way	means the total width of any land reserved or dedicated as a thoroughfare, lane , pedestrian way, or utility line.
Road	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 street), and includes a bridge forming part of a public road and any structure incidental to a public road .
Rooftop Sign	means a sign affixed to or placed on a building and extending in whole or in part above the vertical walls or parapet of the building ; or the top of a canopy, awning, or other similar appurtenance of the building .
S	
Screening	means some combination of structural and/or landscaping features used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.
Secondary Front Parcel Boundary	means a side parcel boundary that forms the boundary of a parcel and a road right-of-way .

<p>Secondary Front Setback</p>	<p>means the distance between any development, building, or structure and the secondary front parcel boundary.</p>
<p>Secondary Front Yard [Bylaw #16.22]</p>	<p>means a yard extending across the full width of a parcel from the secondary front parcel boundary of the parcel to the wall of the principal building.</p> 
<p>Setback</p>	<p>means the minimum distance required between a development and a parcel boundary or any other features specified by this Bylaw.</p>
<p>Setback Area</p>	<p>means the area of a parcel between the parcel boundaries and the walls of the building or structure, as required by the applicable land use district in this Bylaw.</p>
<p>Show Home</p>	<p>means a development 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 subdivision or development area.</p>
<p>Side Setback</p>	<p>means the distance between any part of a development, building, or structure and the side parcel boundary. A side setback is not a side yard.</p>
<p>Side Parcel Boundary</p>	<p>means the boundary of a parcel which connects the front parcel boundary with the rear parcel boundary.</p>
<p>Side Yard</p>	<p>means a yard extending from the front yard to the rear yard situated between the side parcel boundary of the parcel and the wall of the principal building, not including projections.</p>
<p>Sign</p>	<p>means a visual medium used to convey information by way of words, pictures, images, graphics,</p>

	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.
Single Detached Dwelling [Bylaw #18.21]	means a use where a building contains only one dwelling unit.
Site	means an area of land on which a building or use exists or for which an application for a development permit is made and can comprise more than one parcel .
Soft Landscaping	means the use of vegetative material as part of a landscaped area .
Solar Energy System	means structures and accessories designed to convert solar radiation into electrical or thermal energy.
Stop Order	means an order issued by the Development Authority pursuant to Section 645 of the Act .
Storage Structure [Bylaw #18.21]	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.
Stormwater Management	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.
Stormwater Management Plan	means a plan that indicates pre- and post-development drainage systems including any required stormwater management features.
Street	Any public road , including the boulevards, sidewalks and improvements, but excluding a lane , bridge or walkway.
Structural Alteration	means altering the main building components that support a building , including but not limited to the roof, foundation, or exterior walls of a structure , that results in the expansion of the useable floor area of a structure or reduces existing setback areas .
Structure	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.
Subdivision	means the division of a parcel into one or smaller parcels by a plan of a subdivision or other instrument.
Subdivision Agreement	means a legal agreement between the applicant for a subdivision and the Town committing to the provision of any matter required by a condition of the subdivision approval.
Subdivision Authority	means the persons appointed pursuant to the Act that have been authorized to exercise subdivision powers on behalf of the Town .
Subdivision and Development Appeal Board	means the body established by Council pursuant to the Act to act as the appeal body for appeals against development permit decisions, subdivision decisions, and stop orders .
T	
Tourist Dwelling	means a single Dwelling Unit 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.
Town	means the Town of Drumheller.
U	
Use	means the purpose or activity for which a parcel or a building is designed, arranged, developed, or intended, or for which is occupied or maintained.
Use Area	means the entire floor area of a building or a portion of a building that is occupied by a specific use.
W	
Wind Energy System	means a structure designed to convert wind energy into mechanical or electrical energy.
Work Camp [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.
Window Sign [Bylaw #16.22]	a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.
Y	
Yard	means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided for in this Bylaw .

