

Land Use Bylaw



The Town of **Swan Hills**



Swan Hills' School Playground

Table of Contents

PART 1 - INTRODUCTION	5
1.1 TITLE.....	5
1.2 PURPOSE	5
1.3 PREVIOUS MUNICIPAL BYLAWS.....	5
1.4 EFFECTIVE DATE.....	5
1.5 TRANSITIONAL PROVISIONS	5
1.6 DEFINITIONS	6
1.7 ESTABLISHMENT OF GENERAL CONDITIONS.....	20
1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS	20
1.9 METRIC MEASUREMENTS	20
PART 2 – DEVELOPMENT CONTROL AGENCIES	21
2.1 DEVELOPMENT OFFICER	21
2.2 MUNICIPAL PLANNING COMMISSION.....	21
2.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD	21
PART 3 – DEVELOPMENT PERMITS, RULES AND PROCEDURES.....	22
3.1 CONTROL OF DEVELOPMENT.....	22
3.2 PERMIT FEES	22
3.3 WHERE A PERMIT IS NOT REQUIRED.....	22
3.4 NON-CONFORMING BUILDINGS, USES AND YARD ALLOWANCES	23
3.5 APPLICATION FOR DEVELOPMENT PERMIT	25
3.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS	26
3.7 NOTICE OF PROPOSED DEVELOPMENT	28
3.8 NOTICE OF DECISION.....	29
3.9 EFFECTIVE DATE OF PERMIT	29
3.10 VALIDITY OF DEVELOPMENT PERMITS	29
3.11 DEEMED REFUSALS.....	30
3.12 SUBSEQUENT APPLICATIONS	30
3.13 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS.....	30
3.14 TRANSFERS	31
3.15 DEVELOPER'S RESPONSIBILITY.....	31
PART 4 – APPEAL AND AMENDMENT.....	32
4.1 APPEALS AND AMENDMENT PROCEDURES	32
4.2 APPLICATION TO AMEND BYLAW.....	34
PART 5 – ENFORCEMENT, PENALTIES AND FINES	36
5.1 CONTRAVENTION	36

PART 6 – GENERAL REGULATIONS	37
6.1 BUILDING HEIGHT	37
6.2 CORNER AND DOUBLE FRONTING PARCELS	37
6.3 CURB CUTS	38
6.4 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS/STRUCTURES	38
6.5 DEVELOPMENTS ON OR NEAR SLOPES	40
6.6 DWELLING UNITS ON A PARCEL	40
6.7 EMERGENCY ACCESS TO BUILDINGS	40
6.8 ESTATE RESIDENTIAL DEVELOPMENT	41
6.9 EXCAVATION, STRIPPING AND GRADING	41
6.10 EXISTING SUBSTANDARD LOTS	42
6.11 FENCES	42
6.12 FIRESMART REGULATIONS FOR DWELLINGS AND STRUCTURES	44
6.13 LANDSCAPING	44
6.14 LIMITED ACCESS TO MAJOR ROADS	44
6.15 OBJECTIONABLE ITEMS IN YARDS	45
6.16 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS	45
6.17 PARKING FACILITIES – GENERAL REGULATIONS	45
6.18 PARKING FACILITIES – COMMUNAL REGULATIONS	46
6.19 PARKING FACILITIES - DIMENSIONS	47
6.20 POLLUTION CONTROL	48
6.21 PROJECTIONS OVER YARDS	48
6.22 PUBLIC LANDS AND TOWN BOULEVARDS	50
6.23 PUBLIC UTILITY BUILDINGS AND EASEMENTS	50
6.24 RELOCATION OF BUILDINGS	51
6.25 SIGN REGULATIONS	51
 PART 7 – SPECIAL LAND USE PROVISIONS	 54
7.1 ACCESSORY BUILDINGS AND STRUCTURES	54
7.2 ARCHITECTURAL DESIGN GUIDELINES	55
7.3 BUNKHOUSES	55
7.4 DAY CARE FACILITIES	56
7.5 FAMILY CARE AND GROUP HOME FACILITIES	56
7.6 GAS BAR, SERVICE STATIONS AND BULK OIL STATIONS	57
7.7 HOME OCCUPATIONS	58
7.8 SECONDARY SUITES	59
7.9 SIGNS IN NON-RESIDENTIAL DISTRICTS	60
7.10 SIGNS IN RESIDENTIAL DISTRICTS	63
7.11 TEMPORARY STRUCTURES (TENT GARAGES, C-CANS, ETC.)	63

PART 8 - DISTRICTS AND REGULATIONS	65
8.1 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS.....	65
8.2 LAND USE DISTRICTS	65
8.3 LAND USE DISTRICT MAP	65
8.4 RS – RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT	67
8.5 RT – RESIDENTIAL TWO FAMILY DISTRICT.....	69
8.6 RM – RESIDENTIAL MEDIUM DENSITY DISTRICT.....	71
8.7 RMHS – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT	75
8.8 RERR – ESTATE RESIDENTIAL RESTRICTED DISTRICT	78
8.9 RESIDENTIAL LIGHT INDUSTRIAL (RI) DISTRICT	80
8.10 CT – TOWN CENTRE COMMERCIAL DISTRICT	83
8.11 CH – HIGHWAY AND SECONDARY COMMERCIAL DISTRICT	89
8.12 IG – GENERAL INDUSTRIAL DISTRICT	94
8.13 P – PUBLIC USE DISTRICT.....	98
8.14 UR – URBAN RESERVE DISTRICT	101
 PART 9 – LAND USE DISTRICT MAP	 103
 PART 10 – ADOPTION.....	 104
10.1 ADOPTION	104
 Appendix A - Fire-Resistant Plants	 105

PART 1 - INTRODUCTION

1.1 TITLE

- (1) This Bylaw is entitled "The Town of Swan Hills Land Use Bylaw".

1.2 PURPOSE

- (1) The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town of Swan Hills and to achieve the orderly and economic development of land, and for that purpose, amongst other things:
 - a. to divide the Town into districts;
 - b. to prescribe and regulate for each district the purpose for which land and buildings may be used;
 - c. to establish the office of Development Officer;
 - d. to establish a method of making decisions on applications for development permits including the issuing of development permits; and
 - e. to prescribe a procedure to notify owners of land likely to be affected by the issuance of a development permit.

1.3 PREVIOUS MUNICIPAL BYLAWS

- (1) No provision of any other Land Use Bylaws with respect to zoning, development control, development schemes and land use classifications shall hereafter apply to any part of the Town described in this Bylaw, subject to the transitional provisions of this Bylaw.

1.4 EFFECTIVE DATE

- (1) The effective date of this Bylaw shall be the date of the third reading thereof.

1.5 TRANSITIONAL PROVISIONS

- (1) An application for a development permit which is received in its complete and final form prior to the effective date of this Bylaw shall be processed, and any permit issued shall be in accordance with Bylaw 94-05 and the amendments thereto.

1.6 DEFINITIONS

For the purposes of this Bylaw:

- (1) **"accessory building"** means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land;
- (2) **"accessory use"** means a use customarily incidental and subordinate to the main use of a build, which is located on the same parcel of land with the main use or building;
- (3) **"Act"** means the Municipal Government Act (Chaper M-26, R.S.A. 2000) and all regulations and amendments passed pursuant thereto;
- (4) **"apartment"** means a building designed and built to contain three or more dwelling units with shared services from the street, shared facilities, and shared outside entrances, but shall not mean a row house;
- (5) **"assisted living facility"** means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or home making services or for persons generally requiring specialized care;
- (6) **"auction mart"** means a development used for the auctioning and related temporary storage of goods;
- (7) **"automobile and recreation vehicle sales and rental"** means a development used for the retail sale or rental of new or used automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. It includes automobile dealerships, car and truck rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of manufactured homes, trucks, or heavy equipment with a gross vehicle weighting greater than 4,000 kg;
- (8) **"automotive service centre"** means a development or portion of a large retail establishment used exclusively for the repair and maintenance of passenger vehicles and other single axle vehicles and excludes the sale or other distribution of petroleum products such as gasoline, propane, diesel and other fuels;
- (9) **"bakery"** means a factory for producing bread or other bakery components, and which may contain a retail component;
- (10) **"basement"** means a storey or storeys of a building located below the first storey;

- (11) **"basement suite"** means a basement developed as a dwelling and approved by the Development Officer or Municipal Planning Commission;
- (12) **"bed and breakfast facility"** means a dwelling unit in which the occupant rents or leases a room or a suite of rooms on a temporary basis to vacationers or tourists, and which may include the provision of meals as part of and in addition to the rental paid for the room or a suite of rooms;
- (13) **"bi-level"** means a dwelling that has the main living area on one storey, but raised to such a level that the upper face of the floor is not greater than 1.8 m above grade, and not a two storey building;
- (14) **"building"** includes anything constructed or placed on, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;
- (15) **"bulk fuel storage and distribution"** means a development for handling petroleum products in bulk quantities, and includes supplementary tanker vehicle storage. Key-lock and card-lock pumps and retail fuel sales may be incorporated as an accessory use;
- (16) **"bunkhouse"** means a dwelling which provides individual or communal residential accommodation for industrial workers on a short term (temporary basis);
- (17) **"campground"** means any land or part thereof, which may levy fees for the locating of tents or recreational vehicles and shall include any facilities or amenities secondary to the primary use;
- (18) **"canopy"** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (19) **"carport"** means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;
- (20) **"car wash"** means a building used for the purpose of washing motor vehicles;
- (21) **"cemetery"** means a parcel of land used as a burial ground and is licensed by the appropriate provincial government departments, and may include accessory facilities such as crematories, cinerarium, columbarium, mausoleums, memorial parks and gardens of remembrance;
- (22) **"chattel"** means a moveable item of personal property;
- (23) **"commercial school"** means a development for instruction and education, operated on a commercial or private basis or as a home occupation, and which may not offer courses equivalent to those offered at publicly supported education facilities, but which is not registered as a "school" under the School Act;

- (24) **"contracting services, major"** means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be necessary to the principal general contractor use;
- (25) **"contracting services, minor"** means a development used for the provision of electrical, plumbing, heating, painting, catering other contractor services and the accessory sales of goods normally associated with contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment;
- (26) **"convenience retail store"** means a development used for the retail sale of goods required by the neighbourhood residents or employees on a day-to-day basis;
- (27) **"council"** means the Council of the Town of Swan Hills;
- (28) **"day care facility"** means a facility and program for the provision and care, maintenance and supervision of four or more children under the age of 15 years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours;
- (29) **"developer"** means an owner, agent or person, firm or company required to obtain or having obtained a development permit;
- (30) **"development"** means
- a. an excavation or stockpile and the creation of either of them, or
 - b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (31) **"development officer"** means a person(s) appointed by Resolution of Council, and responsible for receiving, considering and deciding on applications for development, and other duties as specified under this Land Use Bylaw;
- (32) **"development permit"** means a document authorizing a development issued pursuant to this Land Use Bylaw;

- (33) **"discontinued"** means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use, or conforming use has ceased;
- (34) **"discretionary use"** means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued upon an application having been made;
- (35) **"double fronting lot"** means a lot which abuts two roads or highways, or a road and a highway, and which is not a corner lot;
- (36) **"drive-in/drive-through business"** means an establishment which services customers travelling in motor vehicles driven onto the site where such business is carried on, where a customer normally remains in the vehicle for service;
- (37) **"dry cleaning and laundry plant/depot"** means a building where the cleaning of clothing is carried on and/or used for the purpose of receiving articles of clothing to be cleaned elsewhere;
- (38) **"duplex"** means a dwelling containing two (2) dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area located above the dwelling area of the other in the cases of vertical units, each with a private entry;
- (39) **"dwelling"** means a complete building or self contained portion of a building used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building;
- (40) **"dwelling unit"** means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms for the use of one or more individuals living as a single housing unit, containing sleeping, cooking and separated or shared toilet facilities intended as a residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;
- (41) **"eating and drinking establishment"** means a development where prepared food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered. This use includes the following and such similar uses, restaurants, lounges, bars and fast food outlets;
- (42) **"essential services"** means a development providing police, fire and ambulance services or any combination of these services;
- (43) **"equestrian centre"** means a facility at which horses are raised or trained, training in equestrian skills or equestrian competitions are held;
- (44) **"extensive agriculture"** means the means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a "Confined Feeding Operation as defined by the Natural Resources Conservation Board;

- (45) **"family care facility"** means a facility which provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household. These individuals shall be handicapped, aged, disabled, or in need of adult supervision, on a temporary or long-term basis, in accordance with their individual needs. This use includes the following, and such similar uses as, foster or boarding homes for children, day care centres, group homes, and family homes. This use does not include such uses as open custody young offender facilities, or psychiatric care facilities;
- (46) **"foundation"** means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;
- (47) **"fourplex"** means four dwelling units contained within one building structure, and so attached, that the units have no more than two service connections from the street, and each unit has its own bathroom and cooking facilities;
- (48) **"garage"** means an accessory building or part of a principal building, designed and used primarily for the storage of motor vehicles;
- (49) **"garage suite"** means an accessory dwelling located above a detached garage (above grade); or a single storey accessory dwelling attached to the side of, or rear of, a detached garage (at grade). A garage suite is accessory to an existing single detached dwelling. A garage suite has separate cooking, sleeping and bathing facilities, and has an entrance which is separate to the vehicle entrance, either from a common indoor landing, or directly from the exterior of the structure;
- (50) **"gas bar"** means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories, but does not include service stations or automotive repair establishments;
- (51) **"golf course"** means a golf playing area and accessory buildings and uses related to the playing of the game of golf and without restricting the generality of the foregoing includes pro shop, club house, restaurant, licensed dining area or lounge, driving range, parking lot and picnic area;
- (52) **"government services"** means a development providing municipal, provincial or federal services or consisting of government offices or administrative offices for school divisions but does not include essential services;
- (53) **"grade, building"** means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;
- (54) **"greenhouse or plant nursery"** means a building or structure intended for the cultivation of plants, shrubs and trees, and which may have a retail component;

- (55) **"gross floor area"** of a building means the total area of all floors above grade, calculated by reference to the perimeter of the foundation of the building;
- (56) **"group care facility"** means a facility which provides resident services to seven (7) or more individuals of whom one or more are unrelated. These individuals may be aged, disabled, or undergoing rehabilitation, provided services to meet their needs. This includes the following such similar uses and group homes (all ages), halfway houses, resident schools, psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals, young offender facilities;
- (57) **"hardware or home improvement centre"** means a facility where building materials, tools, domestic garden supplies, household accessories required for building renovations, and similar goods are stored, offered for sale but does not include outside storage;
- (58) **"home occupation"** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use;
- (59) **"hospital"** means a development providing medical and health care on both an inpatient and outpatient basis, or providing provincially approved extended medical care, and may include eating, drinking and convenience retail facilities as accessory uses;
- (60) **"hotel"** means a building designed for the accommodation of the traveling and vacationing public containing guestrooms served by a common entrance as well as general kitchen and dining or other public rooms;
- (61) **"household repair service establishment"** means a development used primarily for the repair, refinishing or reconditioning of consumer goods such as, but not limited to, electronic equipment, office equipment, household appliances, clothing and footwear, bicycles, etc. The repaired, refinished or reconditioned consumer goods, as referred to above, may be sold on the premises but the retail sales component must be clearly secondary to the primary use. Automobiles or any other motorized vehicles such as, but not limited to, trucks, recreational vehicles or buses are not included in the definition of consumer goods described above;
- (62) **"indoor recreational establishment"** means a development providing facilities within an enclosed building for sports, leisure and recreation where patrons are predominantly participants and any spectators are incidental and attending on a non-recurring basis;
- (63) **"kennel"** means a development in which three or more dogs and/or cats over six months in age are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale;
- (64) **"laundromat"** means a self-serve clothes-washing establishment containing one or more washing and drying, ironing, finishing or other incidental equipment;

- (65) **"library"** means a building in which literary and artistic materials, such as books, periodicals, newspapers, music, video and internet support are kept for reading, reference or lending;
- (66) **"liquor store"** means a development where alcoholic beverages are offered to the public for retail sale and consumption off premises;
- (67) **"livestock"** means cattle, swine, poultry, sheep, horses, fish, game, fur bearing animals and similar animals;
- (68) **"lot"** means
 - a. a quarter section,
 - b. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
 - c. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision;
- (69) **"market gardening"** means an outdoor development for growing, storage or sale of garden, household or ornamental plants or trees;
- (70) **"manufactured home"** means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A manufactured home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Manufactured homes shall feature the following criteria: minimum roof of less than 1:4; and a depth versus width ratio of greater than 2.5:1. A manufactured home does not include a single detached dwelling;
- (71) **"manufactured home sales and service"** means a development for the sale, rental, and storage of new and used manufactured homes, and includes supplementary maintenance, service and the sales of parts and accessories;
- (72) **"manufacturing"** means the use of land, buildings or structures for the purpose of assembly, making, preparing, inspecting, finishing, treating, altering, repairing, storing or adapting for the sale of goods;
- (73) **"medical clinic"** means a development used for the provision of physical and mental health services on an out patient basis;
- (74) **"mini storage"** means a development that provides cubicles for rent to the public for storage of goods;
- (75) **"motel"** means a development where members of the traveling public are lodged for brief periods of time, in rentable units, where access to the rentable units is directly from outdoors;

- (76) **"multi family dwelling"** means a dwelling containing three or more dwelling units;
- (77) **"municipality"** means the Town of Swan Hills;
- (78) **"municipal planning commission"** means a municipal planning commission which may be established by a Council pursuant to the Act;
- (79) **"museum"** means a use of a building, or part of a building for the preservation and presentation of works of art, or cultural, historical, or scientific objects and information and which is open to the public;
- (80) **"natural resource extraction industry"** means an industry engaged in the extraction of natural resources such as clay, sand, gravel, coal, or other minerals including petroleum and natural gas, and which may include the processing of these through primary treatment into a raw marketable form;
- (81) **"nursing home"** means an institution or a distinct part of an institution which is licensed and approved to provide health care and social support for 24 or more consecutive hours for 2 or more patients who require such care on a daily basis and who are not related to the governing authority or its members by marriage, blood or adoption;
- (82) **"non-conforming building"** means a building
- a. that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
 - b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (83) **"oilfield support services"** means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage of shipping of such materials, goods and equipment, including petrochemical products and supplies, providing such storage does not exceed 5,000 m³ for all organic or inorganic chemicals and 10,000 m³ for all petroleum products and that such storage is in accordance with all applicable provincial and federal statutes;
- (84) **"parcel"** means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (85) **"parcel corner"** means a parcel at the intersection of two abutting streets;
- (86) **"parcel coverage"** means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces and decks at grade, steps, cornices, eaves and similar projections; such areas shall include air wells, and other space within an enclosed building;

- (87) **"parcel depth"** means the average distance between the front and rear parcel boundaries. The minimum parcel depth is measured at the distance between the average front parcel and rear parcel lines;
- (88) **"parcel interior"** means a parcel which is bounded by only one street;
- (89) **"parcel width"** means the average distance between the side boundaries of a parcel. The minimum parcel width is measured as the distance between the side boundaries of the parcel, at the permissible front yard setback;
- (90) **"parking facility"** means the area or structure set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;
- (91) **"park"** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails, landscaped buffers, playgrounds and water features;
- (92) **"patio"** means the paved, wooden or hard-surfaced area adjoining a house, at grade, used for outdoor living;
- (93) **"permitted use"** means the use of land or a building provided for in the Land Use Bylaw for which a development permit shall be issued or conditionally issued by the Development Officer or the Municipal Planning Commission upon application having been made to the Development Officer;
- (94) **"personal service establishment"** means a development used for the provision of personal services to an individual which are related to the cleaning and repair of personal effects or the care and appearance of the body. Typical uses include but are not limited to the following: hairdressers, beauty salons, shoe repair, dress makers, laundry cleaning facility, and jeweller;
- (95) **"places of worship"** means the development owned by a religious organization used for worship and religious, philanthropic, or social activities including rectories, manses, and accessory buildings. Typical uses include the following and similar uses as churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

- (96) **"principal building"** means a building which, in the opinion of the Development Officer:
- Occupies the major or central portion of the site;
 - Is the chief or main building among one or more buildings on the site; or
 - Constitutes by reason of its use the primary purpose for which the site is used.
- There shall be no more than one principal building on each site unless permitted otherwise in this Bylaw;
- (97) **"private club or lodge"** means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include any on-site residence;
- (98) **"professional, financial, office and business support service"** means development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the following and similar uses as offices of lawyers, accountants, engineers, planners, doctors and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; banks, credit unions, loan offices and similar financial uses; and printing establishments, film processing establishments, janitorial firms and business equipment repair shops;
- (99) **"public use"** means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include the following and similar uses as parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities;
- (100) **"public utility"** means the right-of-way for one or more of the following: telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power, heating systems, or sewage systems;
- (101) **"public utility building"** means a building to house a public utility, its offices, or equipment;
- (102) **"quasi public use"** means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, and libraries;
- (103) **"rear yard"** means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot, to the rear line of the lot;

- (104) **“recreation facility, active”** means a development that provides facilities for sports and active recreation. Typical facilities would include athletic clubs, bicycle/pedestrian trails, billiard or pool halls, bowling alleys, campgrounds, driving ranges, golf courses, health and fitness clubs, curling, indoor golf facilities, indoor soccer facilities, roller-skating and hockey rinks, rifle and pistol ranges, sports fields, tennis courts and swimming pools. This definition applies to both private and public facilities;
- (105) **“recreation facility, passive”** means a development with few or no buildings maintained for recreational and ornamental purposes;
- (106) **“registered owner”** means: (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having administration of the land, or (b) in the case of other land, (i) the purchaser of the fee simple estate in the land under an agreement for sale that is subject to a caveat registered against the Certificate of Title in the land and any assignee of the purchaser's interest that is subject of a caveat registered against the Certificate of Title, or (ii) in the absence of a person described in (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land;
- (107) **“retail establishment”** means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionery, pharmaceutical and personal care items, office supplies, stationary, etc.;
- (108) **“retirement home”** means a place of residence for persons in or entering retirement where an independent lifestyle is maintained with little to no assistance required and that may include additional services such as but not limited to entertainment rooms, kitchens, libraries, and administrative offices;
- (109) **“row house”** means a group of three or more dwelling units having a common wall or structural feature, with each unit having direct access to the outside grade, but shall not mean an apartment;
- (110) **“salvage yard”** means land or buildings where motor vehicles, tires and parts are disassembled, repaired, stored, resold or recycled;
- (111) **“school”** means a development that is publicly supported and involves public assembly for education, training, or instruction of students;
- (112) **“secondary suites”** are self-contained living space located on the same property as a dwelling. Secondary suites have a separate entrance, cooking, sleeping and bathing facilities and are no larger than 70 m². Secondary suites shall include basement suites, garage suites and garden suites;

- (113) **"second hand store or establishment"** means a retail store whose merchandise may include previously owned goods offered for sale to the general public;
- (114) **"service station"** means an establishment used for the sale of gasoline, propane or other automotive fuels; and may include as an accessory use the sale of lubricating oils and other automotive fluids or accessories for motor vehicles, servicing and minor repair of motor vehicles, and a towing service dispatch point. This use does not include the following and similar uses, specialty motor repair shops, and motor vehicle repair establishments which do not include retail sale of automotive fuels;
- (115) **"setback"** means the separation distance that a building or development must be from the boundary line of a lot;
- (116) **"shopping centre"** means one or more architecturally unified buildings which contain retail and personal service establishments located on a site planned and developed as a single development and characterized by the sharing of common parking areas and driveways;
- (117) **"sign"** means an object, structure or device used for the purpose of identification or advertising or to call attention to any person, matter, thing or event or to give direction;
- (118) **"sign, a-board"** means a sandwich board sign not exceeding 0.6 m wide by 0.9 m high and not less than 0.3 m wide by 0.6 m high;
- (119) **"sign, area of"** means the total area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising material shall not be included in computation of surface areas;
- (120) **"sign, awning or canopy"** means a canopy or awning, which may be illuminated, and which projects from a structure or building and displays the building or proprietor's identification;
- (121) **"sign, billboard"** means a sign structure designed and intended to provide a leaseable advertising copy area of not more than 18.0 square metres where the copy can be periodically replaced, typically by the use of pre-printed copy pasted or otherwise mounted onto the copy area;
- (122) **"sign, fascia"** means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m from the building;
- (123) **"sign, freestanding"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- (124) **"sign, off parcel"** means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services, or facilities advertised;

"sign, portable" means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs, temporary signs, inflatable signs or devices, or banners, and whether tethered to a building or not, and also includes vehicles placed in a location for advertising purposes, but does not include an a-board or real estate sign or signage permanently attached and forming part of motor vehicles use in the day to day conduct of business;

(125) **"sign, projecting"** means a sign which projects from a structure or a building face;

(126) **"sign, roof"** means any sign erected upon, against or directly above a roof or on top or above the parapet wall of a building;

(127) **"sign, temporary"** means a sign which may or may not be portable in nature, and which is located on a site for a limited or specified period of time;

(128) **"sign, under canopy"** means a sign which is attached to the bottom face of a canopy;

(129) **"single detached dwelling"** means a dwelling consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site. A single detached dwelling shall include a dwelling constructed off-site if the roof pitch is more than 1:4, and if the depth versus width ratio is less than 2.5:1;

(130) **"site"** means one or more lots or parcels for which an application for a development permit is made, and may include streets, lanes, walkways and any other land surface upon which development is proposed;

(131) **"split level"** means a dwelling that has three separate or more living areas, each separated from the next by one half-storey, not including the basement;

(132) **"storey"** means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m above grade;

(133) **"structure"** means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

(134) **"subdivision and development appeal board"** means an appeal board appointed pursuant to the Act;

(135) **"sun deck"** means a raised platform, extending from the principal building and used for outdoor living;

- (136) **"surveillance suite "** means a single detached dwelling or a manufactured home which is located on the same lot as a commercial or industrial use and is clearly accessory to that commercial or industrial use, as it is the dwelling of the owner/operator/caretaker/supervisor of the commercial or industrial establishment;
- (137) **"temporary building"** means a structure which is permitted to exist for a maximum of six months, or such period of time as determined by the Development Officer or Municipal Planning Commission;
- (138) **"theatre or cinema"** means a building, or part thereof, used for the showing or viewing of motion pictures for a fee; or used for the presentation of performing arts;
- (139) **"tourist information services and facilities"** means the use of a parcel of land to provide information to the travelling public and may include washrooms and picnic tables;
- (140) **"triplex"** means a building containing three or more dwelling units;
- (141) **"truck and equipment storage and repair shops"** means the use of a building or a portion of a building or parcel, for the servicing, mechanical repair and storage of automobiles, motorcycles, snowmobiles and similar vehicles for the sale, installation or servicing of related accessories and parts;
- (142) **"trucking establishment"** means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods;
- (143) **"utility"** means a utility as defined in the Act, as amended;
- (144) **"veterinary clinic"** means a development where domestic pets and/or livestock are cared for and medically treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include kennels, except that veterinary clinics may include a facility for the boarding of animals; however, that facility will be clearly accessory to the care function;
- (145) **"warehouse"** means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;
- (146) **"wholesale establishment"** means a development for the storage and wholesale distribution of goods;
- (147) **"yard setback"** means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

- (148) “yard setback, front” means that portion of the site extending across the full width of the site, from the front property boundary, back to a distance required under the district regulations. A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw;
- (149) “yard setback, rear” means that portion of the site extending across the full width of the site from the rear property boundary back to a distance required under the district regulations;
- (150) “yard setback, side” means that portion of the site extending from the side property line back to that distance required under the district regulations and extending from the front yard setback to the rear yard setback;
- (151) “zero side yard” means a cases in which a development is permitted to be built on the side lot line, with no required yard setback on the side to which the development is located.

1.7 ESTABLISHMENT OF GENERAL CONDITIONS

- (1) General conditions shall be set forth in Part 1 Introduction, and the same may be amended in the similar manner as any other part or section of this Bylaw.

1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

- (1) Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required by this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

1.9 METRIC MEASUREMENTS

- (1) Within this Bylaw, Metric measures are provided.

PART 2 – DEVELOPMENT CONTROL AGENCIES

2.1 DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall perform such duties that are specified in Part 3 of this Bylaw.
- (3) The Development Officer shall keep and maintain for inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of applications for development, including the decisions and the reasons therefore.
- (4) For the purposes of the Act, the Development Officer is hereby declared to be an authorized person of Council.

2.2 MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission established by Bylaw 90-12 shall perform such duties as are specified in Part 3 of this Bylaw.

2.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board established by Bylaw No. 473 shall perform such duties as are specified in Part 4 of this Bylaw.

PART 3 – DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 CONTROL OF DEVELOPMENT

- (1) No development other than that designated in Section 3.3 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

3.2 PERMIT FEES

- (1) All fees and charges under and pursuant to this Bylaw, and any amendments thereto, with respect to development permits and compliance certificates shall be as established by resolution of Council.

3.3 WHERE A PERMIT IS NOT REQUIRED

The following development shall not require a development permit:

- (1) The erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m in height in front yards and less than 2.0 m in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure, except where corner lot restrictions apply;
- (2) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
- (3) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (4) The erection of an on-site sign offering for sale, lease or for rent of land or building pursuant to the regulations in Section 6.25.
- (5) Hard surfacing of any yard area on a residential lot for the purposes of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not exceed 7.5 m in width, and does not drain onto adjacent properties;
- (6) The erection of towers, flag poles and other poles not exceeding 4.5 m in height, provided that the structure is not located in a front yard or on a building or structure in a single family residential, manufactured home subdivision district, or not located in a front yard in all other districts;
- (7) The construction of a pre-manufactured accessory building less than 10 m² in area, or a sun deck less than 15 m², providing that the side and rear setbacks are maintained;

- (8) A permitted commercial use relocating to an existing building within the same commercial land use district;
- (9) Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit;
- (10) In all districts except RS, RT, RMHS, television or communication aerials, masts, towers or satellite dishes, where such things are freestanding, attached to or placed on a building, provided that the structure does not exceed the maximum height specified in the District Regulations and is not located within the front yard setback. In RS, RT and RMHS districts, a television aerial or satellite dish shall not require a development permit, but shall be located in accordance with the accessory building setback regulation; or
- (11) The maintenance, repair, construction or renovation, which is less than one thousand dollars (\$1,000.00) in value, of any building, or dwelling provided that such maintenance, repair, construction or renovation does not involve plumbing or electrical work or the alteration of load bearing walls.

3.4 NON-CONFORMING BUILDINGS, USES AND YARD ALLOWANCES

- (1) Pursuant to the Act, when:
 - a. On or before such a day on which this Bylaw or any bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - b. The enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building;

The development permit continues in effect, notwithstanding the enactment of the Bylaw referred to in Section (b) above.

- (2) A non-conforming use of land or a non-conforming use of 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 with the regulations of the Land Use Bylaw then in effect.
- (3) The 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, shall not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a. As necessary to make it a conforming building; or

- b. As the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy, or occupancy of the land or building.
- (7) Any residential dwelling, accessory building or building construction prior to June 12, 1979:
 - a. Which is a single family residential dwelling and
 - i. Encroaches onto the front, rear, or side yard, or any or all of them, to a maximum of 10% of the setbacks required by this or any previous Bylaw; or ½ of 1.0 m, whichever is the lesser distance, or
 - ii. Conforms to any site plan or development permit "approved" by the Development Officer, or
 - iii. Does not encroach into the adjoining lands; or
 - b. Which is a multi-family residential building and
 - i. Encroaches into the front, rear, or side yard, or any or all of them, of the setbacks required by this or any previous Bylaw, or
 - ii. Conforms to any site plan or development permit "approved" by the Development Officer, or
 - iii. Does not encroach into the adjoining lands, and

Shall hereinafter be deemed to conform with the setback requirements of this, or any previous Bylaw.

- (8) Any owner or occupant of any building referred to in Subsection (8)(a) or (8)(b) above, may apply in writing to the Development Officer for a "compliance certificate".
- (9) Any fees or charges pursuant to this Bylaw with respect to a "compliance certificate" shall be established by Council resolution.
- (10) The Development Officer may issue a "compliance certificate" for a building or use which conforms with Subsections (8)(a) and (8)(b).
- (11) Notwithstanding any of the foregoing, at the discretion of the Development Officer, a "compliance certificate" may be refused and referred to the Town of Swan Hills Subdivision and Development Appeal Board which may thereafter determine that the application for a "compliance certificate" may be refused or issued with or without conditions.

3.5 APPLICATION FOR DEVELOPMENT PERMIT

- (1) An application for a development permit shall be made to the Development Officer in writing on the application provided by the Town and shall:
 - a. Be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by Statutory Declaration;
 - b. State the proposed use or occupancy of all of the land and buildings, and such other information as may be required by the Development Officer;
 - c. At the discretion of the Development Officer, include site plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following;
 - (i) Front, side and rear yards,
 - (ii) Outlines of the roof overhangs on all buildings,
 - (iii) North point,
 - (iv) Legal description of property,
 - (v) Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, parking spaces, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
 - (vi) The grades of the adjacent streets, lanes and sewers servicing the property,
 - (vii) The exterior elevations showing the height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
 - (viii) The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
 - (ix) On a vacant parcel in a residential district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal,
 - (x) Storm drainage plan, and
 - (xi) Any other pertinent information or tests required by the Development Officer respecting the site or adjacent lands.
- (2) Each application for a development permit shall be accompanied by a fee as established by Section 3.2.
- (3) At the discretion of the Development Officer, a letter from the registered owner may be required authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed development.

3.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

(1) Permitted Use Applications:

- a. Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms with this Bylaw and
 - (i) May, prior to making a decision, refer any application for a permitted use to any municipal department or external agencies for comment, or
 - (ii) May require a letter of guarantee or an irrevocable letter of credit from the applicant to secure performance of any of the conditions of the development permit, or
 - (iii) May require as a condition of issuing a development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favour of the Town, or
 - (iv) Where in the opinion of the Development Officer the proposed use is of a temporary nature, the Development Officer may issue a temporary development permit, or
 - (v) May require a Real Property Report relating to the building for which a permit is applied for; and
- b. Refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses which in the opinion of the Development Officer should be decided by the Commission.

(2) Discretionary Use Applications:

- a. Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall review the application and refer the application with the Development Officer's recommendations to the Municipal Planning Commission for decision;
- b. The Municipal Planning Commission shall approve, with or without conditions, refuse the application, giving reasons for the refusal; or
- c. The Municipal Planning Commission may, prior to making a decision, refer any application of a permitted use referred to the Commission under Section 3.6(1)(b), or discretionary use, to any municipal department or external agencies for comment; and
- d. Where the Municipal Planning Commission is of the opinion that the permitted or discretionary use is of a temporary nature, the Commission may issue a temporary development permit; and
- e. The Municipal Planning Commission may refuse or approve with conditions any development if, in the opinion of the Commission, the proposed development will detract from the character or appearance of the general development in the area; or
- f. Where any use is proposed which is not specifically shown in any district but is, in the opinion of the Commission, similar in character, intent and purpose to other uses of land and buildings permitted or discretionary in the district in which such use is proposed, the Commission may, if requested by the applicant, rule that the proposed use is a discretionary use in the district in which such use is proposed; or

- g. The Municipal Planning Commission may require as a condition of development, prior to the issuance of a development permit, that:
 - (i) The applicant provide a letter of guarantee or an irrevocable letter of credit from the applicant to secure performance of any of the conditions of the development permit, or
 - (ii) That the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favour of the Town, or
 - (iii) The applicant may require a Real Property Report relating to the building for which a permit is applied for.
- (3) Variance Provisions: Notwithstanding (1) and (2) above, the Development Officer may approve or conditionally approve a permitted use, or the Municipal Planning Commission may approve or conditionally approve a permitted or discretionary use that does not comply with this Bylaw if, in their opinion,
 - a. The proposed development would not, unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - b. The proposed development conforms with the use prescribed for that land or building.
- (4) Limitations on Variance Provisions: In approving an application for a permit under subsection (3) above, the Development Officer or Municipal Planning Commission shall adhere to the following:
 - a. A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same district;
 - b. Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing maximum height, floor area, and density regulations;
 - c. A maximum variance of 10% may be allowed for any setback;
 - d. Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer or the Municipal Planning Commission to relax a regulation of a district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 3.6; and
 - e. The general purpose and intent of the appropriate District.
- (5) Additional Application Provisions: The Development Officer or Municipal Planning Commission may impose such conditions on the approval of an application as, in their opinion, are necessary:
 - a. To uphold the intent and objectives of the Municipal Development Plan, Area Structure Plan or Land Use District as adopted or amended from time to time, and
 - b. To ensure the orderly development of land within the Municipality.
- (6) Notwithstanding (1) and (2) above, if the Council is of the opinion that an agreement is required

by the Development Officer or Municipal Planning Commission pursuant to (1) or (2) would not be necessary, then the condition requiring the agreement is void.

- (7) Where an application for a use is neither a permitted use or a discretionary use is received by the Development Officer, the Development Officer may refuse the application stating reasons for the decision or, at the request of the applicant, refer the application to the Municipal Planning Commission for consideration under 3.6(2)(f) or 3.6(3).

3.7 NOTICE OF PROPOSED DEVELOPMENT

- (1) Prior to an application being considered for a discretionary use, or a use pursuant to 3.6(2)(f) and 3.6(3), the Municipal Planning Commission may direct the Development Officer to require one or more of the following:
 - a. Cause a similar notice to be sent by mail to all assessed property owners within 30.0 m of the site, and to those assessed property owners who are in the opinion of the Development Officer or Municipal Planning Commission may be affected, not less than seven (7) days prior to the date of consideration of the application.
- (2) When considering applications under (1) above for which notices have been served, the Municipal Planning Commission may afford an opportunity to any interested persons to make representation on the application and shall take into account any such representations made when giving final consideration to said application.
- (3) The notice required pursuant to Section 3.7(1) shall state:
 - a. The location and proposed use of the building or site; and
 - b. That an application respecting the proposed use will be considered by the Municipal Planning Commission; and
 - c. That any person who objects to the proposed use of the site may deliver to the Development Officer a written statement of their objections indicating:
 - (i) Their full name and address for service of any notice to be given to them in respect of the objection, and
 - (ii) The reasons for their objections to the proposed use; and
 - d. The date by which objections must be received by the Development Officer; and
 - e. The date, time and place the application will be considered by the Development Officer or Municipal Planning Commission.

3.8 NOTICE OF DECISION

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused by the Development Officer or Municipal Planning Commission, the notice of decision shall contain the reasons for the refusal.
- (3) When an application for a development permit is approved for a permitted use, a notice shall be posted at the town office and on the municipal web site;
- (4) When an application for a development permit is approved for a permitted use requiring a variance, a discretionary use, or a use pursuant to section 3.6(3):
 - a. A notice shall be published in a newspaper circulating in the municipal area;
 - b. A notice shall be posted at the town office and on the municipal web site;
 - c. At the discretion of the Municipal Planning Commission, any abutting property owners or occupants and any other parties deemed affected may also be notified.
- (5) A notice under subsection (3) shall contain:
 - a. The legal description and municipal street address of the proposed development;
 - b. The date a decision on the development permit application was made;
 - c. The nature of the approval; and
 - d. The opportunities available to appeal the decision.

3.9 EFFECTIVE DATE OF PERMIT

- (1) The decision on a development permit application shall come into effect:
 - a. If an appeal is made, on the date that the appeal is finally determine; or
 - b. If it is made by the Development Officer or Municipal Planning Commission, fifteen (15) days after the date of issue of the Notice of Decision by the Development Officer or Municipal Planning Commission unless an appeal is made.

Any development carried out prior to the effective date of the appropriate development permit is done solely at the risk of the applicant.

3.10 VALIDITY OF DEVELOPMENT PERMITS

- (1) A permit is valid unless:
 - a. The development permit is suspended or cancelled; or
 - b. The development is not commenced within twelve (12) months from the date of permit issue,

- or carried out with reasonable diligence (unless an extension to the period has been granted by the Development Officer or Municipal Planning Commission or Council; or
- c. The Development is not commenced within such shorter period than shown on Section 3.10 (b) if the Development Officer, Municipal Planning Commission or Council has specified that the development permit is to remain in effect for less than twelve (12) months.

3.11 DEEMED REFUSALS

- (1) In accordance with the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the discretion of the Development Officer or the Municipal Planning Commission is not made within forty (40) days, or any extension of that time period agreed to by the applicant, of the completed application being received by the Development Officer.

3.12 SUBSEQUENT APPLICATIONS

- (1) If an application for a development permit is refused by the Development Officer or the Municipal Planning Commission, or on appeal from the Subdivision and Development Appeal Board, another application for development:

- a. On the same lot; and
- b. For the same or similar use;

May not be made for at least six (6) months after the date of the refusal, subject to consideration by the Municipal Planning Commission under the provisions of Section 3.6(4)(a).

3.13 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

- (1) If, after a development permit has been issued, the Development Officer becomes aware that:
 - a. The application for the development permit contains a misrepresentation; or
 - b. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
 - c. The development permit was issued in error;

the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of the permit.

- (2) If a person fails to comply with a notice under the Act, the Development Officer or Council may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (3) A person whose development permit is suspended or cancelled under this section may appeal to

the Subdivision and Development Appeal Board.

3.14 TRANSFERS

- (1) A development permit is not transferable without the prior consent of:
 - a. The Development Officer or Municipal Planning Commission, if the permit was issued by either one, as the case may be; or
 - b. The Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

3.15 DEVELOPER'S RESPONSIBILITY

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The person to whom a development permit has been issued shall notify the Development Officer:
 - a. Following the preliminary layout of the site, but prior to the commencement of actual development thereon; and
 - b. Upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
- (3) The Development Officer may require that further to Subsection (2) (a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.
- (4) The applicant shall be financially responsible during construction for any damage, or as a result of the negligence causing damage by the applicant's servants, suppliers, agents or contractors to any public or private property.
- (5) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or other materials on adjacent properties without permission in writing from adjacent property owners.
- (6) Subsections (4) and (5) may be enforced pursuant to Part 5. Any costs incurred as a result of neglect to public property may be collected where letters have been required pursuant to Sections 3.6(1)(a) and 3.6(2)(g).
- (7) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until substantial completion as determined by the Development Officer has been undertaken in accordance with the development permit that was issued.

PART 4 – APPEAL AND AMENDMENT

4.1 APPEALS AND AMENDMENT PROCEDURES

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Officer:
 - a. Refuses a development permit application; or
 - b. Refuses or fails to make a decision on a development permit application within forty (40) days, or any extension of that time period agreed to by the applicant, or receipt of a completed application; or
 - c. Issues a development permit subject to conditions; or
 - d. Issues and order under Part 5 of this Bylaw.
- (2) A person applying for the permit or affected by an order under Subsection (1), or any other person affected by an order or decision of a Development Officer or Municipal Planning Commission, may appeal to the Subdivision and Development Appeal Board.
- (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - a. The date the order or decision by the Development Officer or Municipal Planning Commission was publicized in accordance with Section 3.8; or
 - b. The time period referred to in Subsection (1) (b) has expired.
- (4) Appeal Fee:
 - a. Each notice of appeal shall be accompanied by a fee as set up by Resolution of Council; and
 - b. If the appeal is upheld, the Subdivision and Development Appeal Board may determine that the whole or part of the appeal fee be returned to the appellant.
- (5) Notice
 - a. Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.
- (6) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:
 - a. The appellant; and
 - b. The Development Officer or Municipal Planning Commission from whose order, decision or development permit the appeal is made; and
 - c. If the Municipal Planning Commission was not the Development Officer making the decision, the Commission; and

- d. Those landowners who were notified pursuant to Sections 3.8 (3) and (4); and
 - e. Any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal should be notified.
- (7) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal including:
- a. The application for the development permit, its refusal and the appeal therefrom; or
 - b. The order of the Development Officer under Part 5, as the case may be.
- (8) At the public hearing referred to in Subsection (1), the Subdivision and Development Appeal Board shall hear:
- a. The appellant or any person acting on his behalf; and
 - b. The Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person; and
 - c. Any other person who was served with notice of the hearing and who wishes to be heard, or a person acting on his behalf; and
 - d. Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on his behalf.
- (9) The Subdivision and Development Appeal Board may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Subdivision and Development Appeal Board:
- a. The proposed development would not,
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - b. the proposed development does conform with the use prescribed for the land or building in this Bylaw.
- (10) Decision:
- a. The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (11) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to appeal to the Court of Appeal shall be made to a judge of the Court of Appeal within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.

4.2 APPLICATION TO AMEND BYLAW

- (1) **Application:** Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to the Council.
- (2) **Prior Consideration by the Municipal Planning Commission:** If a person applies for an amendment to this Bylaw, the amendment shall be referred to the Municipal Planning Commission for a recommendation. The recommendations of both the Development Officer and the Municipal Planning Commission shall then be presented to Council prior to Council's decision on the Proposed amendment.
- (3) **Limit on Frequency of Application:** Notwithstanding anything contained in the Section or this Part, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.
- (4) **Payment and Undertaking.** A person making an application for an amendment to this Bylaw shall:
 - a. Pay the Town an application fee of one hundred dollars (\$100.00); and
 - b. Undertake in writing on a form provided by the Town to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to, map printing or reproduction costs, surveys and advertising charges; and
 - c. May be required to sign a letter or certificate authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed amendment.
- (5) **Council May Direct Repayment:**
 - a. If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Town pay the expenses which the applicant has agreed to pay pursuant to the provisions of Subsection (4) hereof.
- (6) **Investigation by Development Officer.** Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:
 - a. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - b. prepare a detailed report for the Municipal Planning Commission on the proposed amendment; and
 - c. Submit a copy of the report, maps and all material relevant thereto to the Municipal Planning Commission.

- (7) Preliminary Examination. The Municipal Planning Commission shall:
- a. examine the proposed amendment for content; and
 - b. advise the applicant that,
 - (i) It is prepared to recommend the amendment to the Council without further investigations, or
 - (ii) It is prepared to recommend an alternative amendment either at once or after due investigation, or
 - (iii) It is not prepared to recommend the amendment with the reasons provided.
- (8) Procedure by Applicant. Upon receiving the preliminary advice of the Municipal Planning Commission, the applicant shall advise the Commission if:
- a. He or she wishes the Municipal Planning Commission to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Municipal Planning Commission; or
 - b. He or she wishes to withdraw his application for an amendment.
- (9) Decision by Council:
- a. As soon as reasonably convenient and regardless of its recommendation, the Municipal Planning Commission shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the recommendation of the Municipal Planning Commission, the report of the Development Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.
- (10) Proposed Amendments May Originate From Municipal Planning Commission:
- a. The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Municipal Planning Commission and the report and recommendation of the Development Officer.
- (11) Amendment Proposed in Council:
- a. Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Municipal Planning Commission and to the Development Officer for their reports and recommendations.
- (12) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws.

PART 5 – ENFORCEMENT, PENALTIES AND FINES

5.1 CONTRAVENTION

- (1) Where a Development Officer finds that a development or use of land or building is not in accordance with:

- a. The Act or the regulations; or
- b. A development permit or subdivision approval; or
- c. The Municipal Development Plan or Land Use Bylaw;

The Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all of them to,

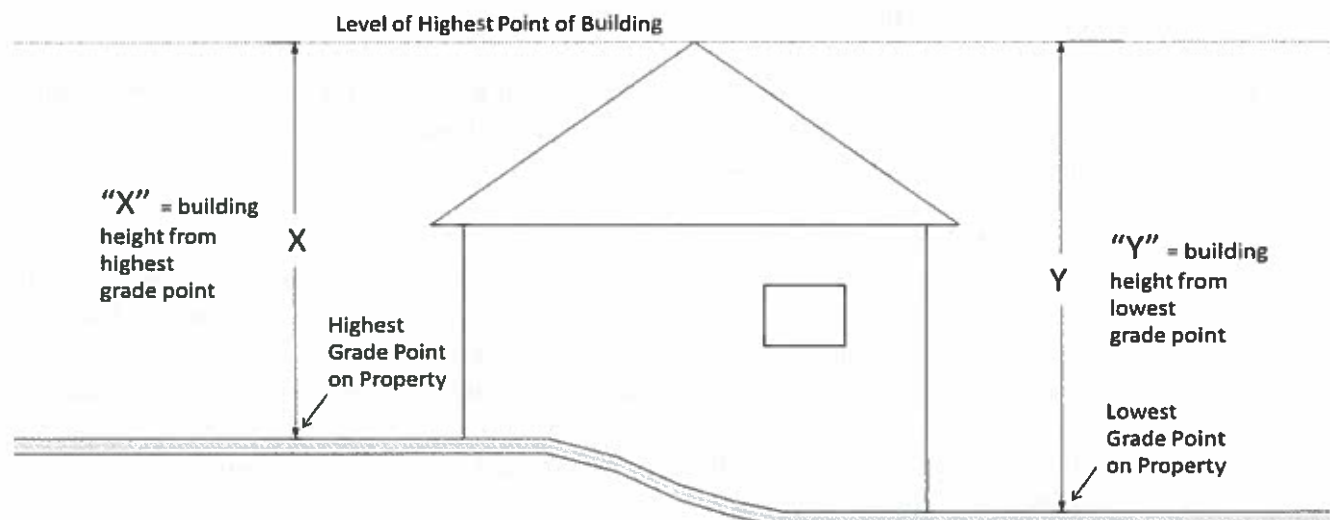
- d. stop the development or use of the land or buildings in whole or in part as directed by the notice; or
 - e. demolish, remove or replace the development; or
 - f. Take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Council or a person appointed by it may, in accordance with Act, enter upon the land or building and take such action as is necessary to carry out an order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
- (3) Where a notice is issued under subsection (1), the notice shall state the following and any other information considered necessary by the Development Officer:
- a. An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
 - b. The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
 - c. The timeframe in which the contravention must be corrected prior to the Town pursuing action; and
 - d. Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

PART 6 – GENERAL REGULATIONS

6.1 BUILDING HEIGHT

- (1) If the height of a building is required to be measured or determined it shall be measured by calculating the average vertical distance between the natural grade, or the average natural grade in the case of a sloping grade, and the highest point of the building as determined under Subsection (2).
- (2) In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

FIGURE 1 – BUILDING HEIGHT CALCULATIONS



$$\text{Height Average} = (X+Y)/2$$

6.2 CORNER AND DOUBLE FRONTING PARCELS

- (1) In all districts, a site abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard regulations of this Bylaw.
- (2) In all cases, the location of building on corner sites shall be subject to approval of the Development Officer or Municipal Planning Commission who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist.

6.3 CURB CUTS

- (1) The nearest edge of a proposed curb cut to the nearest curbline of the street intersection shall not be less than 12.0 m.
- (2) The maximum width of the curb cut shall not exceed 9.1 m in industrial districts and 6.0 m in all other districts, unless otherwise specified by the Development Officer or Municipal Planning Commission for reasons of public safety or convenience.

6.4 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS/STRUCTURES

- (1) The purpose of this Section is to provide the Town with controls and guidance in order to ensure that aesthetically attractive and compatible development is provided throughout the Town.
- (2) The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Officer for permitted uses, and to the satisfaction of the Municipal Planning Commission for discretionary uses.
- (3) Pursuant to Subsection (2), the Development Officer or Municipal Planning Commission shall consider, but not be limited to the following criteria when evaluating the design, character and appearance of development proposals in all Districts.
 - a. General Guidelines:
 - (i) The design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use district or a particular location of it.
 - (ii) The design of the building or development must be consistent with the purpose and intent of the land use district in which it is located.
 - (iii) The building shall comply with any provisions of a statutory plan or architectural control guidelines adopted by Council.
 - b. Guidelines for Commercial and Industrial Development:
 - (i) The harsh contrasts of very large or massive buildings mixed with small buildings can be softened by using similar sizes and shapes of massing elements, like roof lines, exterior design and treatment.
 - (ii) Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to public view.
 - (iii) Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings.
 - (iv) Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or development utility buildings which blend into the surrounding area.

- (v) Natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by preserving existing trees wherever possible.
 - (vi) Corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner lots.
 - (vii) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies.
 - (viii) Long buildings along the street front should include a public route through the building which can be accessed by pedestrians to parking areas or simply to reduce having to walk around the building.
 - (ix) Large pedestrian areas or parcels should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping areas can act as a windbreak, slow the traffic in the parking area, and soften the harsh visual impact of large asphalt areas.
 - (x) The site illumination of commercial and industrial sites should not shine into residential windows.
 - (xi) On-site parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping.
 - (xii) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
- c. Guidelines for Residential Development:
- (i) Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments.
 - (ii) Identical or similar housing styles, models, designs and colors should be discouraged. The same housing color, design or treatment should not be used for any more than three adjacent dwellings.
 - (iii) Corner lot houses should be generally lower lying houses as height and mass is emphasized beside a void such as a road.
 - (iv) Any accessory building built on a lot, such as a detached garage or garden shed should be of proportional mass, roof line and treatment as the principal building.
 - (v) Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.

6.5 DEVELOPMENTS ON OR NEAR SLOPES

- (1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m of the top of the bank of any waterbody and no development shall be permitted within 20.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
- (2) The Development Officer of Municipal Planning Commission may require greater setback than is prescribed in Section 6.5 (1).
- (3) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 6.5 (1) and 6.5 (2), where the application is for development on lands that are or may be subject to subsidence, the Development Officer or Municipal Planning Commission shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
- (4) Subject to Section 6.5 (3), the Development Officer or Municipal Planning Commissions may, at their discretion, reduce the setback requirements established pursuant to Sections 6.5 (1) and (2) if the applicant provides satisfactory proof of bank stability.

6.6 DWELLING UNITS ON A PARCEL

- (1) The number of dwelling units allowed on any single parcel shall be one, except where additional dwellings are:
 - a. Contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units; and
 - b. A building defined in the Condominium Property Act (Chapter C-22, R.S.A. 2000) and all regulations and amendments thereto and is the subject of an approved condominium plan registered under that Act.

6.7 EMERGENCY ACCESS TO BUILDINGS

- (1) Sites shall be so designed that, in the opinion of the Development Officer or Municipal Planning Commission, appropriate access for fire fighting equipment is afforded to all buildings, moreover,
 - a. In the case of industrial, commercial, multiple family, or public or quasi-public sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 3.0 m. In the case of single family sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 1.85m; and

- b. No person shall in any manner obstruct the fire access to any hydrant, valve or curb stop. No vehicle, building, structure, or vegetation higher than 0.5 m, shall be placed within 1.5 m from a hydrant.
- (2) On at least two sides, one of which shall be the longest side, of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible for fire fighting equipment for at least 75% (seventy five percent) of the length of each of the two sides of the building. Such areas shall not be less than 4.25 m in width and not more than 3.0 m from the building, and no permanent structure or vehicular parking shall be permitted thereon.
- (3) A lane or lanes for the purpose of permitting the access of fire fighting equipment to all major access points of shopping centre buildings shall be provided, and no permanent structures or vehicular parking may be permitted thereon.

6.8 ESTATE RESIDENTIAL DEVELOPMENT

- (1) The size of a lot for an estate residential use shall be the minimum required to accommodate the proposed use as determined by the Municipal Planning Commission and shall not be less than 1.2 ha or greater than 4.0 ha in size.
- (2) Estate residential development shall not be permitted within an area likely to be subject to hazards or high levels of noise, dust or odours from industrial, transportation or intensive agricultural operations or intensive livestock operations.
- (3) No subdivision shall be allowed and no development permit shall be issued for an estate residential use, until the Town has first reclassified the land to the Estate Residential District.
- (4) Each estate residential lot shall be connected to municipal sewer and water facilities.

6.9 EXCAVATION, STRIPPING AND GRADING

- (1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposed, including, but not limited to, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.
- (2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with his or her application the following information:
 - a. Location of the lot, including the municipal address if any, and legal description;
 - b. The area of the lot on which the development is proposed;
 - c. The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;

- d. Location on the lot where the excavation, stripping or grading is to be made on the lot; and
- e. The condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.

- (3) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, coverage of 0.15 m shall be provided upon occupancy of the development, and the affected area shall be graded and landscaped to the satisfaction of the Development Officer.

6.10 EXISTING SUBSTANDARD LOTS

- (1) Development on existing substandard lots may be considered by the Development Officer or Municipal Planning Commission who shall have due regard for compliance with the Safety Codes Act and its regulations prior to granting approval.

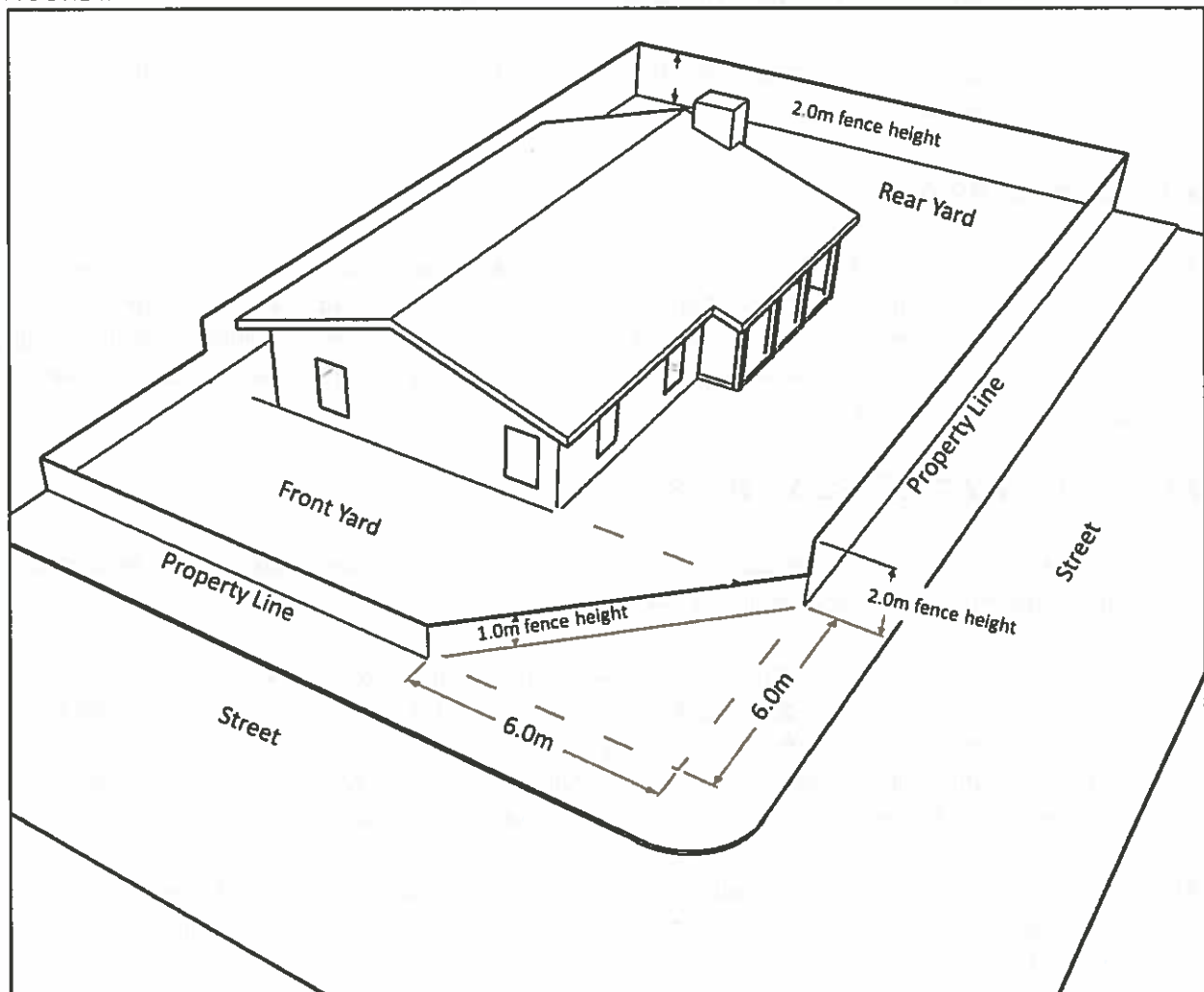
6.11 FENCES

In any district, except as herein provided,

- (1) No fence shall be constructed that is located on public property;
- (2) No fence shall be constructed that is:
 - a. For internal lots, no higher than 2.0 m for that portion of the fence that does not extend beyond the foremost portion of the principal building on the site and 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the lot;
 - b. For corner lots, no higher than 2.0 m for that portion of fence that does not extend beyond the foremost portion of the principal building abutting the front yard on the narrow frontage and 2.0 m on the property line on the front yard abutting a public road and lane if, in the opinion of the Development Officer, it will not prejudice the safety and amenities of the adjoining lots;
 - c. In the case of corner lots, no person shall construct a fence or other screening, including landscaping, more than 1.0 m high within the triangular area 6.0 m back from the intersecting front boundary lines of the lot, regardless of whether or not a corner cut-off has been taken; and
 - d. Where lots have both their front and rear yards facing onto a street, special approval of the Development Officer must be obtained prior to the erection of any fences on such properties. Size and specifications for fences in these areas must conform with the overall standard set for the area by the Town.
- (3) Apartments or row houses adjacent to a single detached residential dwelling shall provide a wooden fence, or other such screening approved by the Development Officer, of not less than 1.5 m or more than 2.0 m in height along the side abutting the single detached dwelling;

- (4) In the case of commercial, public and quasi-public uses abutting a residential area, a solid fence shall be provided of at least 1.5 m in height and no higher than 2.0 m along the sides abutting the residential area;
- (5) Notwithstanding Subsection (2), the maximum height of a fence in an Industrial or Urban Reserve District shall be determined by the Development Officer. Where a fence has been permitted to be higher than 2.0 m in an Industrial or Urban Reserve District, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Officer at his/her discretion in an area where residences would not be in close proximity to the fence proposed;
- (6) No electrification of fences shall be permitted; and
- (7) No barbed wire fences shall be permitted in residential districts.

FIGURE 2 –FENCE DIAGRAM



6.12 FIRESMART REGULATIONS FOR DWELLINGS AND STRUCTURES

- (1) Every residence is required to have its house number clearly displayed near the front door entrance and easily visible from the street.
- (2) The Town requires all property owners to undertake vegetation management within 10 metres of a building. This is intended to create a fuel modified area in which flammable vegetation surrounding the building is eliminated or converted to less flammable species. This fuel-free zone is immediately adjacent to a given building and extends outward in all directions for a minimum of 10 metres, and includes the following practices:
 - a. Flammable forest vegetation shall be removed;
 - b. All coniferous limbs shall be removed to a minimum height of 2 m from ground level on residual overstorey trees;
 - c. Annual grasses shall be mowed to 10 cm or less. and
 - d. No combustible material piles (firewood, lumber, etc.) shall be allowed.
- (3) The Town requires that roofing materials on all structures be ULC (Underwriters Laboratories of Canada) fire-rated.

6.13 LANDSCAPING

- (1) As a condition of the development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Officer or Municipal Planning Commission, and within one year of occupancy or commencement of operation of the proposed development. All plant material shall be hardy to the Swan Hills Region and meeting FireSmart Standards (see FireSmart species list in Appendix A).

6.14 LIMITED ACCESS TO MAJOR ROADS

- (1) No access for vehicles will be permitted from an arterial road as designated by the Municipal Development Plan, or Area Structure Plans to:
 - a. Any residential site, unless the access serves three or more dwelling units; or
 - b. Any site, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the street; or
 - c. Any site where, in the opinion of the Development Officer or Municipal Planning Commission, there would be an excessive number of access points approved by Alberta Transportation.
- (2) Access to Highways 32 and 33 shall be limited to arterial roads, collector and services roads, and where no service roads are provided, access shall be limited to those access points approved by Alberta Transportation.

6.15 OBJECTIONABLE ITEMS IN YARDS

- (1) No person shall keep or permit in any part of a yard in any residential district:
 - a. Any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
 - b. Any object or chattel which, in the opinion of the Development Officer or Municipal Planning Commission, is unsightly or tends to adversely affect the amenities of the district; or
 - c. Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - d. A commercial vehicle loaded or unloaded of a maximum weight in excess of 2000 kg; or
 - e. A commercial vehicle in a front yard; or
 - f. A recreational vehicle in the front yard of a laned subdivision.
- (2) In commercial districts garbage shall be stored in weatherproof containers screened from adjacent sites and public thoroughfares to the satisfaction of the Development Officer or Municipal Planning Commission, and shall be in a location easily accessible for pickup.

6.16 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer or Municipal Planning Commission is satisfied that such services will be provided or improvements will be undertaken.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal or Provincial authorities having jurisdiction.

6.17 PARKING FACILITIES – GENERAL REGULATIONS

- (1) Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users and shall be to the satisfaction of the Development Officer.
- (2) All off-street parking facilities shall be so constructed that:
 - a. Necessary curb butts are located and flared to the satisfaction of the Development Officer;
 - b. Every off-street parking space provided, and the access thereto, shall be hard-surfaced if the access is from a street or lane which is hard-surfaced;
 - c. Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential properties and other properties where

- in the opinion of the Development Officer or Municipal Planning Commission they would have adverse effects;
- d. Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Officer or Municipal Planning Commission; and
 - e. Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project. A maximum of 5% of the total number of stalls shall be provided and clearly identified for use by the physically handicapped.
- (3) Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site to the satisfaction of the Development Officer or Municipal Planning Commission.
- (4) Pursuant to Subsection (3), the Development Officer or Municipal Planning Commission shall consider the following criteria when reviewing off-street loading regulations:
- a. Off-street loading spaces shall have dimensions of not less than 4.0 m in width and 8.0 m in length;
 - b. Have overhead clearance of not less than 5.3 m above grade;
 - c. Have vehicular access to and exit from a street or lane wither directly or by a clearly defined traffic aisle;
 - d. Be sited at an elevation or elevations convenient to a major flood level in the building or to a utility elevator serving each major flood level;
 - e. Be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to cross site boundaries or sidewalks without the approval of the Development Officer or Municipal Planning Commission;
 - f. Be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
 - g. Have adequate lighting to the satisfaction of the Development Officer or Municipal Planning Commission; and
 - h. Be screened on each side adjoining or fronting on any property in a residential district by a wall, fence, earth berm or hedge of not less than 2.0 m in height, to the satisfaction of the Development Officer or Municipal Planning Commission.

6.18 PARKING FACILITIES – COMMUNAL REGULATIONS

Parking may be supplied at a site other than the site of the principal use provided, that it is in accordance with the following regulations:

- (1) On other than residential property and subject to the approval of the Development Officer or Municipal Planning Commission, an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more communal parking facilities.

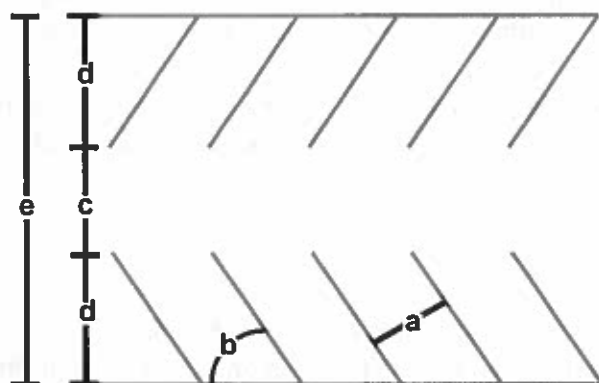
- (2) Where a group of uses is served by a communal parking facility the requirement for such a facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- (3) At the option of the Development Officer or Municipal Planning Commission and in lieu of providing off-street parking, an owner of land proposed for development may pay the Municipality to provide the equivalent parking area. The amount of money required will be determined by Resolution of Council and shall be based on the amount needed to maintain the required number of municipally-owned parking stalls. Money so received by the Municipality will be used only for the improvement and maintenance of municipally-owned parking stalls.

6.19 PARKING FACILITIES - DIMENSIONS

- (1) The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with the following regulations.

FIGURE 3 – STALL DIMENSIONS

Stall Width (a)	Parking Angle (in Degrees) (b)	Driving Aisle Width (c)	Stall Depth Perpendicular to Aisle (d)	Overall Depth (e)
7.0 m	0	3.5 m	3.4 m	10.4 m
3.0 m	30	3.5 m	5.4 m	14.3 m
3.0 m	45	4.0 m	6.2 m	16.0 m
3.0 m	60	5.5 m	6.6 m	18.7 m
3.0 m	90	7.0 m	6.0 m	19.0 m



6.20 POLLUTION CONTROL

- (1) In any district, no storage, use of land, or development may be undertaken which would, in the opinion of the Development Officer or Municipal Planning Commission,
 - a. Unduly interfere with the amenities of the district; or
 - b. Materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter, or other noxious emissions or containment of hazardous materials.

6.21 PROJECTIONS OVER YARDS

- (1) The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
 - (a) Front Yard: 2.0 m for balconies; and 1.0 m for cantilevers, eaves, gutters, landings, and window sills (see Figure 3).
 - (b) Rear Yard: 2.0 m for balconies; and 1.0 m for box-outs, cantilevers, eaves, gutters, landings, and window sills (see Figure 4).
 - (c) Side Yard (Interior): 1.0 m for balconies; and 0.6 m for box-outs, eaves, gutters, landings and window sills (see Figure 3).
 - (d) Side Yard (Exterior): 1.0 m for balconies; and 0.6 m for box-outs, cantilevers, eaves, gutters, landings and window sills (see Figure 4).
- (2) For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.
- (3) No projection will be permitted if, in the opinion of the Development Officer, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.
- (4) No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.
- (5) The projection length limitations are as follows:
 - (a) The individual projection maximum length shall not exceed 3.0 m; and
 - (b) The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

FIGURE 4: PERMITTED PROJECTIONS - FRONT AND INTERIOR SIDE YARD SETBACKS

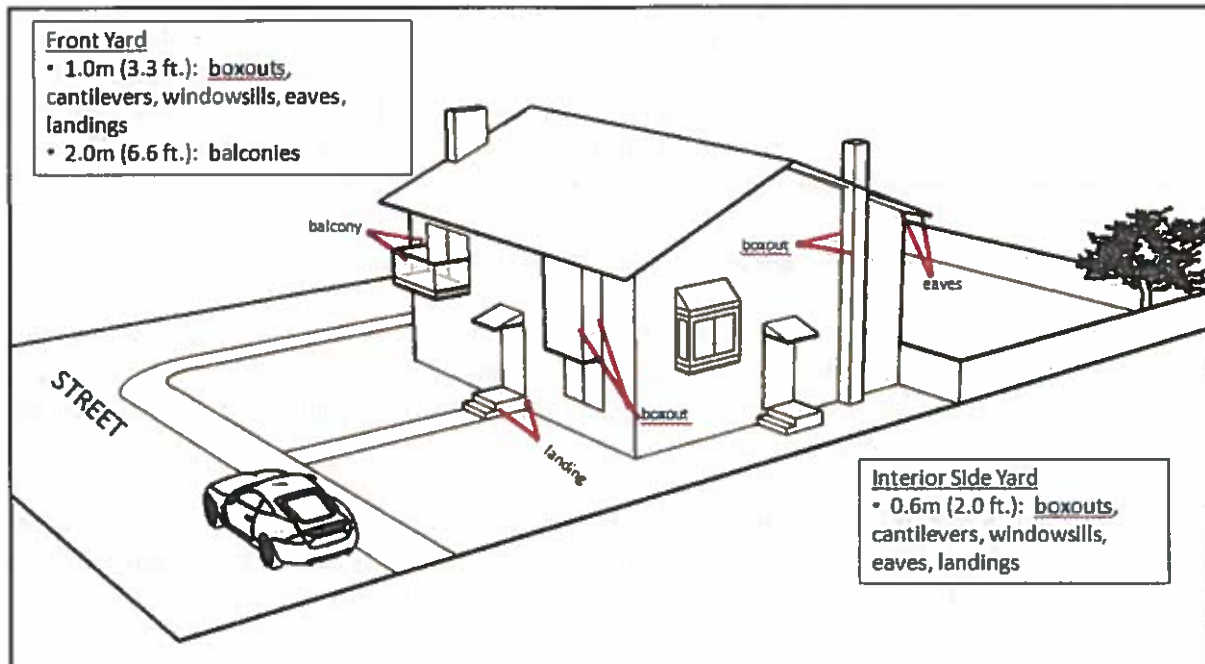
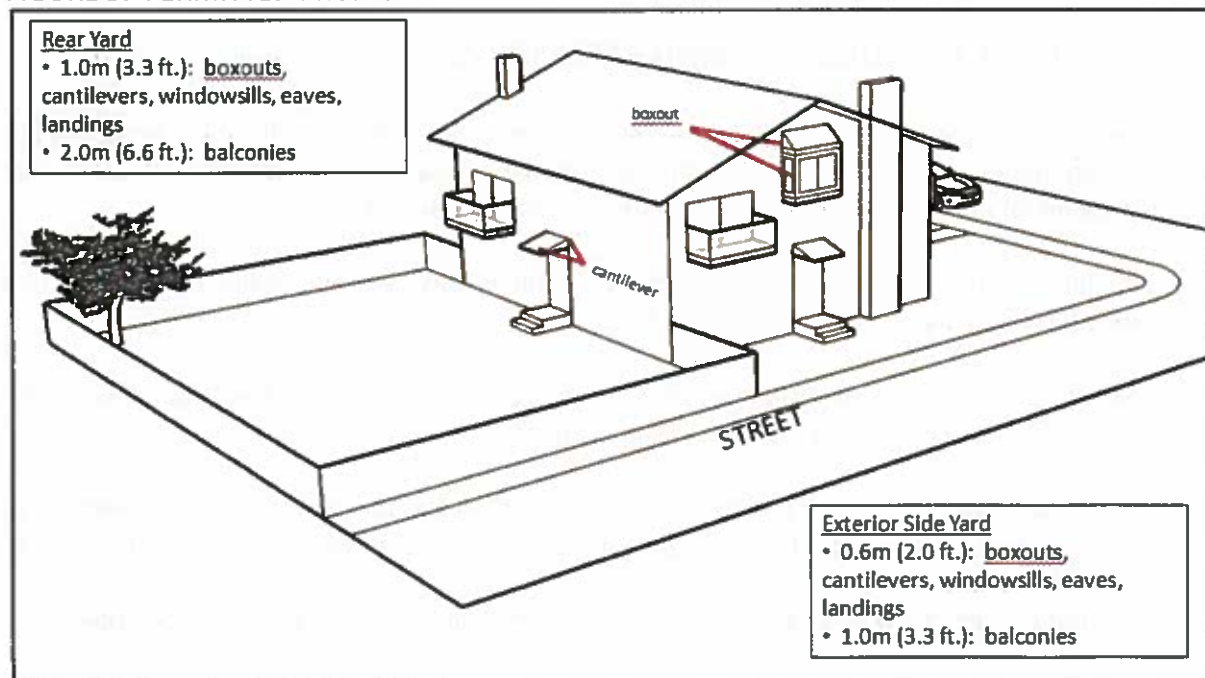


FIGURE 5: PERMITTED PROJECTIONS - REAR AND EXTERIOR SIDE YARD SETBACKS



6.22 PUBLIC LANDS AND TOWN BOULEVARDS

- (1) It is a policy of the Town of Swan Hills that there shall be no unauthorized encroachments onto municipal property, including parks and road rights-of-way. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his/her own expense, or seek permission from Council for the encroachment to remain. Council will not consider entering into any new encroachments as of January 2, 2012.
- (2) All developments on lands owned by the Town of Swan Hills shall require a development permit.
- (3) Notwithstanding Subsection (1), the owner(s) of a lot may develop the boulevard abutting their property by excavating, backfilling, levelling or consolidating to final grade, and seed or perform other works that may be necessary to develop a turf boulevard provided that all work shall be entirely at the owner's expense.
- (4) Any development, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.
- (5) Every owner or occupant of land shall be responsible for maintaining any development allowed under this Section, and for controlling the weeds on boulevards owned by the Town abutting their property.

6.23 PUBLIC UTILITY BUILDINGS AND EASEMENTS

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

6.24 RELOCATION OF BUILDINGS

(1) No person shall:

- a. place on a lot a building which has previously been erected or placed on a different lot; or
- b. alter the location on a lot of a building which has already been constructed on that lot,

unless the Development Officer or Municipal Planning Commission approves the placement or alteration.

(2) An approval shall not be granted under Subsection (1) unless the Development Officer or Municipal Planning Commission is satisfied that:

- a. the placement or location of the building would meet the requirements of the Bylaw; and
- b. the building and the lot meet the requirements of this Bylaw and the land use district in which it is proposed to be located.

6.25 SIGN REGULATIONS

(1) Unless otherwise specified in this Bylaw no sign permit is required for the following signs:

- a. Signs posted or exhibited in a building;
- b. Signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- c. A statutory or official notice of a function of the Town of Swan Hills;
- d. Traffic and directional signs authorized by the Town of Swan Hills and/or Alberta Provincial Authorities;
- e. The erection of campaign signs for federal, provincial, municipal, or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that,
 - (i) such signs are removed within ten (10) days of the election date,
 - (ii) the consent of the property owner or occupant is obtained,
 - (iii) such signs do not obstruct or impair vision or traffic,
 - (iv) such signs are not attached to utility poles, and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for removal;
- f. A sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade nameplates identifying the occupants, if the sign,
 - (i) does not exceed 1.0 m² in area, and
 - (ii) is posted only at each entrance from which access from a public roadway to the building is provided;
- g. A sign that is posted or exhibited for sale, lease or rentals of land or a building if the sign:

- (i) is not capable of being illuminated,
 - (ii) is 4.0 m² or less in area, and
 - (iii) is posted only on each side of the building or land facing a different public roadway; or
- h. A sign of a building contractor relating to construction work in progress on the land on which such signs are erected, provided that,
 - (i) such signs are removed within fourteen (14) days of occupancy, and
 - (ii) such sign are limited in size to a maximum of 3.0 m², and in number to one sign for each boundary of the property under construction which fronts onto a public street.
- (2) All signs shall require a sign permit unless otherwise specified under this Bylaw.
- (3) All signs requiring a sign permit shall follow the development permit process as specified under Section 3.5 of this Bylaw.
- (4) Council may require the removal of any sign which is in its opinion has become unsightly, or is in such a state of disrepair as to constitute a hazard.
- (5) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- (6) Where, in the opinion of the Development Officer or Municipal Planning Commission, a proposed sign in a Commercial or Industrial District might be objectionable to a reside in any adjacent residential district, the Development Officer of Municipal Planning Commission may impose such other regulations as they feel would protect the interests of residents.
- (7) Flashing, animated or interiorly illuminated signs shall not be permitted in any district where in the opinion of the Development Officer or Municipal Planning Commission they might:
 - a. affect residents in adjacent housing, or residential districts; or
 - b. interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- (8) Notwithstanding Subsection (7), no person shall exhibit or place an illuminated sign that permits or provides for:
 - a. a current interrupting or flashing device, unless there is a continuous source of concealed illumination on the translucent portions of the sign; or
 - b. a flashing beacon of a type that is the same or similar to those used by emergency vehicles; or
 - c. a flashing device, animator or revolving beacon within 50.0 m of the intersection of two or more public roadways; or
 - d. a device described in Subsection (8) (c) that would be directly visible from any residential building within a distance of 50.0 m of the sign.

- (9) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer or Municipal Planning Commission, to be a traffic hazard or an obstruction to the vision of persons driving motor vehicles.
- (10) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- (11) The Development Officer or Municipal Planning Commission may at their discretion require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safety of a sign, awning or canopy design and placement.
- (12) Notwithstanding Section 3.5 of this Bylaw, the Development Officer or Municipal Planning Commission may, with respect to an application for a sign permit,
 - a. grant a sign permit to an applicant subject to such conditions considered necessary to ensure this Bylaw is complied with; or
 - b. refuse the application.
- (13) A sign permit may be issued if:
 - a. the sign only advertises or draws attention to goods or services sold or provided on the lot or the site on which the sign is located,
 - b. the sign is an announcement for a particular public community event and will be removed after the occurrence of that event,
 - c. the sign is for the identification of a neighbourhood and is to be placed at the major entry points of the neighbourhood,
 - d. the sign is for the identification of a land use district contained within the geographic area shown on the sign, or
 - e. the sign is otherwise specifically permitted by this Bylaw.

PART 7 – SPECIAL LAND USE PROVISIONS

7.1 ACCESSORY BUILDINGS AND STRUCTURES

- (1) Accessory buildings are permitted when accessory to a permitted use and discretionary when accessory to a discretionary use. An accessory building or use is not permitted without a principal building or use.
- (2) An accessory building shall not be used as a dwelling unless it is an approved garage suite, garden suite, or a surveillance suite.
- (3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, it is to be considered part of the principal building and not as an accessory building, and subsequently shall adhere to the setback regulations.
- (4) Height: An accessory building shall not exceed one storey nor 5.5 m in height from the inside wall grade to the top of the roof. Where a garage suite above grade is approved, the Development Officer at his discretion may allow up to a height of 8.0 m.
- (5) Siting of Buildings: Detached garages, carports and accessory buildings shall be located:
 - a. A minimum of 2.0 m from the dwelling provided that both buildings meet the requirements of the Safety Codes Act and any amendments made from time to time, and
 - b. No closer than the front line of the principal building. This regulation may be relaxed for garages and carports only where, at the discretion of the Development Officer insufficient setbacks exist to place the building in the rear yard or side yard. In no case however, shall the building encroach beyond the front yard setback, and
 - c. No closer than 1.0 m to the rear property line provided there is no encroachment of any part of the building onto public utility lots, easements or onto adjacent property maintenance easements. Where the vehicle approach faces the lane, the garage or carport shall be no closer than 5.0 m from the lane, and
 - d. No closer than 1.0 m to the side property line excepting where an agreement exists between the owners of adjoining properties to building their garages centered on the property line, in which case a fire wall will be constructed to the requirements of the Safety Codes Act and regulations pursuant thereto, and any amendments made from time to time, and
 - e. No closer than 1.0 m from the side property line and 1.0 m from the rear property line in the case of an angular or curved approach from a lane.
- (6) Sundecks:
 - a. Sundecks higher than 0.5 m shall adhere to the siting regulations under Section 7.1 (3), where attached to a principal building, and to Section 7.1 (5) where detached.
 - b. Sundecks higher than 0.5 m shall adhere to the site coverage regulations within the District.

7.2 ARCHITECTURAL DESIGN GUIDELINES

- (1) Notwithstanding the general regulations contained in Section 6.4, Council may, where it desires to achieve a high standard of design and appearance in a specific subdivision or neighbourhood, adopt specific detailed architectural control guidelines.
- (2) Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of housing:
 - a. Compatibility of lot grading and drainage requirements within the lot;
 - b. The placement of the dwelling on the site to ensure proper utilization of the land and compatibility with surrounding dwellings.
 - c. Styling and type of dwelling to ensure compatibility with surrounding dwellings; and
 - d. Compatibility of exterior finish and coordination of color relationships.
- (3) Where Council adopts architectural control guidelines, the Development Officer shall ensure the controls are adhered to using, but not limited to, the regulations contained in Sections 3.6 and 6.4 of this Bylaw.
- (4) The Town may require that the developer register a restrictive covenant against the lot or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

7.3 BUNKHOUSES

- (1) The minimum separation distance between bunkhouses and other structures shall be in accordance with applicable provincial safety codes.
- (2) Specific Provisions:
 - a. Outdoor living and amenity areas are to maintain a minimum 2 m width for the entire length of the bunkhouse.
 - b. Bunkhouses shall not be approved unless the applicant can provide additional on-site parking at the rate of one additional stall for every potential employee occupying the bunkhouse.
 - c. Each bunkhouse shall be serviced with water, sanitary sewer, electricity and heat.
 - d. Occupancy of the bunkhouse will not be permitted until the facility has been inspected and approved by the Town.
 - e. No person shall keep or permit in the bunkhouse any object or chattel which, in the opinion of the Development Officer is unsafe, unsightly or adversely affects the amenities of the bunkhouse.
 - f. The location of the bunkhouse in relation to any fuel storage facility or tank shall be in accordance with any provincial safety codes.

- g. All bunkhouses shall be subject to inspections by the Development Officer, Town Fire Chief, Provincial Health Inspector, and Provincial Safety Codes representative.
- h. All bunkhouses shall be subject to quarterly inspections by the Town of Swan Hills.
- i. All bunkhouses shall have a CSA (Canadian Standards Association) label number.
- j. The maximum number of employees who may occupy a bunkhouse on an industrial parcel at any given time shall not exceed 15.
- k. Bunkhouses shall only be occupied by the employees of the business where the bunkhouse is approved to be located.
- l. The Developer shall provide to the Town of Swan Hills, upon request, verification of employment for those employees who occupy an approved bunkhouse.
- m. The Town of Swan Hills reserves the right to monitor the occupancy of approved Bunkhouses and inspect these facilities where required.

7.4 DAY CARE FACILITIES

- (1) In reviewing an application for a day care facility, the Municipal Planning Commission shall among other factors consider if the development would be suitable for the site taking into account, potential traffic generation, proximity to park, open space or recreation areas, buffering or other techniques designed to limit any interference with other uses, or the peaceful enjoyment of neighbouring properties, and consistency in terms of intensity of use with other development in the area.
- (2) The Municipal Planning Commission shall establish the maximum number of children for which care may be provided, having regard for provincial regulations, the nature of the facility, the density of the district in which it is located, and potential impacts on the uses in the vicinity of the development.

7.5 FAMILY CARE AND GROUP HOME FACILITIES

(1) General Provisions:

- a. In reviewing an application for a Family Care or Group Care facility, the Municipal Planning Commission shall among other factors, consider if the development would be suitable for the site taking into account the potential traffic generation, and the potential interference or the peaceful enjoyment of neighbouring properties. The Municipal Planning Commission will also consider if the proposed use will materially interfere with or affect the value of the neighbouring properties.
- b. Notwithstanding any other provisions contained in this Bylaw, no Family Care or Group Care facility shall be located closer than 300.0 m from one another.

(2) Group Care Facilities:

- a. The Municipal Planning Commission shall establish the maximum number of persons for which care may be provided having regard for provincial regulations, the nature of the facility, and potential impacts, such as, traffic, and interference or affect on other adjacent land uses.
 - b. The Group Care facility shall not change the character of the district in which it is located.
- (3) The Municipal Planning Commission shall establish the maximum number of persons for which care may be provided having regard for provincial regulations, the nature of facility and potential impacts, such as, traffic, and interference or affect on another adjacent land uses.

7.6 GAS BAR, SERVICE STATIONS AND BULK OIL STATIONS

(1) Parcel Location:

- a. Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel.

(2) Parcel and Building/Structure Requirements

- a. In addition to siting requirement of the land use district in which the gas bar and/or bulk oil station is located, the siting of all buildings and structures, including all fuel and other flammable liquid storage tanks, shall be in accordance with the requirements of the Safety Codes Act and its regulations.
- b. No development permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to receipt at the Town of Swan Hills Office of certified copies of the required permits from the Alberta Government.
- c. All parts of the parcel to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
- d. Any paved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must have appropriate and maintained drainage and catchment mechanisms, such as oil-water separators. Any unpaved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must be protected by an impervious barrier or container to prevent any spill onto or contamination of the unpaved area.
- e. A minimum of 10% of the parcel area of a gas bar and service station under this Section shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- f. Where adjoining residential land use districts, any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.
- g. Landscaping and fencing requirements shall be as specified under Section 6.11 and Section 6.13 of this Bylaw.

7.7 HOME OCCUPATIONS

- (1) There are four (4) distinct types of land uses included under Home Occupations. These four (4) uses are: Office-in-the-Home, Homecrafts, Small Business Occupations, and Resident Peddler. Home occupations shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood. Home occupation activities/uses shall be incidental and subordinate to the principal residential use of the neighbourhood. These activities/uses shall also be incidental and subordinate to the principal residential building and accessory building.
 - a. Office-in-the-Home – shall mean an occupation involving the use of a dwelling as a professional or business office for gain or support by a person who occupies the dwelling as his private residence. Typical uses would include: consultants, accountants, trades persons, and catalogue sales where there is no warehousing of goods and no client contact in the home.
 - b. Homecrafts – shall mean an occupation involving the use of the dwelling for gain or support. The occupation is usually the direct result of the extension of a hobby conducted within the dwelling. Homecrafts are uses secondary to the residential use. Typical uses include: dressmaking, millinery, domestic homecrafts, and the manufacture of novelties, souvenirs and handicrafts.
 - c. Small Business Occupations – shall mean an occupation for gain or support which shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit and accessory buildings. Typical uses include: bed and breakfast, telephone answering service, babysitting service or catering service.
 - d. Resident Peddler – shall mean a person whose occupation consists of door-to-door sales but without an inventory of stock. Typical uses include: cosmetic sales, vacuum sales, etc.
- (2) General Regulations: The following general regulations shall apply to all Home Occupations:
 - a. The occupation shall not create a nuisance by way of dust, noise, traffic, odor or smoke.
 - b. There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
 - c. The occupation shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.
 - d. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the occupation. The quantity of material or equipment allowed to be stored on site will be determined by the Municipal Planning Commission.
 - e. The occupation shall not require any structural alterations to the principal or accessory buildings.
 - f. The occupation shall be operated as a secondary and subordinate use only, and shall not change the principal character or external appearance of the dwelling involved.
 - g. The occupation shall not be permitted in a residence if, in the opinion of the Municipal Planning Commission, it would be more appropriately located in a Commercial or Industrial District.

- h. Employed working in the home occupation shall be limited to the residents of the dwelling unit and other employees as determined by the Municipal Planning Commission
 - i. Any proposed changes to the originally approved application must be provided in writing to the Town Office.
- (3) **Bed and Breakfast Operations:** In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations:
 - a. Bed and breakfast operations shall be limited to residential land use districts and shall be contained entirely within the principal building.
 - b. Bed and breakfast operations shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
 - c. In addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 8 of this Bylaw, one (1) off-street parking space per rented guest room shall be required.
- (4) **Additional Requirements**
 - a. Person wishing to operate any home occupation from their place of residence must apply for a development Permit from the Town of Swan Hills.
 - b. If at any time, any of the requirements for home occupations are not complied with, the Municipal Planning Commission may suspend or cancel the development permit.
 - c. A development permit for a home occupation shall be reviewed when complaints are registered against the activity by an affected landowner.
 - d. A home occupation permit does not exempt compliance with health regulations or any other permit requirements.

7.8 SECONDARY SUITES

- (1) **Basement Suites:**
 - a. Basement suites shall be restricted to single detached dwellings.
 - b. A maximum of two (2) bedrooms may be permitted per basement suite.
 - c. A basement suite shall comply with the Safety Codes Act and regulations and amendments thereto, or its successor.
 - d. One on-site parking stall shall be provided for each bedroom to a maximum of two stalls.
 - e. A separate entrance door to a basement suite shall not be located on any front building elevation facing a street. Notwithstanding this, a single entry door providing access to an enclosed, shared land landing area from which both the main dwelling unit and the basement suite take access, may be located on any front building elevation facing a street.

- f. The maximum number of vehicles for basement suite occupants cannot exceed onsite parking stalls provided for the suite.

(2) Garage Suites:

- a. A garage suite means an accessory dwelling located above a detached garage (above grade); or a single storey accessory dwelling attached to the side of, or rear of, a detached garage (at grade).
- b. The Development Officer shall consider the following matters as part of the decision making process for an application for a garage suite:
 - i. Compatibility of the use in relation to the site, grade elevations, height, building types, and materials characteristic of surrounding development;
 - ii. The potential effect of the development on the privacy of adjacent properties; and
 - iii. The on-site and neighbourhood impacts on parking and traffic.
- c. Where approved, garage suites shall be developed in accordance with the following regulations:
 - i. All garden suites must meet the requirements of the Safety Codes Act;
 - ii. Shall not be located in the front yard;
 - iii. A minimum of one on-site parking space shall be provided for a garage suite;
 - iv. A minimum floor area of 30.0 m² (320 ft²) and shall not exceed 40% of the gross floor area of the principal dwelling;
 - v. Has an entrance separate from the vehicle entrance to the garage, either from a common landing or directly from the exterior of the structure; and
 - vi. Has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling located on the site.

7.9 SIGNS IN NON-RESIDENTIAL DISTRICTS

Notwithstanding the general sign regulations pursuant to Section 6.25 of this Bylaw, the following specific regulations shall apply to signs permitted in this District:

(1) A-Board Signs shall:

- a. Be of a painted finish, be neat and clean, and be maintained in such condition;
- b. Be of a size not exceeding 0.6 m wide by 0.9 m high, and not less than 0.3 m wide by 0.6 m high; and
- c. Only be placed on the sidewalk in front of the business being advertised and within 1.0 metre from the curb.

(2) Awning and Canopy Signs:

- a. The awning or canopy sign shall have a clearance of not less than 3 m between the bottom of the canopy or awning and the sidewalk, walkway or ground level.
- b. Where the front portion of the building extends out to the front property line, the canopy or awning sign shall not project more than 2 m over the sidewalk.

- c. Notwithstanding Section 7.8(2)(b) and 7.8(2)(c) above, no canopy sign shall be permitted, where in the opinion of the Development Officer, the canopy or awning obstructs the free movement or access to pedestrians, vehicles or repairs to overhead utility lines.
- d. The print or lettering of awnings and canopies shall be restricted to identification of the building name or the proprietor's identification.

(3) Billboard Signs:

- a. A development permit for a billboard shall not be issued unless the billboard is to be located on a lot abutting the Highway 13 right-of-way subject to the approval of Alberta Infrastructure or Alberta Transportation.
- b. A billboard sign shall not:
 - i. Be more than 3.0 m high, and not more than 6.0 m long;
 - ii. Be less than 3.6 m above grade level;
 - iii. Have a maximum height above grade of more than 6.0 m;
 - iv. Have a maximum area exceeding 18.0 m²;
 - v. Be less than 15.0 metres from the nearest billboard; and
 - vi. Not be located closer than 3.0 m to any property line.
- c. The land and the sites in and about where the billboards are permitted shall be at all times maintained in a neat and clean manner, free from all loose papers and rubbish. A second face may be required on the billboard where the back of the billboard is visible to pedestrian or vehicle traffic.

(4) Freestanding Signs:

- a. One freestanding sign may be allowed per site.
- b. Where a site is considered to be double fronting by the Development Officer, each frontage may have one freestanding sign provided that the signs are no closer than 90 m apart.
- c. No sign permit for a freestanding sign shall be issued unless the area of the sign is less than 7.5 m² for the first 30 m of lineal frontage of the lot or site upon which it is located, plus 1.0 m² for each additional 10.0 m of lineal frontage, up to a maximum of 11 m².
- d. The freestanding sign shall not project within 0.6 m from a property line, or within 2 m of overhead utility lines.
- e. The freestanding sign shall not project within 0.6 m from a property line, or within 2 m of overhead utility lines.
- f. Freestanding signs may rotate at no more than six revolutions per minute.

(5) Roof Signs:

- a. No portion of a sign shall overhang the roof on which it is located.
- b. No supporting structures shall be visible to the public finished in an aesthetically pleasing manner to the discretion of the Development Officer.

(6) Temporary Signs:

- a. The Development Officer may grant one sign permit per site to a person announcing a special event, sale, relocation of a business, new business, or the future proposed development of a building or structure, or other function.
- b. A sign permit granted under Section 7.8(5)(a) shall specify the period of time during which the sign is permitted to be exhibited but shall not exceed:
 - (i) sixty days from the date the permit is issued, or
 - (ii) two days after the event occurs, whichever is the shorter period.Notwithstanding clauses (i) and (ii) above, the Development Officer may grant a sign permit for up to six months for signs announcing a new business or business relocation or proposed development of a new building. The area of temporary signs under Section 7.7 (5) shall not exceed 4.0 m².
- c. No person shall locate a temporary sign so that it causes a traffic hazard, or conflicts with parking loading, or walkway areas.
- d. A temporary sign shall not be located within 6.0 m of the curb of a double fronting or corner lot site unless otherwise permitted by the Development Officer.
- e. A temporary sign shall not be located within a roadway right-of-way or on public property, unless consent is received from the Town of Swan Hills.
- f. Where a site is considered to be double fronting by the Development Officer, each frontage may have one temporary sign, provided that the signs are not closer than 15.0 m apart.
- g. No person shall erect or place on a site a temporary sign if it has a flashing device, animator or flashing beacon attached to or operating in connection with it.
- h. No person shall exhibit a temporary sign that is higher than 2.5 m above grade level.
- i. Inflatable temporary signs shall be securely grounded and a minimum of 10.0 m away from utility lines and road rights-of-way, and shall be located no higher than 10.0 m above grade level.

(7) Wall/Fascia Signs:

- a. One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a height of 1.5 m nor exceed a horizontal dimension greater than the length of the bay at which the proprietor's sign identifies. In no case, however, shall the fascia sign exceed 30% of the building face or bay which the sign identifies.
- b. Notwithstanding Section 7.8(4)(a), developments which are considered by the Development Officer to be double fronting, may apply for a fascia sign permit for the second fronting building face.
- c. Notwithstanding Section 7.8(4)(a), in developments containing two or more storeys, fascia signs shall only be permitted on the building face below the third storey offices or bays.
- d. A wall sign in this District shall not exceed an area of more than 45% of the wall to which it is attached.
- e. A wall sign shall not extend beyond the limits of the wall to which it is attached.

- f. Notwithstanding Section 7.8(4)(a) and 7.8(4)(d), fascia and wall signs for a commercial building containing more than one bay, shall maintain the same character and size of signs throughout the building face and from bay to bay.
- g. Any identification wall signs with non-illuminated letters up to but not exceeding 0.7 m in height, nor 0.4 m² in area, are not restricted and may be permitted in addition to regulated signs.

7.10 SIGNS IN RESIDENTIAL DISTRICTS

- (1) Fascia Signs: One non-illuminated fascia sign may be permitted at the discretion of the Development Officer to identify a home occupation. The sign shall be not greater than 0.2 m² in area and shall be placed on the principal dwelling.
- (2) Freestanding Signs:
 - a. Within a residential subdivision or neighbourhood, one freestanding sign which does not exceed 2.0 m² in area, not 3.5 m in height may be permitted to identify the name of a subdivision or neighbourhood.
 - b. Freestanding signs identifying the name of the neighbourhood or subdivision shall blend in with the architecture of the surrounding development in the area.
 - c. A neighbourhood or subdivision identification sign shall not contain an advertisement in any form, but may contain the name or logo of the company or companies which developed the neighbourhood or subdivision.

7.11 TEMPORARY STRUCTURES (TENT GARAGES, C-CANS, ETC.)

- (1) A temporary structure may not be erected without permission of the Development Officer which may be granted as follows:
 - a. In a residential district provided that:
 - i. No such temporary structure shall have be more than 3.0 metres in height or set back less than 1 metre from the side and rear property lines; and
 - ii. the exterior finish of the storage container is to match or compliment the exterior finish of the principal building, or must be screened from view to the satisfaction of the Development Officer;
 - iii. The owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Officer;
 - iv. There shall be no more than one temporary structure per site;
 - v. A temporary structure must be placed in the rear yard only;
 - vi. In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Officer; and
 - vii. The structure is completed in accordance with the terms stipulated by the Development Officer, provided that the temporary structure development permit shall expire at the end

of one year, unless renewed by the Development Officer for a further term, and that such temporary structure must comply with this Bylaw.

- (2) If an owner fails to comply with the terms and conditions of a temporary structure development permit, the Development Officer may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon which the temporary structure is situated and shall be payable by the owner to the Town on demand.
- (3) A temporary structure shall not be used as a dwelling.

PART 8 - DISTRICTS AND REGULATIONS

8.1 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

- (1) Land use district and land use regulations shall be set forth in Part 8 and may be amended in the same manner as any other Part or Section of this Bylaw.

8.2 LAND USE DISTRICTS

- (1) The Town is hereby divided into the following districts:

Short Form	District Designation
RS	Residential Single Detached Dwelling District
RT	Residential Two Family District
RM	Residential Medium Density District
RMHS	Residential Manufactured Home Subdivision District
RERR	Estate Residential Restricted District
RI	Residential Light Industrial District
CT	Town Centre Commercial District
CH	Highway and Service Commercial District
IG	General Industrial District
P	Public Use District
UR	Urban Reserve District

8.3 LAND USE DISTRICT MAP

- (1) Land use districts specified under 8.2 are described in the short form on the LAND USE DISTRICT MAP which is an integral part of this Bylaw
- (2) The district regulations are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the property of any district, the following rules shall apply:
 - a. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centreline thereof.
 - b. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - c. In circumstances not covered by (a) and (b) the location of the district boundary shall be determined by:
 - (ii) Where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - (iii) Where dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

- (3) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by a person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the regulations of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (4) After Council has fixed a district boundary pursuant to the provisions of subsection (3), the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.
- (5) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

8.4 RS – RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT

(1) Purpose:

- a. This district is generally intended to accommodate single detached dwellings and uses which may be accessory to the single detached dwellings, as well as those uses which, in the opinion of the Municipal Planning Commission, would not change the residential nature and character of the neighbourhood.

(2) Permitted Uses:

- a. Accessory buildings; and
- b. One single detached dwelling per parcel.

(3) Discretionary Uses:

- a. Bed and Breakfast facility;
- b. Family care facility;
- c. Day care facility;
- d. Home occupation;
- e. Parks;
- f. Secondary Suites;
- g. Single detached dwelling, moved in (new construction only); and
- h. Utility buildings not containing offices;
- i. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district.

(4) Parcel Coverage:

- a. Coverage of all buildings shall not exceed 35% of the total parcel area.

(5) Minimum Floor Area

- a. 1 Storey – 96 m²;
- b. 1 ½ Storey and Split Level – lower floor 75 m² and total minimum floor area 110 m²;
- c. Bi-level – upper floor area 90 m²; and
- d. Two Storey – lower floor 70 m² and total minimum floor area 130 m².

(6) Minimum Parcel Dimensions

a. Width

- (i) In the case of a roadway and lane system 19.0 m for internal lots, and 20.0 m for corner and double fronting parcels;
 - (ii) In the case of a laneless system 20.0 m for internal lots, and 21.0 m for corner and double fronting parcels; and
 - (iii) For irregular and pie-shaped parcels, the minimum parcel width shall be measured at the front yard setback.
- b. Depth – the minimum parcel depth shall be no less than 35.0 m.
- c. Area – the minimum parcel area shall be the product of the minimum parcel depth and width.

(7) Minimum Setback Regulations

a. Front Yard

- (i) The minimum front yard setback shall be 6.0 m. At the discretion of the Development Officer, the front yard setback may be varied for corner or double fronting parcels pursuant to sections 3.6(3), 3.6(4) and 6.2.
- b. Side Yard
- (i) The minimum side yard setback to the principal building shall be a minimum of 1.5 m for dwellings less than two storeys, and 2.3 m for dwellings of two storeys or more;
 - (ii) Notwithstanding subsection (b)(i) above, where a site has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access, to the rear of the property, except where an attached garage or carport is provided. Where an attached garage or carport is provided then the setback regulations under subsection (6)(b)(i) shall apply.
- c. Rear Yard – the minimum rear yard setback to the principal building shall be provided of not less than 6.0 m.

(8) Parking

- a. A two car parking area shall be provided on site.
- b. Day care facilities shall require one space per 34.0 m² of gross floor area plus one per staff member.
- c. Notwithstanding section 6.13, in the case where a dwelling fronts onto an arterial or collector roadway, as defined in the Municipal Development Plan, the parking area shall access from the lane where one is provided.

8.5 RT – RESIDENTIAL TWO FAMILY DISTRICT

(1) Purpose:

- a. This district is generally intended to accommodate densities up to two dwelling units per parcel.

(2) Permitted Uses:

- a. Accessory buildings;
- b. Duplex dwelling;
- c. One single detached dwelling per parcel; and
- d. One unit of a duplex dwelling per parcel.

(3) Discretionary Uses:

- a. Bed and Breakfast facility;
- b. Day care facility;
- c. Family care facility;
- d. Home occupation;
- e. Park;
- f. Secondary suites;
- g. Single detached dwelling, moved in (new construction only);
- h. Utility buildings not containing offices; and
- i. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Parcel Coverage:

- a. Coverage of all buildings shall not exceed 40% of the total parcel area.

(5) Minimum Floor Area

- a. 1 Storey – 96 m²;
- b. 1 ½ Storey and Split Level – lower floor 75 m² and total minimum floor area 110 m²;
- c. Bi-level – upper floor area 90 m²;
- d. Two Storey – lower floor 70 m² and total minimum floor area 130 m²; and
- e. Duplex – 79 m².

(6) Minimum Parcel Dimensions

a. Width

- (i) In the case of a roadway and lane system 12.0 m for internal parcels, and 14.0 m for corner and double fronting parcels.
- (ii) In the case of a laneless system 14.5 m for internal parcels, and 16.0 m for corner and double fronting parcels.
- (iii) For irregular and pie-shaped parcels, the minimum site width shall be measured at the front yard setback.

b. Depth – the minimum parcel depth shall be no less than 35.0 m.

c. Area

- (i) In the case of a vertical duplex units a minimum site area of no less than 576 m².
- (ii) In the case of a side by side duplex units a minimum parcel area of no less than 556 m² for an internal parcel, and 700 m² for corner and double fronting parcels.
- (iii) In the case of all other developments the minimum parcel area shall be the product of the minimum parcel depth and width.

(7) Minimum Setback Regulations

b. Front Yard

- (ii) The minimum front yard setback shall be 6.0 m. At the discretion of the Development Officer, the front yard setback may be varied for corner or double fronting parcels pursuant to sections 3.6(3), 3.6(4) and 6.2.

d. Side Yard

- (i) The minimum side yard setback to the principal building shall be a minimum of 1.5 m for dwellings less than two storeys, and 2.3 m for dwellings of two storeys or more;
- (ii) Notwithstanding subsection (b)(i) above, where a site has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access, to the rear of the property, except where an attached garage or carport is provided. Where an attached garage or carport is provided then the setback regulations under subsection (6)(b)(i) shall apply.

e. Rear Yard – the minimum rear yard setback to the principal building shall be provided of not less than 7.6 m.

(8) Parking

- a. A two car parking area shall be provided on site.
- b. Day care facilities shall require one space per 34.0 m² of gross floor area plus one per staff member.
- c. Notwithstanding section 6.13, in the case where a dwelling fronts onto an arterial or collector roadway, as defined in the Municipal Development Plan, the parking area shall access from the lane where one is provided.

8.6 RM – RESIDENTIAL MEDIUM DENSITY DISTRICT

(1) Purpose:

- a. This district is intended to provide a variety of low to medium density multiple family housing styles such as row houses and walk up apartments. Multiple family dwellings within this district are intended to be designed in a low rise or profile or elevation, thus enabling such developments to blend in with adjacent single detached and two family residential neighbourhoods. All units within this district shall also be designed to have direct access to street level.

(2) Permitted Uses:

- a. Fourplex;
- b. Park;
- c. Row house; and
- d. Triplex.

(3) Discretionary Uses:

- a. Apartment;
- b. Day care facility;
- c. Family care facility;
- d. Home occupation;
- e. Row house rental office;
- f. Utility buildings not containing offices;
- g. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conforms to the general purpose and intent of this district.

(4) Parcel Coverage:

- a. The maximum parcel coverage for all buildings shall be 40% of the area of the parcel.

(5) Minimum Floor Area

- a. Triplex and Fourplex – 75 m² for each unit;
- b. Row Housing – 72 m² for a one bedroom unit, and an additional 11 m² per unit for each additional bedroom in the unit thereafter; and
- c. Apartment Buildings – 50 m² for a bachelor unit, and an additional 15 m² for each additional bedroom in the unit thereafter.

(6) Minimum Parcel Dimensions

- a. Width – Except for apartment buildings, the minimum parcel width shall not be less than 12 m. Apartment buildings shall have a minimum parcel width of 35 m.
- b. Depth – The minimum parcel depth shall be no less than 35 m.
- c. Area – In the case of all other developments, the minimum parcel area shall be the product of the minimum parcel depth and width.

(7) Minimum Setback Regulations

a. Front Yard

- (i) The minimum front yard setback shall be 6.0 m, nor shall there be permitted a setback of more than 14.0 m. At the discretion of the Development Officer, the front yard setback may be varied for corner or double fronting parcels pursuant to sections 3.6(3), 3.6(4) and 6.2.

b. Side Yard

- (i) The minimum side yard setback to the principal building shall be a minimum of 1.5 m for dwellings less than two storeys, and 2.3 m for dwellings of two storeys or more;
- (ii) Notwithstanding subsection (b)(i) above, where a site has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access, to the rear of the property, except where an attached garage or carport is provided. Where an attached garage or carport is provided then the setback regulations under subsection (6)(b)(i) shall apply.

- c. Rear Yard – The minimum rear yard setback to the principal building shall be provided of not less than 7.6 m.

(8) Parking and Storage

- a. Where a building is enlarged, or altered, or a change in use occurs in such a manner as to cause a more intensive use of the building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to the parking spaces that may have been removed due to the enlargement or alteration.
- b. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
 - (iii) One and two unit dwellings – 2 per dwelling unit;
 - (iv) Multiple family dwellings of one bedroom or less per dwelling unit – 1.7 per dwelling unit;
 - (v) Multiple family dwellings of two or more bedrooms per dwelling unit – 2 per dwelling unit;
 - (vi) Senior citizen self-contained dwelling units – 2 for each three dwelling units, and of the total number of parking spaces required, one space per every four dwelling units must be assigned to guest parking, and must be clearly identified as guest parking;
 - (vii) Day care – One space per 34 m² of gross floor area plus one per staff member.

- c. Notwithstanding section 6.13, in the case of a triplex and fourplex dwelling, where the dwelling fronts onto an arterial or collector roadway, as defined in the Municipal Development Plan, the parking area shall access from the lane where one is provided.
 - d. In the case of a use not specified in subsection (7)(b), the number of stalls provided shall be the same for a similar use as determined by the Development Officer or Municipal Planning Commission.
 - e. Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under subsection (7)(b).
 - f. Where there are a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
 - g. The design of the parking area can be altered where the Development Officer or Municipal Planning Commission considers that the situation warrants variance of the standard design.
 - h. Multiple family dwellings or developments containing more than four units shall provide an off-street storage area for recreation vehicles or equipment which is of a size and location considered by the Development Officer or Municipal Planning Commission to meet the needs of the development.
- (9) Maximum Height – A building shall not exceed 10.0 m or 2 ½ storeys above grade, whichever is greater.
- (10) Dwelling Unit Density
- a. Except for apartments the maximum density shall be 40 units to each ha of the parcel upon which the development is proposed.
 - b. The maximum density for apartments shall be 50 units to each ha of the parcel upon which the development is located.
- (11) Accessory Buildings and Structures
- a. The siting of all accessory buildings and structures shall be at the discretion of the Development Officer, who shall have regard for the requirements under subsection (6) of this District.
 - b. Accessory buildings shall not be used as dwellings.
- (12) Separation Space Relating to Multiple Family Development
- a. The relationship of the buildings to each other, to the site, and to the adjacent properties with respect to adequate light, ventilation and privacy or visibility of windows between dwellings, shall be fully shown on the site plans for the whole development, and shall be to the satisfaction of the Development Officer or Municipal Planning Commission.

(13) Landscaping and Amenities

- a. The minimum landscaped area shall be 35% of the site for multiple family developments.
- b. Notwithstanding subsection (12)(a), a minimum of 10% of the landscaped area requirement shall be provided for recreational purposes to the satisfaction of the Development Officer or Municipal Planning Commission.

8.7 RMHS – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

(1) Purpose:

- a. This district is generally intended to provide for manufactured homes on subdivided parcels. Manufactured home subdivisions shall be accessible to the type of community services and facilities normally available in single detached and two family residential areas.

(2) Permitted Uses:

- a. Accessory buildings;
- b. One manufactured home per parcel; and
- c. Single detached dwelling.

(3) Discretionary Uses:

- a. Day care facility;
- b. Family care facility;
- c. Home occupation;
- d. Parks;
- e. Single detached dwelling, moved in;
- f. Utility buildings not containing offices; and
- g. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district.

(4) Parcel Coverage:

- a. Coverage for all buildings shall not exceed 45% of the total parcel area.

(5) Minimum Floor Area

- a. The minimum floor area shall be no less than 86 m².

(6) Minimum Parcel Dimensions

a. Width

- (i) In the case of a roadway and lane system 15 m for internal parcels, and 16 m for corner and double fronting parcels.
- (ii) In the case of a laneless system 16 m for internal parcels and 17 m for corner and double fronting parcels.
- (iii) For irregular and pie shaped parcels, the minimum parcel width shall be measured at the front yard setback.

- b. Depth – The minimum parcel depth shall be no less than 35 m.
- c. Area – The minimum parcel area shall be the product of the minimum parcel width and depth.

(7) Minimum Setback Regulations

- a. Front Yard – The minimum front yard setback shall be 6 m at the discretion of the Development Officer, the front yard setback may be varied pursuant to sections 3.6(3), 3.6(4) and 6.2.
- b. Side Yard
 - (i) The minimum side yard setback shall be no less than 3 m to the adjacent parcel line from either one of the long sides containing the main entrance door, and 1.5 m on the other side yard.
 - (ii) Notwithstanding the above section, where a site has vehicular access from the front only, one side yard setback shall be a minimum of 3 m to accommodate a driveway for vehicular passage and general access to the rear of the property, except where an attached garage or carport is provided. Where an attached garage or carport is provided, then the setback regulations under section (7)(b)(i) shall apply.
- c. Rear Yard – The minimum rear yard setback shall be no less than 4.5 m.

(8) Parking

- a. A two car parking area shall be provided on site.
- b. Day care facilities shall require one space per 34.0 m² of gross floor area plus one per staff member.
- c. Notwithstanding section 6.13, in the case where a dwelling fronts onto an arterial or collector roadway, as defined in the Municipal Development Plan, the parking area shall access from the lane where one is provided.

(9) Manufactured Home and Single Detached Dwelling (moved in) Development Regulations

- a. A development permit shall be required to the placement of a manufactured home and moved in single detached dwelling, and the applicant is subject to all regulations of this Bylaw.
- b. Each manufactured home shall have Canadian Standard Association (CSA) certification or the equivalent, satisfactory to the Development Officer. Proof of this shall be submitted with the application.
- c. The maximum age of a manufactured home or moved in single detached dwelling to be placed on a parcel is 10 years.
- d. The Development Officer may require that current photographs showing all sides of the mobile home be submitted with the application.
- e. The Development Officer may require that a plan showing adjacent properties and the location of any existing mobile homes, additions, and accessory buildings on those properties be submitted with the application.

- f. For manufactured homes and single detached dwellings not of new construction, the Development Officer may require a letter of security and/or deposit of to \$5,000 to guarantee satisfactory completion of work stipulated as a condition of Development Permit approval.
- g. The manufactured home subdivision shall be designed to accommodate units of different sizes, including expandable and double wide units, with variety in the street design and the placement of individual units.

(10) Manufactured Home Foundations and Skirting

- a. Each mobile home shall not exceed 1 m above the finished grade.
- b. Accessory structures and additions shall also be finished to the satisfaction of the Development Officer.
- c. The crawl space between the structure and the ground of each mobile home shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Officer, within thirty (30) days of placement of the unit. Axles, wheels and trailer hitches shall be removed.
- d. The following general regulations shall apply to foundations in this district:
 - (i) An application to construct a permanent foundation shall be accompanied by geotechnical information indicating that the site is suitable for such a development.
 - (ii) The foundation or basement shall not exceed 1 m above finished grade.
 - (iii) Each mobile home shall be securely attached to the permanent foundation.

8.8 RERR – ESTATE RESIDENTIAL RESTRICTED DISTRICT

(1) Purpose:

- a. This district is generally intended to accommodate large, single detached residential dwellings on large parcels, in a country setting, but where minimal urban standards are provided. Minor agricultural pursuits and limited home occupations may be permitted as accessory uses.

(2) Permitted Uses:

- a. Accessory buildings; and
- b. One single detached dwelling per parcel.

(3) Discretionary Uses:

- a. Accessory uses;
- b. Home occupation;
- c. Kennels;
- d. Parks;
- e. Single detached dwelling, moved in (new construction only);
- f. Utility buildings not containing office;
- g. On a parcel not smaller than 2 ha and in accordance with the general purpose of this land use district, the following may be allowed: market gardening, horticultural nurseries and greenhouses, equestrian centre, the keeping of a limited number of livestock (no more than 4 animals) as defined in this Bylaw, and veterinary service); and
- h. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district.

(4) Parcel Coverage:

- a. Coverage of all buildings shall not exceed 35% of the total parcel area.

(5) Minimum Floor Area

- a. 1 Storey – 100 m²;
- b. 1 ½ Storey, Bi-level and Split Level – lower floor 80 m² and total minimum floor area 110 m²;
- c. Two Storey – lower floor 86 m² and total minimum floor area 130 m².

(6) Minimum Parcel Dimensions

- a. Width - The minimum parcel width shall be 40 m. For irregular and pie-shaped parcels, the minimum parcel width shall be measured at the front yard setback.
- b. Depth – the minimum parcel depth shall be no less than 60 m.
- c. Area - The minimum parcel area shall be no less than 12,000 m².

(7) Minimum Setback Regulations

- a. Front Yard – The minimum front yard setback shall be 15 m.
- b. Side Yard - The minimum side yard setback to the principal building shall be a minimum of 8 m. The minimum side yard setback for all accessory buildings shall be a minimum of 5 m.
- c. Rear Yard – The minimum rear yard setback to the principal building shall be 10 m. The rear yard setback for all accessory buildings shall be a minimum of 6 m.

(8) Parking

- a. A minimum of a two car parking area shall be provided on each lot.

(9) Keeping of Animals and Livestock

- a. On each lot, household pets, of which only two may be dogs, may be allowed along with no more than four larger animals (horses, cattle, sheep, goats, etc.) at any one time. Smaller animals (chickens, geese, rabbits, etc.) may be kept on a non commercial basis only. All animals must be confined to the owners lot.

8.9 RESIDENTIAL LIGHT INDUSTRIAL (RI) DISTRICT

(1) Purpose:

- a. This land use district is generally intended to establish an area of; limited light industrial uses; and those commercial uses which provide service to industrial uses or which, as a result of their nature, are better suited in an industrial area, and with residential development. Any residential development is to be associated directly with, but secondary to a limited industrial development. The uses in this Land Use district are not intended to cause any objectionable or dangerous conditions beyond the confines of the building in which they are located, and residential uses are to have adequate screening and amenity. Storage areas must be screened from public view and the view of the residential uses on adjacent properties.

(2) Permitted Uses:

- a. Accessory uses;
- b. Accessory use industrial office;
- c. Contracting services – minor;
- d. Home Occupation;
- e. Kennels;
- f. Mini storage with or without outside storage areas;
- g. One single detached dwelling or manufactured home used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a primary industrial development provided for in this land use district. The single family dwelling or manufactured home as defined herein shall clearly be a subordinate use of the parcel on which it is located.
- h. Warehouse; and
- i. Veterinary clinic.

(3) Discretionary Uses:

- a. Contracting services – major;
- b. Manufacturing, processing, packaging or assembly of goods or materials;
- c. Oilfield support services;
- d. Truck and Equipment Storage and Repair Shop;
- e. Trucking establishment; and
- f. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Residential Component Amenity:

- a. The Development Officer cannot approve a Residential Use of any type on a parcel until an active industrial use of the parcel including an industrial/commercial building of at least 150 m², exists or is in the process of being developed on the property.

- b. The residential uses, where detached from the industrial use area, shall be sufficiently separated and screened from the industrial use on the same or adjacent parcel as may be deemed necessary by the Development Officer.
- c. Except as noted in 4(b) and 4(e) a minimum separation between the industrial/commercial structures and the residential structures shall be no less than 10 m.
- d. The residence may be placed in the front of the lot, if the Development Officer is satisfied adequate separation and screening is provided from adjacent industrial use or the adjacent industrial does not unduly detract from the amenity of the residence.
- e. The residence may be combined with a portion or all of this industrial use if the Development Officer is satisfied adequate amenity provisions for the residential use are provided.

(5) Parcel Dimensions:

- a. Width - Shall be no less than 40 m except in the case of parcel located on curves or cul-de-sacs, which shall maintain a minimum frontage of 30 m with of width of 35 m at the front yard setback line.
- b. Depth - Shall be no less than 100 m.

(6) Area:

- a. Minimum parcel area of 1.0 ha.
- b. Maximum parcel area of 4.0 ha.

(7) Parcel Coverage:

- a. If there is a detached residential component:
 - (i) Industrial/commercial component for all combined uses, parking, outside storage, driveways and buildings, the total parcel coverage shall not exceed 50% times the parcel area.
 - (ii) The minimum residential component including all building, accessory structures, parking, landscaping and amenities related to the residence shall be 25% of the parcel.
 - (iii) The area required for landscaping, screening, driveways, buffering, shall be 25% of the parcel area.
- b. If there is no detached residential component, for all combined uses, parking, outside storage, driveways and building, total parcel coverage shall not exceed 75% if the parcel area.

(8) Minimum Setback Requirements:

a. Front Yard:

- (i) Internal Local Road – 6.0 m from the boundary of the right-of-way, except where a greater distance is deemed necessary by the Development Officer or Municipal Planning Commission.**
- (ii) Highways 32 and 33 – 70 m from the centre line or 40 m from the boundary of the right-of-way, whichever is greater.**

b. Minimum Required Side Yards – 3 m; and

c. Minimum Required Rear Yard – 3 m.

(9) Building Height:

- a. The maximum height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.0 m above grade.**

8.10 CT – TOWN CENTRE COMMERCIAL DISTRICT

(1) Purpose:

- a. This district is generally intended to provide for a wide variety of retail, office, service commercial and institutional uses in the central business district of Swan Hills. Within this district, some minor upper storey residences may be allowed.

(2) Permitted Uses:

- a. Convenience retail store;
- b. Eating and drinking establishment;
- c. Gas bar;
- d. Hotel or motel;
- e. Liquor store;
- f. Medical clinic;
- g. Park;
- h. Parking facility;
- i. Personal service establishment;
- j. Professional, financial, office and business support services;
- k. Retail establishments; and
- l. Theatre or cinema.

(3) Discretionary Uses:

- a. Accessory buildings;
- b. Apartments;
- c. Bakery;
- d. Commercial school not including a school using heavy and industrial vehicles;
- e. Day care facility;
- f. Drive-through businesses;
- g. Dry cleaning and laundry plant/depot;
- h. Group care facility;
- i. Hardware or home improvement centre;
- j. Household repair service establishment;
- k. Indoor recreational establishment;
- l. Public or quasi-public uses;
- m. Public utility buildings;
- n. Private club or lodge;
- o. Second hand store;
- p. Shopping centre or mall;
- q. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Parcel Coverage:

- a. Gas Bar and Car Wash – Not to exceed 0.25 times the total parcel area.
- b. Shopping centre, mall developments or drive-through businesses shall not exceed 0.50 times the total parcel area.
- c. For all other uses, provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission, the total development area shall not exceed three (3) times the total parcel area.

(5) Minimum Parcel Area

- a. Gas bar – 1,200 m², or 1,000 m² when forming part of a shopping centre;
- b. Car wash establishment – 600 m² or when combined with a gas bar – 2,700 m²;
- c. For other uses – 450 m².

(6) Minimum Parcel Dimensions

- a. Depth – Shall be no less than 30 m.
- b. Width – Shall be no less than 15 m.

(7) Minimum Setback Regulations

- a. Gas Bars and Car Washes – Front yard 6 m, Side yard 3 m, Rear yard 3 m;
- b. Drive-through Businesses – Front yard no setback is required except as specified in section 6.2 of this Bylaw, rear and side yard shall be at the discretion of the Development Officer or Municipal Planning Commission who shall make provision for queuing spaces, and on-site traffic circulation, turning and manoeuvring;
- c. All Other Commercial Uses – Front yard no setback is required except as specified in section 6.2 of this Bylaw, rear and side yard no setback is required;
- d. Public and Quasi Public Uses – Front yard no setback is required except as specified in section 6.2 of this Bylaw, rear and side yard no setback is required;
- e. Notwithstanding the regulations of subsection (7), if the subject parcel is adjacent to a residential district, a setback of 3 m shall be provided for the side yard or rear yard abutting the residential district.

(8) Building Height

- a. The maximum building height shall be three storeys.

(9) Parking

- a. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

(i) Commercial:

Convenience retail store Eating Establishment (take out) Gas Bar	3 stalls
Eating and Drinking Establishments Drive through businesses Theatre or cinema	1 stall/6 seats
Hotel or motel	1 stall/guest room + 1 stall/staff
Bakery Dry cleaning and laundry plant/depot Hardware or home improvement centre Household repair service establishment Public utility buildings Liquor store Medical clinic Personal service establishment Professional, financial, office and business support services Retail establishments Second hand store Shopping centre or mall	1 stall/50 m ² gross floor area

(ii) Places of Assembly:

Indoor recreational establishment All other uses	1 stall/7.5 seating spaces or 1 stall/7 m ² used by patrons
---	---

(iii) Public and Quasi Public Uses:

Commercial school Group care facilities	1 stall/3 students or occupants
Day care facilities	1 stall/34 m ² gross floor area + 1 stall/staff

(iv) Residential:

Apartments – one bedroom or less /unit	1.7 stalls/unit
Apartments - two or more bedrooms / unit	2 stalls/unit

General Regulations

- b. Where a building is enlarged, or altered, or a change in use occurs in such a manner as to cause a more intensive use of the building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change

- in the use of the building, in addition to the parking spaces that may have been removed due to the enlargement or alteration.
- c. The number of parking stalls required may be reduced where, in the opinion of the Development Officer or Municipal Planning Commission, the parking required by various users on the site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by the reduced number of stalls.
 - d. In the case of a use not specified in subsection (a), the number of stalls provided shall be the same for a similar use as determined by the Development Officer or Municipal Planning Commission.
 - e. Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under subsection (a).
 - f. Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.

Communal and Off-site Parking

- g. Parking may be supplied at a site other than the site of the principal use provided that it is in accordance with the following regulations:
 - (i) Subject to the approval of the Municipal Planning Commission, an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of subsection (a);
 - (ii) Where a group of uses is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking facility requirements for each of the uses served by the parking facility.
 - (iii) Where a group of uses or businesses pool their parking requirements onto one site, such a communal site shall be located no more than 90 m from any one of the owners who have pooled their off-street parking requirements;
 - (iv) The owners who have pooled their parking requirements shall enter into an agreement with the Town, and the owners shall consent to such an agreement being registered as an encumbrance against the titles of land involved; and
 - (v) The owners involved in a communal parking arrangement shall pay the full costs of preparation and registration of the agreement referred to in subsection (iv) above.
- h. At the option of Council, and in lieu of off-street parking, an owner of land proposed for development shall pay the Municipality the equivalent parking area. The amount of money required will be determined by Resolution of Council and shall be based on the amount needed to construct the required number of parking stalls on land owned or proposed to be purchased by the Town. Money so received by the Town shall be used only for development or improvement of municipal, off-street parking facilities.

(10) Off-street Loading - Shall be provided in accordance with section 6.16 of this Bylaw.

(11) General Regulations

- a. The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs, shall be to the satisfaction of the Development Officer for a permitted use and the Municipal Planning Commission for a discretionary use in order that there shall be conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of the adjacent residential neighbourhood.

(12) Outside Storage and Display

- a. No person shall store goods, products, materials or equipment outside of a building.
- b. No person shall display goods, products, materials or equipment outside of a building except with written permission of the Development Officer.

(13) Landscaping

- a. All areas of the site not covered by buildings, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- b. As a condition of a development permit, the Development Officer or Municipal Planning Commission may require a letter of guarantee or an irrevocable letter of credit in order to secure performance of the landscaping requirements.
- c. The Development Officer or Municipal Planning Commission may require, at their discretion, that those side and rear yards abutting residential districts be screened by means of a fence or landscaping, or both.

(14) Drive-through Businesses

- a. Notwithstanding the district regulations, drive-through businesses shall not be located on sites, which in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation, access and egress from the site.
- b. All parts to the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
- c. Where a drive-through business is located adjacent to a residential district, screening shall be provided to the satisfaction of the Development Officer or Municipal Planning Commission.
- d. All queuing spaces shall be a minimum of 6.5 m long and 3 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.
- e. The on-site layout of vehicle circulation patterns shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- f. Any lighting proposed to illuminate the site shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjacent residential districts.

(15) Gas Bars

- a. Notwithstanding the regulations of this District, a use pursuant to this subsection shall not be located on sites which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.
- b. All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.

(16) Mixed Commercial and Residential Uses

- a. In mixed residential/commercial developments located within the CT District, the following restrictions shall pertain to buildings containing residential dwelling unit accommodations:
 - (i) The residential dwelling units shall have a separate and direct access to the outside street level;
 - (ii) The residential dwellings shall not be located on the same floor as any non-residential use; and
 - (iii) No residential dwellings shall be located on the main, ground, or basement floors of the building.
- b. The minimum floor area shall be no less than 50 m² for a bachelor unit with an additional 11 m² per unit for each bedroom in the unit thereafter.

8.11 CH – HIGHWAY AND SECONDARY COMMERCIAL DISTRICT

(1) Purpose:

- a. This district is generally intended to provide for a range of commercial uses to serve the travelling and local public.

(2) Permitted Uses:

- a. Automobile and recreational vehicle sales and rentals;
- b. Campground;
- c. Car wash establishment;
- d. Convenience retail store;
- e. Dry cleaning and laundry depot/plant;
- f. Eating and drinking establishment;
- g. Gas bar or service station;
- h. Hardware or home improvement centre;
- i. Hotel or motel;
- j. Household repair service establishment;
- k. Laundromat;
- l. Medical clinic;
- m. Personal service establishment;
- n. Professional, financial, office and business support services;
- o. Retail or wholesale establishment;
- p. Second hand store; and
- q. Tourist information services and facility.

(3) Discretionary Uses:

- a. Accessory buildings and uses;
- b. Automobile service centre;
- c. Bulk fuel storage and distribution;
- d. Drive-through businesses;
- e. Indoor recreational establishment;
- f. Liquor store;
- g. Manufactured home sales and service;
- h. Public or quasi-public uses;
- i. Public utility buildings;
- j. Private club or lodge;
- k. Shopping centre or mall; and
- l. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Parcel Coverage:

- a. Gas Bar and Car Wash – Not to exceed 0.25 times the total parcel area.
- b. The maximum site coverage for all other developments shall not exceed 0.50 times the total parcel area.

(5) Minimum Parcel Area

- a. Gas bar – 1,200 m².
- b. Service stations and bulk fuel storage and distribution – 1,500 m².
- c. Car wash establishment – 600 m² or when combined with a gas bar – 2,700 m²;
- d. Service station or gas bar forming part of a commercial retail centre - 1,000 m².
- e. Drive-through businesses – 1,500 m².
- f. For all other uses the minimum parcel area shall be the product of the minimum parcel width and depth. The minimum parcel area may be reduced at the discretion of the Municipal Planning Commission, where in their opinion, there is sufficient size to accommodate the proposed use, internal traffic circulation, parking, landscaping and the required setbacks.

(6) Minimum Parcel Dimensions

- c. Depth – Shall be no less than 40 m.
- d. Width – Shall be no less than 15 m.

(7) Minimum Setback Regulations

- a. Front Yard:
 - (i) The minimum front yard setback shall be no less than 6 m. These standards may be varied by the Development Officer and Municipal Planning Commission with respect to corner parcels, where the Development Officer or Municipal Planning Commission shall take into account the locations and setback of existing adjacent buildings.
 - (ii) There shall be no parking, loading, storage or any other similar use permitted within 3 m of the front property line.
- b. Side Yard – The minimum side yard shall be no less than 3 m.
- c. Rear Yard – The minimum rear yard shall be no less than 6 m.
- d. Notwithstanding section (7) the setback regulations for service stations, gas bars, bulk oil stations, car wash establishments and drive-through businesses shall be as follows: front yard 6 m, Side yard 3 m, Rear yard 3 m.

(8) Building Height

- b. The maximum building height shall be three storeys.

(9) Parking

- a. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

(i) Commercial:

Bulk fuel storage and distribution Convenience retail store Drive through businesses Eating establishment (take out) Gas bar Manufactured home sales and service Service station Wholesale establishment	3 stalls
Eating and drinking establishments	1 stall/6 seats
Automobile service centre	2 stalls/bay + 1 stall/100 m ² gross floor area of retail
Hotel or motel	1 stall/guest room + 1 stall/staff
Dry cleaning and laundry plant/depot Hardware or home improvement centre Household repair service establishment Laundromat Public utility buildings Liquor store Medical clinic Personal service establishment Professional, financial, office and business support services Retail establishments Second hand store Shopping centre or mall	1 stall/50 m ² gross floor area

(ii) Places of Assembly:

Indoor recreational establishment	1 stall/7.5 seating spaces or
Tourist information services and facility	1 stall/7 m ² used by patrons

General Regulations

- b. Where a building is enlarged, or altered, or a change in use occurs in such a manner as to cause a more intensive use of the building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the

number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to the parking spaces that may have been removed due to the enlargement or alteration.

- c. The number of parking stalls required may be reduced where, in the opinion of the Development Officer or Municipal Planning Commission, the parking required by various users on the site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by the reduced number of stalls.
- d. In the case of a use not specified in subsection (a), the number of stalls provided shall be the same for a similar use as determined by the Development Officer or Municipal Planning Commission.
- e. Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under subsection (a).
- f. Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.

(10) Off-street Loading shall be provided in accordance with section 6.17 of this Bylaw.

(11) General Requirements Applicable to Every Development in a CH District

- a. The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs, shall be to the satisfaction of the Development Officer for a permitted use and the Municipal Planning Commission for a discretionary use in order that there shall be conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of the adjacent residential properties.

(12) Outside Storage and Display

- a. There shall be no outside storage of good, products, materials or equipment permitted within the front yard setback of this district.
- b. Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Officer.
- c. When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Officer,
 - (i) Unduly interfere with the amenities of the district, or
 - (ii) Materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(13) Landscaping

- a. All areas of the parcel not covered by buildings, storage, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- b. As a condition of a development permit, the Development Officer or Municipal Planning Commission may require a letter of guarantee or an irrevocable letter of credit in order to secure performance of the landscaping requirements.

(14) Drive-through Businesses

- a. Notwithstanding the district regulations, drive-through businesses shall not be located on sites, which in the opinion of the Development Officer or Municipal Planning Commission would be considered unsafe in terms of vehicle circulation, access and egress from the parcel.
- b. All parts to the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
- c. Where a drive-through business is located adjacent to a residential district, screening shall be provided to the satisfaction of the Development Officer or Municipal Planning Commission.
- d. All queuing spaces shall be a minimum of 6.5 m long and 3 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.
- e. The on-site layout of vehicle circulation patterns shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- f. Any lighting proposed to illuminate the site shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjacent residential districts.

(15) Gas Bar and Car Wash Establishments

- a. Notwithstanding the regulations of this District, a use pursuant to this subsection shall not be located on sites which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation, and access and egress from the parcel.

8.12 IG – GENERAL INDUSTRIAL DISTRICT

(1) Purpose:

- a. This district is generally intended to establish an area of general industrial uses, and those commercial uses which provide service to industrial uses. The uses in this District are not intended to cause any objectionable or dangerous conditions beyond the confines of the building and the site upon which they are located.

(2) Permitted Uses:

- a. Accessory buildings;
- b. Accessory use industrial office;
- c. Contracting services – minor;
- d. Greenhouse or plant nursery;
- e. Manufacturing, processing, packaging or assembly of goods or materials;
- f. Mini storage with or without outside storage areas;
- g. Oilfield support services;
- h. Truck and Equipment Storage and Repair Shops;
- i. Warehouse;
- j. Veterinary clinic or kennel.

(3) Discretionary Uses:

- a. Any uses permitted or discretionary as listed in the CH District;
- b. Auction mart;
- c. Bunkhouse, as an accessory building (one per parcel on a temporary basis);
- d. Contracting services – major;
- e. Salvage establishment;
- f. Trucking establishment; and
- g. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Parcel Coverage:

- a. Commercial Uses – As per the requirements of the CH District.
- b. All other developments shall not exceed 0.60 time the site area.

a. Minimum Parcel Area

- a. Commercial uses – As per the requirements of the CH District.
- b. For all other uses the minimum parcel area shall be 700 m². A larger minimum parcel area may be required, where in the opinion of the Development Officer or Municipal

Planning Commission a greater area is required in order to provide for improved on-site traffic circulation, off-street parking, setbacks, and on-site storage.

(5) Minimum Setback Regulations

a. Front Yard:

- (i) The minimum front yard setback shall be 6 m, except where a greater distance is deemed necessary by the Development Officer and Municipal Planning Commission. There shall be no area for loading, storage or display of goods located in the minimum front yard setback area and such area shall be landscaped to the carriageway. Notwithstanding the above mentioned regulations, patron and employee parking may be permitted, at the Development Officer's or Municipal Planning Commission's discretion, 3 m back from the front property line.
- (ii) The standard with respect to building setback may be varied at the discretion of the Development Officer or Municipal Planning Commission for corner or double fronting parcels pursuant to section 6.2 of this Bylaw.
- (iii) The front yard setback shall not prohibit the use of a portion of the front yard for walks and driveways.

b. Side Yard

- (i) No side yard setback is required, unless in the opinion of the Development Officer or Municipal Planning Commission a setback is required in order to provide separation distance between uses or as may be required pursuant to the Alberta Building Code.
- (ii) Notwithstanding subsection (7)(b)(i), where a site has vehicular access from the public roadway only, one side yard setback of not less than 5 m shall be provided in order to gain access to the rear of the site.

c. Rear Yard – The minimum rear yard setback shall be no less than 6 m, or where in the opinion of the Development Officer or Municipal Planning Commission a greater setback is required in order to provide for off street parking, on-site traffic circulation, storage or separation between adjacent land uses.

d. Notwithstanding section (7) the setback regulations for service stations, gas bars, bulk oil stations, car wash establishments and drive-through businesses shall be as follows: front yard 6 m, Side yard 3 m, Rear yard 3 m.

(6) Building Height

- a. The maximum building height shall be three storeys.

(7) Parking

- a. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
 - (i) Commercial: As per the requirements of the CH District.

(ii) Places of Assembly: As per the requirements of the CH District.

(i) Industrial:

All uses	1 stall/100 m ² of gross floor area
----------	--

General Provisions

- b. Where a building is enlarged, or altered, or a change in use occurs in such a manner as to cause a more intensive use of the building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to the parking spaces that may have been removed due to the enlargement or alteration.
- c. The number of parking stalls required may be reduced where, in the opinion of the Development Officer or Municipal Planning Commission, the parking required by various users on the site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by the reduced number of stalls.
- d. In the case of a use not specified in subsection (a), the number of stalls provided shall be the same for a similar use as determined by the Development Officer or Municipal Planning Commission.
- e. Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under subsection (a).
- f. Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.

(8) Off-street Loading

- a. Shall be provided in accordance with section 6.16 of this Bylaw.

(9) General Requirements Applicable to Every Development in a IG District

- a. The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs, shall be to the satisfaction of the Development Officer for a permitted use and the Municipal Planning Commission for a discretionary use in order that there shall be conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of the adjacent residential properties.

(10) Outside Storage and Display

- a. There shall be no outside storage of goods, products, materials or equipment permitted within the front yard setback of this district.
- b. Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Officer.
- c. When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Officer,
 - (i) Unduly interfere with the amenities of the district, or
 - (ii) Materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(11) Landscaping

- a. All areas of the parcel not covered by buildings, storage, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- b. As a condition of a development permit, the Development Officer or Municipal Planning Commission may require a letter of guarantee or an irrevocable letter of credit in order to secure performance of the landscaping requirements.

8.13 P – PUBLIC USE DISTRICT

(1) Purpose:

- b. This district is intended to establish an area for the development of public which is compatible with the adjacent surroundings.

(2) Permitted Uses:

- a. Accessory use or building;
- b. Assisted living facility;
- c. Cemetery;
- d. Essential services;
- e. Government services;
- f. Hospital or nursing home;
- g. Library;
- h. Museum;
- i. Passive or active recreational facility, building or park;
- j. Places of worship; and
- k. Retirement home.

(3) Discretionary Uses:

- a. Campground;
- b. Day care facility;
- c. Family care facility;
- d. Golf course;
- e. Group care facility;
- f. Public or quasi-public uses; and
- g. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

(4) Development Regulations:

- a. All site and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. In reviewing an application for a permitted use the Development Officer and for a discretionary use the Municipal Planning Commission, shall consider the design, siting, landscaping and screening of the proposed development, in order to minimize any objectionable aspects or incompatibilities, such as traffic or patrons to the site, increased noise, dust, odors, or refuse, and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses and district.

(5) Parking

- a. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

(i) Residential:

Assisted living facility	1 stall/dwelling unit +
Retirement home	1 stall/staff

Of the total number of parking spaces required, one space per every four dwelling units must be assigned to guest parking, and must be clearly identified as guest parking.

(ii) Commercial:

Public administration offices	1 stall/50 m ² of gross floor area
-------------------------------	---

(iii) Places of Assembly:

Places of worship	1 stall/7.5 seating spaces or 1 stall/7 m ² used by patrons
-------------------	---

(ii) Schools:

Elementary and junior high schools	1 stall/school employee + 5 stalls for visitor parking
Senior high school	1 stall/3 students
Hospitals	1 stall/hospital employee + 5 stalls for visitor parking
Day Care Facilities: Nursery schools	1 stall/34 m ² of gross floor area + 1 stall/staff member

General Regulations

- b. Where a building is enlarged, or altered, or a change in use occurs in such a manner as to cause a more intensive use of the building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to the parking spaces that may have been removed due to the enlargement or alteration.
- c. The number of parking stalls required may be reduced where, in the opinion of the Development Officer or Municipal Planning Commission, the parking required by various users on the site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by the reduced number of stalls.
- d. In the case of a use not specified in subsection (a), the number of stalls provided shall be the same for a similar use as determined by the Development Officer or Municipal Planning Commission.

- e. Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under subsection (a).
- f. Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.

(6) Off-street Loading

- a. Shall be provided in accordance with section 6.16 of this Bylaw.

(7) Landscaping:

- a. All areas of the parcel not covered by buildings, storage, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- b. As a condition of a development permit, the Development Officer or Municipal Planning Commission may require a letter of guarantee or an irrevocable letter of credit in order to secure performance of the landscaping requirements.

(8) Places of Worship:

- a. Sites and Building Requirements – Parking areas where adjacent to residential districts must be screened by a wall, fence, earth berm, or hedge constructed or maintained at not less than 1.2 m in height.

8.14 UR – URBAN RESERVE DISTRICT

(1) Purpose:

- a. This district is intended to reserve those areas of the Municipality which are rural in character or land use for urban development until such time as a subdivision plan has been accepted in principle or approved for other specific uses not permitted in this district. The reclassification of land to other land use districts will normally occur subsequent to the acceptance of an Area Structure Plan or Outline Plan where one is required by Council, and subsequent to the approval of subdivisions proposed.

(2) Permitted Uses:

- a. Public parks and recreational uses; and
- b. Public utility buildings and uses.

(3) Discretionary Uses:

- a. Active recreational use or facility;
- b. Cemeteries;
- c. Equestrian centre;
- d. Extensive agriculture;
- e. Greenhouse or plant nursery;
- f. Kennel;
- g. One single detached dwelling on existing parcel;
- h. Natural resource development;
- i. Public or quasi-public uses; and
- j. Any strictly temporary use or building in which the Municipal Planning Commission will not prejudice the possibility of conveniently and economically replotting or developing the area in the future.

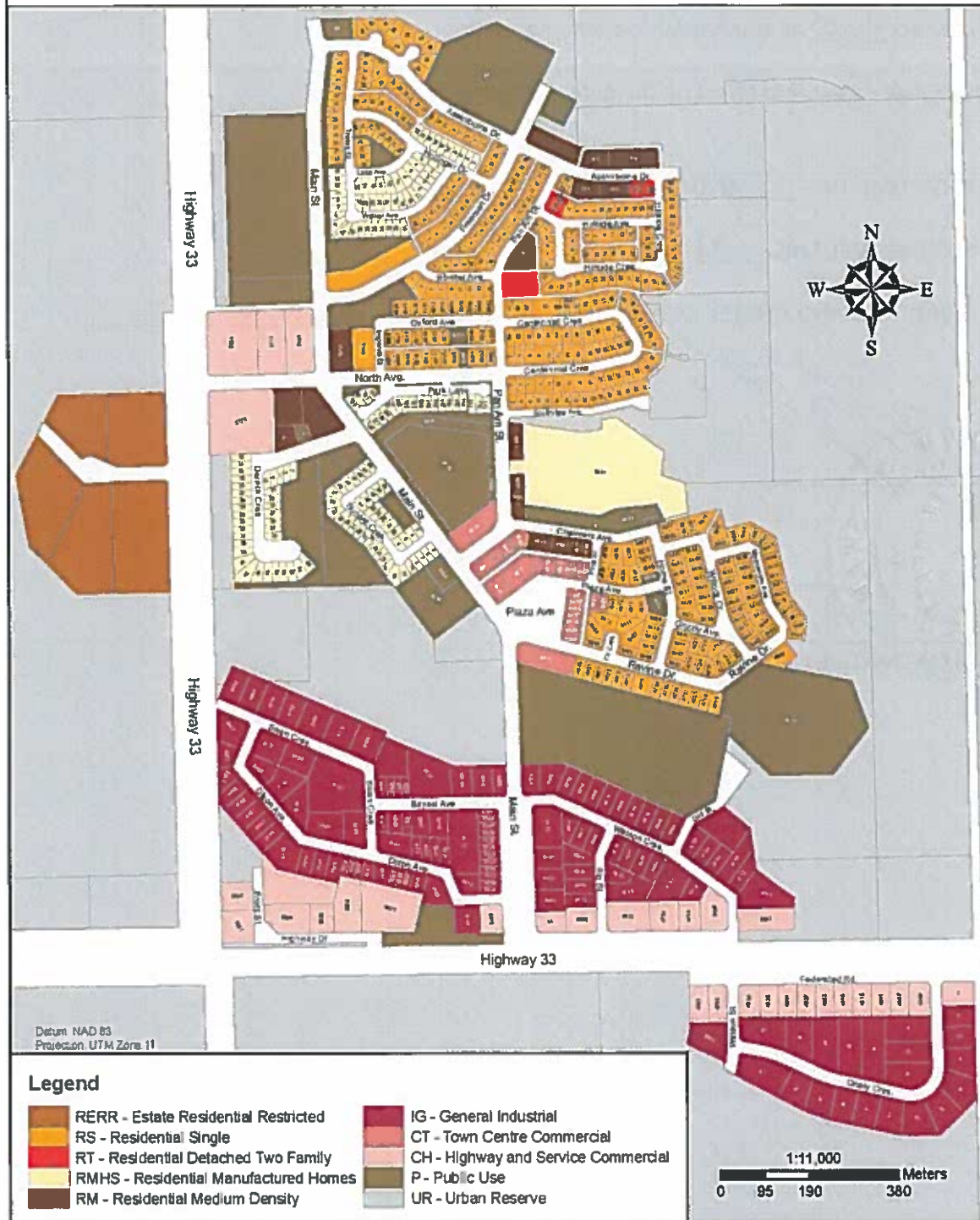
(4) Development Regulations:

- a. No subdivision, reclassification of land from UR into any other land use district, or development other than for the permitted or discretionary uses above, shall take place until an Area Structure Plan or Outline Plan for the area has been approved by Council. This plan should include but not be limited to identifying the following:
 - (i) Municipal service distribution systems (i.e. water, sewer, storm sewer, fire protection, street lighting, utilities, and so on);
 - (ii) Roads, walkways and easements;
 - (iii) Allocation of Municipal Reserve requirements;
 - (iv) Periods of time for completion of construction or installation of facilities;
 - (v) Densities;

- (vi) The incorporation of natural topography, vegetation and drainage into the design of the development and subdivision; and
- (vii) Any other matters as may be deemed necessary by Council.
- b. The minimum site area shall be 4.0 hectares.
- c. All siting, coverage, densities, yard setbacks, and height of buildings shall be at the discretion of the Development Officer, for permitted uses and the Municipal Planning Commission, for discretionary uses.
- d. Water supply and sewage disposal must be provided in accordance with the Public Health Act regulations.
- e. An applicant may be required to enter into a legal land use agreement with the Town to ensure that the use and development of land and buildings on the site complies with the approved development plan, as a condition of a development permit issued pursuant to the Urban Reserve District.
- f. The land use agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of land in accordance with the approved development plan.
- g. The land use agreement may also provide that the applicant post security in the form and amount as may be approved by Council to ensure performance with the terms of the agreement.
- h. A land use agreement made pursuant to this District may specify a time period for which it is to remain in effect.
- i. The Development Officer may specify for a permitted use and the Municipal Planning Commission for a discretionary use, the length of time a use is permitted in this District having regard to the servicing, and future residential development of the subject land.

PART 9 – LAND USE DISTRICT MAP

Town of Swan Hills: Land Use District Map



PART 10 – ADOPTION

10.1 ADOPTION


- (1) Bylaw No. 94-05 as amended, is hereby repealed.
- (2) This Bylaw comes into effect on the date of it being finally passed.

READ A FIRST TIME THIS 13th DAY OF JUNE 2012.

READ A SECOND TIME THIS 11th DAY OF July 2012.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF July 2012.



MAYOR

CHIEF ADMINISTRATIVE OFFICER

APPENDIX A - FIRE-RESISTANT PLANTS

With the Government of Alberta's participation we hope to create awareness about the importance of fire prevention and to encourage local gardeners to introduce fire-resistant plants into their landscapes.

By nature, a wildfire is wild and cannot be prevented if conditions are dry enough or hot enough; however, the moisture holding capacity of both your plants and your soil are factors that will determine your garden's ability or inability to survive a fire.

Please note that the following list is only a partial list of fire-resistant perennials, trees and shrubs and is meant to be used as a general guide. We've included common and Latin names, as well as comments about hardiness.

Groundcovers and Herbaceous Perennial Plants

Common Name	Genus and Species	Comments
Bergenia	<i>Bergenia spp.</i>	Very hardy
Blanket Flower	<i>Gaillardia x grandiflora</i>	Very hardy
Bluegrass, Kentucky	<i>Poa pratensis</i>	Very hardy
Buffalograss	<i>Buchloe dactyloides</i>	Very hardy
Candytuft, Evergreen	<i>Iberis sempervirens</i>	Very hardy
Carpet bugle	<i>Ajuga reptans</i>	Very hardy
Cinquefoil, Spring	<i>Potentilla tabernaemontanii</i>	Very hardy
Columbine	<i>Aquilegia spp.</i>	Very hardy
Coral Bells	<i>Heuchera sanguinea</i>	Very hardy
Coreopsis.	<i>Coreopsis spp</i>	Hardy
Cotoneaster	<i>Cotoneaster ssp</i>	Hardy
Cotoneaster, Rock	<i>Cotoneaster horizontalis</i>	Marginally hardy
Cotoneaster, Bearberry	<i>Cotoneaster dammerii</i>	Hardy
Daisy, Shasta	<i>Leucanthemum x superbum</i>	Hardy
Daylily	<i>Hemerocallis spp.</i>	Very hardy
Dusty Miller	<i>Artemisa stelleriana</i>	Very hardy
Fescue	<i>Festuca spp.</i>	Very hardy
Fescue, Blue	<i>Festuca cinerea</i>	Very hardy
Fescue, Tall	<i>Festuca arundinacea</i>	Very hardy
Fescue, Creeping Red	<i>Festuca rubra</i>	Very hardy
Flax	<i>Linum spp.</i>	Very hardy
Fleabane	<i>Erigeron hybrids</i>	Very hardy
Geranium, Hardy	<i>Geranium cinereum</i>	Very hardy
Geranium, Bloodred	<i>Geranium sanguineum</i>	Very hardy
Geranium	<i>Geranium spp.</i>	Hardy
Ginger, Wild	<i>Asarum caudatum</i>	Very hardy
Hen and Chicks	<i>Sempervivum tectorum</i>	Very hardy

Common Name	Genus and Species	Comments
Iris	<i>Iris spp.</i>	Hardy
Kinnickinnick	<i>Arctostaphylos uva-ursi</i>	Very hardy
Lambs Ear	<i>Stachys byzantina</i>	Very hardy
Lupine	<i>Lupinus spp.</i>	Hardy
Mahonia, Creeping	<i>Mahonia repens</i>	Hardy
Mock Strawberry	<i>Duchesnea indica</i>	Very hardy
Myrtle, Dwarf Periwinkle	<i>Vinca minor</i>	Very hardy
Penstemon, Rocky Mountain	<i>Penstemon strictus</i>	Very hardy
Pinks	<i>Dianthus plumarius</i>	Very hardy
Poppy	<i>Papaver spp.</i>	Very hardy
Potentilla	<i>Potentilla spp.</i>	Hardy
Primrose, Mexican Evening	<i>Oenothera berlandieri</i>	Hardy
Primrose	<i>Oenothera spp.</i>	Hardy
Pussytoes	<i>Antennaria spp.</i>	Very hardy
Ryegrass	<i>Lolium spp.</i>	Very hardy
Sage	<i>Salvia spp.</i>	Very hardy to hardy
Sedum, Goldmoss	<i>Sedum acre</i>	Very hardy
Snow-in-Summer	<i>Cerastium tomentosum</i>	Very hardy
Stonecrop	<i>Sedum spathulifolium</i>	Hardy
Stonecrop, Green	<i>Sedum album</i>	Very hardy
Strawberry, Wild	<i>Fragaria chiloensis</i>	Very hardy
Thrift, Common	<i>America maritima</i>	Very hardy
Thyme, Wooly	<i>Thymus pseudolanuginosus</i>	Very hardy
Thyme, Creeping	<i>Thymus praecox articus</i>	Very hardy
Valerian, Red	<i>Centranthus ruber</i>	Hardy
Violet, Canadian	<i>Viola canadensis</i>	Hardy
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	Very hardy
Wheatgrass, Western	<i>Agropyron cristatum</i>	Very hardy
Wheatgrass, Crested (low-growing)	<i>Agropyron cristatum</i>	Very hardy
Winterfat	<i>Eurotia spp.</i>	Very hardy
Yarrow	<i>Achillea spp.</i>	Very hardy
Yarrow, White	<i>Achillea millefolium white</i>	Very hardy
Yarrow, Fernleaf	<i>Achillea filipendulina</i>	Very hardy
Yarrow, Wooly	<i>Achillea tomentosa var. Moonshine</i>	Very hardy
Yucca	<i>Yucca filamentosa</i>	Hardy

Trees

Common Name	Genus and Species	Comments
Alder, White	<i>Alnus rhombifolia</i>	Hardy
Ash	<i>Fraxinus spp.</i>	Hardy
Ash, Green	<i>Fraxinus pennsylvanica</i>	Hardy
Aspen, Quaking	<i>Populus tremuloides</i>	Hardy
Birch	<i>Betula spp.</i>	Hardy
Cottonwood	<i>Populus spp.</i>	Hardy
Hackberry	<i>Celtis occidentalis</i>	Hardy
Rose family	<i>Rosaceae</i>	Hardy
Maple	<i>Acer spp.</i>	Hardy
Maple, Big-toothed	<i>Acer grandidentatum</i>	Hardy
Maple, Box Elder	<i>Acer negundo</i>	Hardy
Maple, Rocky Mountain	<i>Acer glabrum</i>	Hardy
Narrowleaf Cottonwood	<i>Populus angustifolia</i>	Hardy
Olive, Russian	<i>Eleagnus angustifolia</i>	Hardy
Poplar	<i>Populus spp.</i>	Hardy
Prunus	<i>Prunus spp.</i>	Hardy

Shrubs

Common Name	Genus and Species	Comments
Blueberry	<i>Vaccinium</i>	Hardy
Buckthorn	<i>Rhamnus spp.</i>	Hardy
Buffaloberry	<i>Shepherdia spp.</i>	Hardy
Buffaloberry, Russett	<i>Shepherdia canadensis</i>	Hardy
Buffaloberry, Silver	<i>Shepherdia argentea</i>	Hardy
Cherry	<i>Prunus spp.</i>	Hardy
Cherry, Sand	<i>Prunus besseyi</i>	Hardy
Cherry, Nanking	<i>Prunus tomentosa</i>	Hardy
Chokecherry	<i>Prunus virginiana</i>	Hardy
Cinquefoil, Shrubby	<i>Potentilla fruticosa</i>	Hardy
Deerbrush (Buckbrush)	<i>Ceanothus spp.</i>	Hardy
Dogwood, Red-osier	<i>Cornus sericea (C. stolonifera)</i>	Hardy
Gooseberries and Currants	<i>Ribes spp.</i>	Hardy
Honeysuckle	<i>Lonicera spp.</i>	Hardy
Lilac, Common	<i>Syringa vulgaris</i>	Hardy
Mockorange	<i>Philadelphus spp.</i>	Hardy
Plum, Native	<i>Prunus americana</i>	Hardy
Raspberry	<i>Rubus spp.</i>	Hardy
Roses	<i>Rosaceae</i>	Hardy
Saltbush	<i>Atriplex spp.</i>	Hardy
Sumac, Skunkbush	<i>Rhus trilobata</i>	Hardy

