

BYLAW NO. 013-97

A BYLAW TO PROVIDE FOR THE DEVELOPMENT AND USE OF BUILDINGS AND LAND IN THE TOWN OF PONOKA AND IN THE PROVINCE OF ALBERTA

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BYLAW NO. 013-97

A BYLAW TO PROVIDE FOR THE DEVELOPMENT AND USE OF BUILDINGS AND LAND IN THE TOWN OF PONOKA AND IN THE PROVINCE OF ALBERTA

Pursuant to the Municipal Government Act, the Town of Ponoka Council, duly assembled, hereby enacts as follows:

1. **PURPOSE**

The purpose of this bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things,

- to divide the municipality into districts;
- to prescribe and regulate for each district the purposes for which land and buildings may be used;
- to establish the office of Development Authority;
- to establish a method of making decisions on applications for development permits including the issuing of development permits;
- to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit; and
- to establish a procedure for appeals against the decisions of the Development Authority.

2. DEFINITIONS

In this bylaw:

Abut or abutting

means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.

Accessory building

means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A garage attached to a main building it is deemed to be part of the main building.

Accessory use

means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

Act

means the Municipal Government Act and the regulations pursuant thereto.

Agriculture

means all forms of farming except for intensive livestock facilities.

Apartment building

means a building containing at least three separate dwellings which share a common entrance from outside the building.

Applicant

means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.

Area Structure Plan

means a plan adopted by Council as an Area Structure Plan pursuant to the Act.

Bed and breakfast establishment

means a business operated in a private house in which up to three rooms are made available for rent to short-term paying guests.

Billboard

means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

Building permit

means a permit authorizing construction and issued under the Safety Codes Act.

Council

means the Town of Ponoka Council.

Detached houses

means a building which contains one dwelling unit and which may also contain one “granny” or “nanny” suite.

Discretionary use

means the use of land or a building provided for in this bylaw for which a development permit *may* be issued upon an application having been made.

Duplex

means a building containing two dwelling units, sharing a common wall, with separate outside entrances for each dwelling unit.

Dwelling unit

means a self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

Easement

means a right to use land, generally for access to other property, or as a right-of-way for a public utility.

Floodway

means the area of land below the 1:100 year flood elevation identified as a designated floodway on the Flood Risk Map Edition 1 1994 established by Environment Canada and Alberta Environmental Protection.

Flood fringe

means the area of land below the 1:100 year flood elevation identified as a designated flood fringe on the Flood Risk Map Edition 1 1994 established by Environment Canada and Alberta Environmental Protection.

Flood risk area

means the area of land which would be inundated by the 1:100 year flood along the Battle River as identified on the Flood Risk Map established by Alberta Environmental Protection and Environment Canada.

Front

means, in the case of a corner lot, the shorter side.

Front yard

means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may designate one or more streets as the front of the lot.

Grade

means the average elevation of lot corners.

Granny or nanny suite

means a self contained suite within a detached residence, intended for use by a dependent or servant of the owner or occupier of the detached residence, and not rented or leased.

Group home

means a facility which provides accommodation for up to six people who may be aged, disabled, or undergoing rehabilitation, and where qualified staff are present at all times.

Height (of a building)

means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

Home business

means a business, trade, craft occupation, storage activity, or other commercial operation on a residential lot on a scale greater than a home office.

Home office

means an office in a dwelling which

- is not visited by a significant number of clients,
- does not change the external appearance or residential character of the dwelling, and
- is carried on only by the residents of that dwelling,

and includes child care for up to three children who do not live at that place.

Lot

means an individual lot or parcel (including a condominium lot) for which a title has been issued under the Land Titles Act, or, where two or more lots are “tied” for assessment purposes, or are included in a single title, the area encompassed by the two or more lots.

Main building

means a building in which is conducted the main or principal use of the lot on which it is erected.

Manufactured home, house or housing

means a single detached dwelling built offsite in one or more sections, and intended to be occupied in a place other than where it is manufactured, and which meets the Canadian Standards Association Z240 or A277 standards and conforms to the Alberta Building Code. Manufactured homes were previously called mobile homes.

Modular home, house, or housing

means a single detached dwelling which resembles a site-built home in design, construction, and all respects, but which is constructed elsewhere and is assembled after delivery to the site.

Municipal Development Plan

means the Plan adopted by Bylaw No. 002-97.

Municipality

means the Town of Ponoka.

Owner

means, in addition to the meanings set out in the Act, a purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.

Parking stall

means a hard-surfaced area at least 6 metres in length and 3 metres in width, reserved for the parking of motor vehicles.

Permitted use

means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw.

Rear yard

means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

Residence

means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular homes.

Road

means the entire width of the right-of-way of a road or lane shown on a township plan, road plan, or plan of subdivision, and not only the built traveling surface.

Service station

means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or repair business.

Setback

means the distance between the closest part of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.

Side yard

means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary.

Sign

means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

Suite

means an area within a residence which provides a self contained living area with its own cooking and washing facilities.

Use

means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.

Utility building

means a building in which the proprietor of a utility company maintains his office(s) and/or maintains or houses any equipment used in connection with the utility.

Yard

means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

All other words have the meanings assigned to them by Sections 1 and 616 of the Act.

3. INTERPRETATION

- 3.1. Any doubt as to the meaning of a word, or the boundaries of a land use district shown on Schedule C, shall be settled by a resolution of Council.
- 3.2. In accordance with Alberta Land Titles practice, all areas and distances in this bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.
- 3.3. The words *he*, *him*, and *his* are to be read as *she*, *her*, and *hers*, and the singular is to be read as the plural, as the case requires.
- 3.4⁽¹⁾ When an area of land has been reclassified prior to subdivision, the reclassification shall be interpreted as following the boundaries of the subdivided lot or lots, even if the area of the lot(s) and the area set out in the reclassification bylaw are not identical.
- 3.5⁽²⁾ Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then adjusted through subdivision, the land classification follows the new lot boundary.

4. DEVELOPMENT AUTHORITY

- 4.1. The office of Development Authority is hereby established and shall be filled by a person(s) appointed by resolution of Council.
- 4.2. The Development Authority shall:
 - 4.2.1. maintain a copy of this bylaw as amended, and make it available to any person on a cost recovery basis;
 - 4.2.2. maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge;
 - 4.2.3. review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw;
 - 4.2.4. enforce this bylaw in conformance with the Act; and
 - 4.2.5. carry out the other duties imposed on him by this bylaw and the Act.
- 4.3. For the purposes of Section 542 of the Act, the Development Authority is an authorized person of the municipality.

(1) Amended by Bylaw No. 115-01

(2) Amended by Bylaw No. 115-01

5. **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Subdivision and Development Appeal Board established by Bylaw No. 11-95 shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.

6. **DEVELOPMENT PERMIT REQUIRED**

No development other than that listed in Section 7 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

7. **DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

The following development shall not require a development permit:

- 7.1. Those uses of land or a building which are *exempt* under Section 618 or 619 of the Act or under regulations pursuant to those sections;
- 7.2. The *completion and use* of a building which was lawfully under construction at the date of adoption of this bylaw;
- 7.3. The use of a building or property which was authorized under a *previous bylaw*;
- 7.4. The *maintenance* of or repair to any building, provided that such works do not include structural alterations or major works of renovation;
- 7.5. Internal *alterations* to a building, provided these alterations do not result in an increase in the number of dwelling units in the building (but a permit under the Safety Codes Act may still be required);
- 7.6. The construction of *gates, fences, walls*, or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1 metre in height in front yards and less than 1.5 metres in side and rear yards, and subject to Section 6 of Schedule A;
- 7.7. *Landscaping and paving*, provided that grades and water flows are not substantially altered;
- 7.8. The construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a *street or utility lot*;
- 7.9. A *temporary* building or sign, 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; and
- 7.10. New single storey buildings, not on permanent foundation, under 15 square metres (160 sq ft) in size which are *accessory* to a residential use. These buildings are bound by yard and setback rules.

8. NON-CONFORMING BUILDINGS AND USES

If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to Section 643 of the Act, but it may not be enlarged or replaced except pursuant to Section 13.6 of this bylaw.

9. APPLICATION FOR A DEVELOPMENT PERMIT

9.1. An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by

- 9.1.1. a statement of the former, present, and proposed use of a lot and any buildings on it;
- 9.1.2. the legal description and municipal address;
- 9.1.3. a site plan drawn to scale and showing the boundaries of the lot, the locations of existing and proposed buildings, any front, rear, and side yards, any provision for off-street loading and vehicle parking, and access and egress points to the site;
- 9.1.4. all easements and utilities, and the proposed connections to utilities;
- 9.1.5. the proposed site grading and drainage;
- 9.1.6. the estimated commencement and completion dates of any construction;
- 9.1.7. the estimated cost of the project or contract price; and
- 9.1.8. the appropriate fee.

9.2. The Development Authority may also request

- 9.2.1. details of the proposed finish of the building and the landscaping of the lot;
- 9.2.2. a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot;
- 9.2.3. engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination; and
- 9.2.4. a copy of the current title to the lot.

- 9.3. In the case where an application for a development permit has been refused initially or on appeal, the Development Authority may refuse to accept another application for a permit on the same property, and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

10. **PUBLIC CONSULTATION PRIOR TO DECISION**

Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving or interpreting any part of the bylaw, the Development Authority may consult the owners of nearby land by mail or by advertising in the local newspaper, and if the neighboring landowners reply within 14 days, the Development Authority shall consider their comments and recommendations before issuing a development permit.

11. **DOWNTOWN DESIGN GUIDELINES**

- 11.1. Where a development is proposed in the downtown area, and a Downtown Design Review Committee (the “Review Committee”) has been established by Section 21 of this bylaw, the Development Authority shall refer the proposal to the Review Committee.
- 11.2. If the Review Committee replies within 14 days, the Development Authority is bound by their recommendations.
- 11.3. If there is no Review Committee, or if the Review Committee does not reply within 14 days, the Development Authority shall consult the Downtown Design Guidelines adopted under Section 21 of this bylaw, and is bound by them.
- 11.4. For the purposes of this section, the downtown area is defined by the map forming Schedule C of this bylaw.

12. **DIRECT CONTROL DISTRICTS**

- 12.1. If a proposed subdivision or development in a Direct Control district is consistent with the Municipal Development Plan and other Town policies, the Development Authority or Subdivision Authority may approve the application, with or without conditions.
- 12.2. In all other cases, a proposed subdivision or development in a Direct Control district shall be referred to Council for a decision.

13. **DECISION BY THE DEVELOPMENT AUTHORITY**

- 13.1. Subject to Section 12 of this bylaw, the Development Authority shall decide on all applications for a development permit.
- 13.2. The Development Authority shall decide upon an application for a development permit within 40 days of receiving a complete application.

- 13.3. An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to make a decision.
- 13.4. An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 13.5. In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Schedule B, and approve it.
- 13.6. The Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,
- 13.6.1. the proposed development would not
 - 13.6.1.1. unduly interfere with the amenities of the neighborhood, or
 - 13.6.1.2. materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, and
 - 13.6.2. the proposed development conforms with the use prescribed for the land or building in this bylaw,
- and this power extends to nonconforming buildings pursuant to Section 643(5)(c) of the Act.
- 13.7. In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.

- 13.8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 13.9. The Development Authority *may* issue a development permit subject to the condition that the applicant:
- 13.9.1. amends the proposal to conform with this or other bylaws;
 - 13.9.2. pays an off-site levy or redevelopment levy imposed by bylaw;
 - 13.9.3. enters into an agreement pursuant to Section 650 of the Act concerning servicing of the site;
 - 13.9.4. registers an easement to protect a utility line;
 - 13.9.5. repairs any municipal improvements that may be damaged as a result of the development;
 - 13.9.6. finishes a building, or landscapes or paves a lot;
 - 13.9.7. grades a lot to the satisfaction of the municipality;
 - 13.9.8. supplies parking to meet the requirements of the bylaw;
 - 13.9.9. registers a restrictive covenant concerning architectural controls and landscaping;
or
 - 13.9.10. deposits a letter of credit or performance bond guaranteeing that any of the above conditions are met.

14. **DEVELOPMENT PERMITS**

- 14.1. A development permit for a permitted use, and in respect of which the bylaw was not relaxed or varied or misinterpreted, comes into effect immediately.
- 14.2. A development permit for a conditional use, or in respect of which the bylaw was relaxed or varied or misinterpreted, does not come into effect until 14 days after the date of issue.
- 14.3. If a valid appeal is made pursuant to this bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- 14.4. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant and to any person who has expressed an interest in the matter.

15. **SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT**

- 15.1. If the development authorized by a permit is not commenced within 12 months from the date of issuance, or carried out with reasonable diligence, the permit is void, unless an extension has previously been granted by the Development Authority.
- 15.2. If a Development Permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by double registered mail.

16. **NOTICE OF DECISION**

When a permit has been granted for a discretionary use, or pursuant to Subsections 12.5 or 13.6 of this bylaw, the Development Authority

- 16.1. shall immediately mail a notice in writing to the registered owners of all adjacent land and to any other person who may, in his opinion, be affected; and
- 16.2. may immediately publish in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and
- 16.3. may post a notice of the decision conspicuously on the property for which the application has been made,

and the notice shall set out the rights of persons to appeal against the issuance of the Development Permit.

17. **APPEAL PROCEDURE**

- 17.1. An appeal against a decision of the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.
- 17.2. The procedure for hearing and determining appeals against a decision of the Development Authority is set out in Sections 684 to 687 of the Act.
- 17.3. No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.
- 17.4. In making its decision, the Development Appeal Board *is bound* by the uses of land set out in this bylaw, and *shall have regard for* all other parts of this bylaw and all statutory plans.

18. **JUDICIAL REVIEW**

A decision of the Subdivision and Development Appeal Board is final and binding on all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

19. **CONTRAVENTION**

19.1. If the Development Authority finds that a development or use of land or buildings is not in accordance with:

19.1.1. the Act or Regulations, or

19.1.2. a development permit or subdivision approval, or

19.1.3. this bylaw,

he may proceed in accordance with Sections 541 to 556 and/or Sections 645 and 646 of the Act.

19.2. Contravention of this bylaw is an offence and is subject to a fine not more than \$500.00 under Section 566 of the Act.

19.3. If a person, knowing that a development permit is required, starts construction before obtaining such a permit, the fee for the development permit shall be doubled.

20. **AMENDMENT**

20.1. A person may apply to have this bylaw amended, by applying in writing, giving reasons in support of the application, and paying the appropriate fee.

20.2. An application to change the district of any land may be initiated only by the owner of that land, or by Council.

20.3. An amendment to this bylaw must be consistent with the Act and Regulations, the Municipal Development Plan, and any area structure plan that has been adopted by bylaw.

20.4. A proposal to amend the bylaw must be advertised in the same way as a Notice of Decision as set out in Section 16.

21. **RESOLUTIONS**

21.1. Forms and fees referred to in this bylaw shall be established by resolution of Council.

21.2. Downtown Design Guidelines may be adopted by resolution of Council.

21.3. A Downtown Design Review Committee may be established by resolution of Council to undertake the work described in Section 11 of this bylaw.

22. **CONTINUATION OF CONTROLS**

A condition attached to a development permit issued under a former bylaw continues under this bylaw.

23. **REQUIREMENTS OF OTHER AUTHORITIES**

23.1. A development authorized under this bylaw is subject to provincial and federal law, other bylaws, statutory plans, intermunicipal agreements, and any easements, caveats, covenants, and other encumbrances on the title to the land in question.

23.2. Nothing in this bylaw removes the obligation of a person to obtain other permits, licences, or approvals under other legislation.

24. **LAND USE DISTRICTS AND REGULATIONS**

24.1. For the purposes of this bylaw the municipality is divided into the following districts:

| Type of Use | Name of District | Abbreviation |
|-------------|---|--------------|
| Residential | Low Density Residential | R1 |
| | Low Density Narrow Lot Residential | R1A |
| | Low Density Medium Lot Residential ⁽¹⁾ | R1B |
| | Residential Estate | RE |
| | Low Density General Residential | R2 |
| | Medium Density Residential | R3 |
| | High Density Residential | R4 |
| | Manufactured Home Subdivision | MHS |
| | Manufactured Home Park | MHP |
| | Planned Unit Development | PUD |
| Commercial | Central Commercial | C1 |
| | Highway Commercial | C2 |
| Industrial | Light Industrial | M1 |
| | Heavy Industrial | M2 |
| Other | Institutional and Public Uses | IPU |
| | Park and Recreation | P |
| | Residential Expansion | RX |
| | Commercial/Industrial Expansion | CX |
| | Flood Plain | FP |
| | Direct Control | DC |

(1) Added by Bylaw No. 071-00

- 24.2. In all districts, development is regulated as set out in Schedule A.
- 24.3. Within individual districts, development is regulated as set out in Schedule B.
- 24.4. The boundaries of land use districts are as set out in Schedule C.
- 24.5. Schedules A, B, C, and D contained therein form part of and have full force in this bylaw.
- 24.6. Roads and other land to which no title has been issued are not included in any land use district.

25. **REPEAL OF EXISTING BYLAWS**

The following Bylaws are hereby repealed:

- Bylaw No. 526-86;
- Bylaw No. 548-86;
- Bylaw No. 551-86;
- Bylaw No. 567-87;
- Bylaw No. 573-87;
- Bylaw No. 577-87;
- Bylaw No. 581-88;
- Bylaw No. 586-88;
- Bylaw No. 596-89;
- Bylaw No. 609-90;
- Bylaw No. 3-92;
- Bylaw No. 5-92;
- Bylaw No. 2-93;
- Bylaw No. 9-93;
- Bylaw No. 12-93;
- Bylaw No. 3-94;
- Bylaw No. 6-95;
- Bylaw No.4-96;
- Bylaw No. 6-96;
- Bylaw No.3-97; and
- Bylaw No.6-97

26. **DATE OF COMMENCEMENT**

26.1. Insofar as it deals with land now within the municipality, this bylaw comes into effect upon the date of third and final reading.

| | |
|-------------------------|----------------------------------|
| First Reading | June 24 th , 1997 |
| Second Reading | November 25 th , 1997 |
| Third and Final Reading | January 13 th , 1998 |

MAYOR

TOWN MANAGER

TOWN OF PONOKA
LAND USE BYLAW NO. 013-97
SCHEDULE A
GENERAL REGULATIONS

1. AIRPORT SAFETY MEASURES

1.1. When dealing with any application in SW 5-42-25-4 and SE 6-42-25-4, the Development Authority shall conform with the Transport Canada document Land Use in the Vicinity of Airports, Catalogue TP1247E, March 1989 as amended, and pursuant to that document

1.1.1. no structure or land use shall emit light, glare, dust, smoke, or electromagnetic radiation that interferes with the operations of the Ponoka Industrial Airport - “Labrie Field,” and

1.1.2. no part of any structure shall be higher than a line rising at a gradient of 1 in 40 from the North end of the runway within the take-off and approach area of Ponoka Industrial Airport - “Labrie Field.”

Note: a 1:40 gradient from the North end of the runway is about 30 metres (100 feet) above ground at the South end of the Industrial Park.

1.2. In case of doubt the Development Authority shall refer all proposals to the airport authorities and shall not issue a permit contrary to their recommendations.

2. CONTAMINATED SITES

If it appears to the Development Authority that the site may be contaminated as a result of the former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Authority may require the applicant to supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such information, the Development Authority may refuse the application.

3. DESIGN, CONSTRUCTION, AND TREATMENT OF BUILDINGS

3.1. The design, construction, and treatment of buildings shall be compatible with the neighboring buildings and, in the case of buildings in the downtown area, with the Downtown Design Guidelines (see Section 11 of the bylaw).

3.2. The Development Authority may refuse to issue a development permit for a building, the design, construction, or treatment of which is, in his opinion, incompatible with the neighboring buildings.

3.3. Quonsets and pole sheds are deemed to be incompatible with conventional buildings unless they are permitted as temporary buildings under Section 7.9 of the bylaw, or are listed as permitted or discretionary uses in that district in Schedule C.

4. **DECKS**

For the purpose of establishing yards and setbacks,

- 4.1. a deck which is attached to a main building, and which has a walking surface 60 cm (2 feet) or more above ground, is deemed to be part of the main building; and
- 4.2. a deck which has a walking surface less than 60 cm (2 feet) above ground is not bound by yard and setback requirements.

5. **DRIVE IN BUSINESSES**

5.1. *Location:*

Despite their being listed as approved uses in a land use district, drive in businesses shall be permitted only where it can be demonstrated that passing traffic will not be impeded, and traffic entering the business will not endanger pedestrians.

5.2. *Curb cuts:*

Curb cuts shall be situated at a location approved by the Development Authority.

5.3. *Parking and stacking:*

The lot shall be large enough to accommodate all necessary parking, and provide room for vehicles awaiting service so that they do not back up into the adjacent street.

5.4. *Garbage control:*

The site shall be provided with adequate garbage receptacles, and shall be fenced to the satisfaction of the Development Authority so garbage is prevented from blowing off-site.

5.5. *Screening:*

If the site is adjacent to a residence, the Development Authority *may* require that the site be screened to his satisfaction.

6. FENCES

- 6.1. In residential districts, no fence shall be higher than 1.75 metres (6 feet) in side and rear yards and no higher than 1 metres (3 feet) in front yards.
- 6.2. The height limits for front yard apply to any side of a lot facing or flanking a street.
- 6.3. The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.
- 6.4. Barbed wire may be used only
 - 6.4.1. for fences surrounding land on which the grazing of livestock is a permitted or discretionary use, and
 - 6.4.2. as the top strand of a fence in a commercial or industrial district, and provided the top strand is at least 1.75 metres (6 feet) above ground level.
- 6.5. No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.
- 6.6. Subject to the foregoing, no development permit is required for fences or gates.

7. GRADING OF LOTS

- 7.1. No land shall be filled or raised, and no grading or drainage shall be undertaken, affecting adjacent property, unless a development permit has been issued for the work.
- 7.2. Despite Subsection 7.1 above, the owner of a lot may re-grade the lot without obtaining a development permit if he has the written agreement of the owners of the immediately adjacent lots.
- 7.3. The Development Authority *may* require that a development permit application for a new building shall include a lot grading and drainage plan.

8. LANDSCAPING AND SCREENING

As a condition of issuing a development permit, the Development Authority may require that a lot is landscaped within a set time.

9. LIVESTOCK

- 9.1. No livestock other than normal domestic pets shall be kept in any district except RX, CX, or FP.
- 9.2. This section does not apply to auction marts or veterinary clinics.

10. **LOADING**

Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.

11. **MOVED IN BUILDINGS**

11.1. A person wishing to move an existing building on to a lot shall make an application for a development permit in the usual way and shall also provide:

11.1.1. photographs showing all sides of the building;

11.1.2. a statement of the type of construction, condition, and age of the building; and

11.1.3. a statement of proposed improvements with an estimate of costs.

11.2. The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.

11.3. The Development Authority shall consider whether the building is compatible with the character of the neighborhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.

11.4. The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.

11.5. The Development Authority may also require a performance bond under Section 13.9 of the Bylaw.

11.6. This section does not apply to new storage sheds, or to temporary buildings authorized under Section 7.9 of the bylaw, or to new manufactured homes being moved in to a district where they are a permitted or discretionary use.

12. **OVERHANGS AND ENCROACHMENTS WITHIN A LOT**

12.1. Balconies may encroach into yards by the following distances:

12.1.1. 1.5 metres (5 feet) into yards of 4 metres (13 feet) or more, and

12.1.2. 60 cm (2 feet) into yards of less than 4 metres (13 feet).

12.2. Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may encroach into the yards required by Schedule B by the following distances:

12.2.1. 60 cm (2 feet) into yards of 1.5 metres (5 feet) or more, and

12.2.2. 45 cm (18 inches) into yards of less than 1.5 metres (5 feet).

13. **OVERHANGS AND ENCROACHMENTS INTO ROADS**

13.1. No sign or building may encroach over or onto a road unless the person responsible for the encroaching object

13.1.1. has signed an encroachment agreement with the municipality, and

13.1.2. maintains liability insurance of at least \$1 million and naming the municipality as co-insured.

13.2. This section does not apply to fascia signs encroaching less than 30 cm over a road.

14. **PROHIBITED OBJECTS IN YARDS**

14.1. In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any object which is unsightly or offensive, in the opinion of the Development Authority.

14.2. Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard of a residential district.

15. **SERVICE STATIONS**

- 15.1. The lot containing a service station shall have a minimum area of 1,100 square metres (12,000 square feet) and shall have a frontage of at least 30 metres (100 feet).
- 15.2. Where a service station is not part of a larger commercial development such as a shopping centre, the buildings shall cover no more than 15% of the area of the lot.
- 15.3. The requirements of Section 5, drive in businesses, apply to service stations.
- 15.4. Fuel pumps and above-ground fuel storage tanks shall be set back at least 9 metres from the front and side property lines.
- 15.5. A development permit for a service station does not allow autobody work, auto wrecking, or the sale of vehicles, unless this is specifically written in the development permit.

16. **SIGNS**

16.1. Exemptions

No permit is required for a sign which:

- is not visible from a public road or park, or
- is erected by a government or school authority, or
- concerns an election, or
- identifies the address or function of a building or parcel on which the sign stands, or
- advertises a sale or event taking place that day, or
- offers for sale or rent the parcel on which it stands, or
- advertises a business or activity taking place on that parcel, or
- advertises a product, service, or commodity offered for sale or rent on that parcel,

provided the size, style, number, and location of the sign meets the requirements of this bylaw.

- 16.2. A development permit is required for all signs other than those listed above.

16.3. Signs on Roads

- 16.3.1. No sign shall be placed on the right of way of a road without the approval of the municipality.
- 16.3.2. Notwithstanding Sections 16.2 and 16.3.1 above,
- 16.3.2.1. temporary signs protected by Section 2(b) of the Constitution Act, 1982 (Canada), and

16.3.2.2. signs advertising auctions and garage sales taking place that day, do not require a development permit, and may be placed on a road provided that the signs

16.3.2.3. are not a danger to public safety, and

16.3.2.4. are removed promptly after the election or event which is the subject of the sign, and

and these signs do not require an encroachment agreement or insurance cover under Section 12 of this schedule.

16.4. Signs Overhanging Roads

16.4.1. The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.

Note: Signs encroaching over a road require an encroachment agreement and insurance under Section 12 of this schedule.

16.5. Signs in Residential Districts

In residential districts:

16.5.1. Signs shall not exceed 1 square metre (10 square feet), or 3 square metres (32 square feet) on church property, and shall not be illuminated, fluorescent, or moving.

16.5.2. Signs advertising a home occupation or home office shall to be attached to the wall of the building in which the office or occupation is carried on.

16.5.3. Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.

16.5.4. Signs shall be in good taste and compatible with the character of the neighborhood.

16.5.5. No more than one sign for each of the purposes listed in Subsection 16.1 shall be erected on a residential parcel, except where the parcel abuts two or more roads, a sign may be erected facing each road.

16.5.6. Signs advertising commercial activities off site are not permitted.

16.6. Signs on Undeveloped Land Adjacent to Highways

16.6.1. No advertising other than

16.6.1.1. signs exempted by Section 16.1, and

16.6.1.2. billboards as defined elsewhere in this bylaw

shall be placed within 200 metres of Highways 2A and 53 in the RX or CX districts.

16.6.2. Billboards on each side of a highway in the RX or CX districts shall be separated by at least 200 metres.

16.6.3. For the purposes of this bylaw, vehicles or trailers parked for more than seven days on a private parcel adjacent to a highway, and bearing advertising material, are deemed to be signs but not billboards.

16.6.4. All signs and billboards must meet with Alberta Transportation and Utilities approval.

16.7. Portable Signs

16.7.1. A portable sign is a sign which is not permanently or securely attached to the ground or to a building, or which is intended to be moved from place to place.

16.7.2. The Development Authority must not issue a development permit for a portable sign unless the sign is owned by

16.7.2.1. the owner or lessee of the land on which it stands, or

16.7.2.2. a person holding a current business licence.

16.7.3. No more than one portable sign may be placed on a lot for each 100 metres of frontage.

16.7.4. Portable signs are not permitted in residential districts.

16.7.5. Council may by resolution set an annual fee to be paid in respect of every portable sign displayed in the municipality.

16.8. Aesthetics

Signs shall be designed, constructed, and maintained so they are compatible with the quality of the neighborhood, and at the discretion of the Development Authority.

16.9. Public Safety

- 16.9.1. A sign which is not attached to a building shall be set back from a road or lane the same distance as if it were a building, unless the Development Authority is satisfied that it will not interfere with sight lines for drivers.
- 16.9.2. Notwithstanding any other part of this bylaw, the Development Authority may refuse to issue a development permit for any sign which in his opinion would be a danger to traffic, property, or public safety.
- 16.9.3. If in the opinion of the Development Authority a sign is a danger to traffic, property, or public safety, he may demand the immediate removal of the sign, and if he is unable to identify the person responsible for the sign, he may obtain right of entry under Section 542 of the Act, and remove the sign.

16.10. Situations Not Covered by This Bylaw

Where this bylaw provides no regulations governing the size, style, number, purpose, content, or location of sign, a permit may be issued by the Development Authority, but the use shall be deemed a discretionary use, and may be appealed to the Subdivision and Development Appeal Board, which may confirm, amend, or revoke the permit.

17. **UTILITY BUILDINGS AND EQUIPMENT**

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system.

18. **YARDS**

- 18.1. Where a lot abuts two or more roads, the Development Authority may require that front yard setbacks be observed from more than one road.
- 18.2. Where land is likely to be re-subdivided in future, the Development Authority may require that any new building be located as if the subdivision was already in effect.

**TOWN OF PONOKA
LAND USE BYLAW NO. 013-97**

**SCHEDULE B (AS AMENDED BY BYLAW NO. 128-02)
REGULATIONS FOR LAND USE DISTRICTS ⁽¹⁾**

1. LOW DENSITY RESIDENTIAL (R1) DISTRICT

1.1 Purpose

The purpose of the low density detached residential district is to provide land for detached residences on individual, fully serviced lots.

1.2 Permitted uses

The following uses are permitted:

- new detached residences, but excluding manufactured/modular homes;
- home offices;
- parks and recreation areas; and
- buildings and uses accessory to the above.

1.3 Discretionary uses

The following uses may be allowed at the discretion of the Development Authority:

- churches;
- home businesses, but not bed and breakfast establishments;
- utility installations; and
- buildings and uses accessory to the above.

(1) Amended by Bylaws No. 071-00, 105-01, 117-01, 128-02

1.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction of self-contained 'granny' or 'nanny' suites within a main building.

'Granny' suites will require the approval of the Town and will be in effect for a period of three years. At the completion of the three year term, the existing 'granny' suite permit may be extended for an additional three years by resubmitting an "application for extension" for the suite.

1.5 Lot size requirements

Lot area:

All residential lots shall have an area of at least 650 square metres (7,000 square feet).

Lots for other uses shall have an area satisfactory to the Development Authority.

Lot width:

Residential lots which do not have lane or road access to the rear yard shall have a mean width of at least 18.3 metres (60 feet).

Residential corner lots shall have a mean width of at least 19.5 metres (64 feet).

All irregular sized residential lots, such as cul-de-sacs, etc., shall have a front width (frontage) of at least 10 metres (33 feet).

Lots for other uses shall have a mean width satisfactory to the Development Authority.

Lot depth:

Residential lots shall have a depth of at least 32 metres (105 feet).

1.6 Building sizes

- .1 No main building shall have a height exceeding 10 metres (33 feet) above grade, measured to the roof peak and excluding chimneys and aerials.
- .2 The minimum floor area for a single detached house:
 - Bungalow - 111 square metres (1,200 square feet); and
 - Split level or 2-storey - 149 square metres (1,600 square feet)
- .3 No accessory building shall have a wall height exceeding 3.1 metres (10.17 feet).

1.7 Site coverage

Buildings shall cover no more than 30% of the area of a residential lot.

1.8 Yards and setbacks: main buildings

Front yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the front property line.

Rear Yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the rear property line.

Side yard:

Buildings shall be set back at least

4.57 metres (15 feet) from principal dwelling to the side property line of a flanking street,

6.0 metres (19.69 feet) from the side property line to a garage attached to the principal dwelling;

3.1 metres (10.17 feet) on one side of the lot where there is no road or lane access to the rear yard, and

a minimum of 1.5 metres (4.92 feet) in all cases, but this shall be increased by 0.3 metres (0.98 foot) for each 1 metre (3.28 feet) of building height above 7.62 metres (25 feet).

1.9 Yards and setbacks: accessory buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings shall be set back at least 1 metre (3.28 feet) from side property lines.

A garage gaining direct access from a flanking street shall be located at least 6.0 metres (19.69 feet) from the flanking street.

No accessory building shall be located between a main building and a flanking street or lane.

Rear yard (accessory buildings only) (Laned Subdivision):

Accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

Rear yard (garages only) (Laned Subdivision):

Despite the subsection above, garages may be located 1 metre (3.28 feet) or 6.0 metres (19.69 feet), but not *between* 1 metre and 6 metres, from a rear property line.

Rear yard (Laneless Subdivision):

All accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

1.10 Parking

Residences:

All residences shall have two off-street parking spaces.

Other uses:

Parking for other uses shall be provided to the satisfaction of the Development Authority.

1.11 Other controls

The requirements of Schedule A apply in this district.

2. **LOW DENSITY NARROW LOT RESIDENTIAL (R1A) DISTRICT**

2.1 Purpose

The purpose of the R1A district is to provide land for detached housing made more affordable by reducing lot widths while maintaining all other standards of a low density residential area.

2.2 Permitted uses

The following uses are permitted:

- new detached residences, but excluding manufactured/modular homes;
- home offices;
- parks and recreation areas; and
- buildings and uses accessory to the above.

2.3 Discretionary uses

The following uses may be allowed at the discretion of the Development Authority:

- churches;
- home businesses;
- utility installations; and
- buildings and uses accessory to the above.

2.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction of self-contained 'granny' or 'nanny' suites within a main building.

'Granny' suites will require the approval of the Town and will be in effect for a period of three years. At the completion of the three year term, the existing 'granny' suite permit may be extended for an additional three years by resubmitting an “application for extension” for the suite.

2.5 Lot size requirements

Lot area:

All residential lots shall have an area of at least 390 square metres (4,200 square feet).

Lots for other uses shall have an area satisfactory to the Development Authority.

Lot width:

All residential lots shall have a mean width of at least 12.2 metres (40 feet), and residential corner lots shall have a mean width of at least 14.6 metres (48 feet).

All irregular sized residential lots, such as cul-de-sacs, etc., shall have a front width (frontage) of at least 9.14 metres (30 feet).

Lots for other uses shall have a mean width satisfactory to the Development Authority.

Lot depth:

All residential lots shall have a depth of at least 32 metres (105 feet).

2.6 Building sizes

- .1 No main building shall have a height exceeding 10 metres (33 feet) above grade, measured to the roof peak and excluding chimneys and aerials.
- .2 The minimum floor area for a single detached house:
 - Bungalow - 93 square metres (1,000 square feet); and
 - Split level or 2-storey - 125 square metres (1,350 square feet)
- .3 In Block 12, Plan 972 2364,
 - 2.6.2.1 no part of any building shall be higher than 5.5 metres (18 feet) from grade to roof peak, and
 - 2.6.2.2 two storey houses are not permitted, but split level houses are permitted subject to a maximum height of 5.5 metres (18 feet).
- .4 No accessory building shall have a wall height exceeding 3.1 metres (10.17 feet)..

2.7 Site coverage

Buildings shall cover no more than 40% of the area of a residential lot.

2.8 Yards and setbacks: main buildings

Front yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the front property line.

Rear Yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the rear property line.

Side yard:

Buildings shall be set back at least

4.57 metres (15 feet) from the side property line of a flanking street,

3.1 metres (10.17 feet) on one side of the lot where there is no road or lane access to the rear yard, and

a minimum of 1.5 metres in all cases.

2.9 Yards and setbacks: accessory buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings shall be set back at least 1 metre from side property lines.

A garage gaining direct access from a flanking street shall be located at least 6.0 metres (19.69 feet) from the flanking street.

No accessory building shall be located between a main building and a flanking street or lane.

Rear yard (accessory buildings only) (Laned Subdivision):

Accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

Rear yard (garages only) (Laned Subdivision):

Despite the subsection above, garages may be located 1 metre (3.28 feet) or 6.0 metres (19.69 feet), but not *between* 1 metre and 6 metres, from a rear property line.

Rear yard (Laneless Subdivision):

All accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

2.10 Parking

Residences:

All residences shall have two off-street parking spaces.

Other uses:

Parking for other uses shall be provided to the satisfaction of the Development Authority.

2.11 Other controls

The requirements of Schedule A apply in this district.

3. **LOW DENSITY MEDIUM LOT RESIDENTIAL (R1B) DISTRICT**

3.1 Purpose

The purpose of the R1B district is to provide land for detached housing made more affordable by reducing lot widths while maintaining all other standards of a low density residential area.

3.2 Permitted uses

The following uses are permitted:

- new detached residences, but excluding manufactured/modular homes;
- home offices;
- parks and recreation areas; and
- buildings and uses accessory to the above.

3.3 Discretionary uses

The following uses may be allowed at the discretion of the Development Authority:

- churches;
- home businesses, but not bed and breakfast establishments;
- utility installations; and
- buildings and uses accessory to the above.

3.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction of self-contained 'granny' or 'nanny' suites within a main building.

'Granny' suites will require the approval of the Town and will be in effect for a period of three years. At the completion of the three year term, the existing 'granny' suite permit may be extended for an additional three years by resubmitting an “application for extension” for the suite.

3.5 Lot size requirements

Lot area:

All residential lots shall have an area of at least 557 square metres (6,000 square feet).

Lots for other uses shall have an area satisfactory to the Development Authority.

Lot width:

All residential lots shall have a mean width of at least 15.24 metres (50 feet), and residential corner lots shall have a mean width of at least 16.76 metres (55 feet).

All irregular sized residential lots, such as cul-de-sacs, etc., shall have a front width (frontage) of at least 9.14 metres (30 feet).

Lots for other uses shall have a mean width satisfactory to the Development Authority.

Lot depth:

All residential lots shall have a depth of at least 32 metres (105 feet).

3.6 Building sizes

- .1 No part of any building shall be higher than 10.0 metres (33 feet) from grade to roof peak.
- .2 Minimum floor area for a single detached house:
 - Bungalow - 102 square metres (1,100 square feet); and
 - Split Level or 2 - Storey - 125 square metres (1,350 square feet).
- .3 No accessory building shall have a wall height exceeding 3.1 metres (10.17 feet).

3.7 Site coverage

Buildings shall cover no more than 40% of the area of a residential lot.

3.8 Yards and setbacks: main buildings

Front yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the front property line.

Rear Yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the rear property line.

Side yard:

Buildings shall be set back at least 2.75 metres (9 feet) from the side property line of a

flanking street.

3.1 metres (10.17 feet) on one side of the lot where there is no road or lane access to the rear yard, and

a minimum of 1.5 metres (4.92 feet) in all cases.

3.9 Yards and setbacks: accessory buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings shall be set back at least 1 metre (3.28 feet) from side property lines.

A garage gaining direct access from a flanking street shall be located at least 6.0 metres (19.69 feet) from the flanking street.

No accessory building shall be located between a main building and a flanking street or lane.

Rear yard (accessory buildings only) (Laned Subdivision):

Accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

Rear yard (garages only) (Laned Subdivision):

Despite the subsection above, garages may be located 1 metre (3.28 feet) or 6.0 metres (19.69 feet), but not *between* 1 metre and 6 metres, from a rear property line.

Rear yard (Laneless Subdivision):

All accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

3.10 Parking

Residences:

All residences shall have two off-street parking spaces.

Other uses:

Parking for other uses shall be provided to the satisfaction of the Development Authority.

3.11 Other controls

The requirements of Schedule A apply in this district.

4. **RESIDENTIAL ESTATE (RE) DISTRICT**

4.1 Purpose

The purpose of the Residential Estate district is to allow high quality residential development on large lots which must be connected to the municipal water and sewer system.

4.2 Area Structure Plan Required

No land shall be subdivided or developed for Residential Estate purposes unless that land is the subject of an Area Structure Plan adopted by bylaw.

4.3 Permitted Uses

The following uses are permitted:

- single detached houses of conventional construction, but excluding manufactured/modular homes;
- buildings accessory to residential uses, provided that the total area of all accessory buildings shall not exceed the area of the main building on that lot;
- home offices;
- public parks and playgrounds; and
- buildings and uses accessory to the above.

4.4 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- home occupations that are compatible with a high quality residential neighborhood, and excluding bed and breakfast establishments;
- utility installations; and
- buildings and uses accessory to the above.

4.5 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction of self-contained 'granny' or 'nanny' suites within a main building.

'Granny' suites will require the approval of the Town and will be in effect for a period of three years. At the completion of the three year term, the existing 'granny' suite permit may be extended for an additional three years by resubmitting an “application for extension” for the suite.

4.6 Lot size requirements

Lot area:

All residential lots shall have an area of at least 3,035.25 square metres or 32672.22 square feet (0.75 acres).

Lots for other purposes shall have an area satisfactory to the Development Authority

Lot width:

All residential lots shall have a mean width of at least 30.48 metres (100 feet) and a front width of at least 12.2 metres (40 feet).

Lots for other purposes shall have a mean width satisfactory to the Development Authority.

4.7 Yards and setbacks

.1 All buildings shall be located at least 10 metres (33 feet) from property line, 20 metres (65.62 feet) from the rear property line, 5 metres (16.4 feet) from any other property line, and 5 metres (16.4 feet) from any other building.

.2 Accessory buildings shall be located behind the front wall of the main building.

4.8 Development Standards

All other development standards shall be negotiated between the developer and the municipality and specified in the Area Structure Plan governing the subdivision, and shall be suitable for a high quality residential development, but in no way shall be less than Town of Ponoka's Minimum Design Standard Guidelines.

4.9 Minimum House Size

- .1 No part of the main building shall be higher than 10.0 metres (33 feet) from grade to roof peak.
- .2 Minimum floor area for a single detached house:
 - Bungalows - 150 square metres (1,614 square feet); and
 - Split Level or 2-Storey - 195 square metres (2,100 square feet).
- .3 No accessory building shall have a overall height exceeding 5.5 metres (18 ft).

4.10 Other controls

The requirements of Schedule A apply in this district.

5. LOW DENSITY MULTI-FAMILY RESIDENTIAL (R2) DISTRICT

5.1 Purpose

The purpose of the R2 district is to provide land for detached housing made more affordable by reducing lot widths while maintaining all other standards of a low density residential area.

5.2 Permitted uses

The following uses are permitted:

- new detached residences, but excluding manufactured/modular homes;
- side-by-side duplexes;
- home offices;
- parks and recreation areas; and
- buildings and uses accessory to the above.

5.3 Discretionary uses

The following uses may be allowed at the discretion of the Development Authority:

- manufactured and modular homes;
- churches;
- group homes;
- bed and breakfast establishments;
- home businesses;
- utility installations; and
- buildings and uses accessory to the above.

5.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction of self-contained 'granny' or 'nanny' suites within a main building.

'Granny' suites will require the approval of the Town and will be in effect for a period of three years. At the completion of the three year term, the existing 'granny' suite permit may be extended for an additional three years by resubmitting an "application for extension" for the suite.

5.5 Lot size requirements

Detached Houses:

A lot for a detached house shall have an area of at least 450 square metres (4,800 square feet), a mean width of at least 12 metres (40 feet), and a street frontage of at least 6.0 metres (20 feet).⁽¹⁾

Duplexes:

A lot for one side of a duplex shall have an area of at least 250 square metres (2,600 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5.0 metres (16.5 feet).

Non-Residential Uses:

Lot for non-residential uses shall have an area and width satisfactory to the Development Authority.

5.6 Building sizes

- .1 No part of any building shall be higher than 10.0 metres (33 feet) from grade to roof peak.
- .2 Minimum floor area for a single detached house:
 - Bungalow - 102 square metres (1,100 square feet); and
 - Split Level or 2 - Storey - 125 square metres (1,350 square feet).
- .3 No accessory building shall have a wall height exceeding 3.1 metres (10.17 feet).

5.7 Site coverage

Buildings shall cover no more than 40% of the area of a residential lot.

5.8 Yards and setbacks: main buildings

Front yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the front property line.

Rear Yard:

Buildings shall be set back at least 6.0 metres (19.69 feet) from the rear property line.

(1) Amended by Bylaw No. 193-05

(2) Side yard:

Buildings shall be set back at least:

1.5 metres (5 feet) from the side property line of a flanking street.⁽¹⁾

3.1 metres (10.17 feet) on one side of the lot where there is no road or lane access to the rear yard, and

a minimum of 1.5 metres (4.92 feet) in all cases.

Despite the foregoing, a duplex may be built straddling the side property line.

5.9 Yards and setbacks: accessory buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings shall be set back at least 1 metre (3.28 feet) from side property lines.

A garage gaining direct access from a flanking street shall be located at least 6.0 metres (19.69 feet) from the flanking street.

No accessory building shall be located between a main building and a flanking street or lane.

Rear yard (accessory buildings only) (Laned Subdivision):

Accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

Rear yard (garages only) (Laned Subdivision):

Despite the subsection above, garages may be located 1 metre (3.28 feet) or 6.0 metres (19.69 feet), but not *between* 1 metre and 6 metres, from a rear property line.

Rear yard (Laneless Subdivision):

All accessory buildings shall be set back at least 1 metres (3.28 feet) from the rear property line.

(1) Amended by Bylaw No. 193-05

5.10 Parking

Residences:

All residences shall have two off-street parking spaces.

Bed and Breakfast Establishments:

One off street stall shall be provided for each rental room in addition to the basic two stalls per residence.

Other uses:

Parking for other uses shall be provided to the satisfaction of the Development Authority.

5.11 Other controls

The requirements of Schedule A apply in this district.

6. **MEDIUM DENSITY RESIDENTIAL (R3) DISTRICT**

6.1. Purpose

The purpose of the R3 district is to provide land for medium density housing in the form of town housing, row housing, and fourplexes. Duplexes and detached houses are allowed. This district does not allow apartments or other types of housing with more than two floors above grade.

6.2 Permitted Uses

The following uses are permitted:

- side-by-side duplexes;
- row and town houses;
- fourplexes;
- home offices;
- group homes;
- parks and recreation areas; and
- buildings and uses accessory to the above.

6.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- new detached residences;
- manufactured and modular homes;
- churches;
- bed and breakfast establishments;
- home businesses;
- utility installations; and
- buildings and uses accessory to the above.

6.4. Number of Dwellings on a Lot

No more than one detached house may be built on a lot.

6.5. Lot Size Requirements

Detached houses:

A lot for a detached residence shall have an area of at least 450 square metres (4,800 square feet), a mean width of at least 12 metres (40 feet), and a street frontage of at least 7.5 metres (25 feet).

Duplexes:

A lot for one side of a duplex shall have an area of at least 250 square metres (2,690 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5 metres (16.5 feet).

Other styles of residences:

A lot for other styles of residences shall be large enough to accommodate the proposed buildings subject to required yards, site coverage, setbacks, parking, and landscaping.

Non-residential uses:

Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

6.6. Site Coverage

Buildings shall cover no more than 40% of the area of a residential lot.

6.7. Yards and Setbacks: Main Buildings

Front yard:

Buildings shall be set back at least 6 metres (20 feet) from the front property line.

Rear yard:

Buildings shall be set back at least 6 metres (20 feet) from the rear property line.

Side yard:

Buildings shall be set back at least

1.5 metres (5 feet) from the side property line of a flanking street or lane⁽¹⁾

3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and

a minimum of 1.5 metres in all cases.

Despite the foregoing, a duplex may be built straddling the side property line.

6.8. Yards and Setbacks: Accessory Buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings other than garages shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street or lane.

Rear yard (accessory buildings only):

Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

Rear yard (garages only):

Despite the subsection above, garages may be located 1 metre (3 feet) or 6 metres (20 feet), but not *between* 1 metre and 6 metres, from a rear property line.

A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.

A shared garage serving two attached duplexes may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

(1) Amended by Bylaw No. 193-05

6.9. Distances Between Buildings

All buildings shall be separated by 1 metre (3 feet) from all other buildings whether on the same or a different lot or such greater distance as may be required by the Alberta Building Code.

6.10. Parking

Off-street parking shall be provided in the following amounts:

Detached houses:

Two stalls per house.

Duplexes:

Two stalls per unit.

Row houses & fourplexes:

If each unit is on a separate title, two stalls per unit; if the units are not on separate titles, 1.5 stalls per unit.

Apartments:

One stall per unit.

Bed and breakfast establishments:

One off street stall shall be provided for each rental room in addition to the basic two stalls per residence.

Other uses:

To the satisfaction of the Development Authority.

6.11. Other Controls

The requirements of Schedule A apply in this district.

7. HIGH DENSITY RESIDENTIAL (R4) DISTRICT

7.1. Purpose

The purpose of the R4 district is to provide land for apartments higher than two floors above grade. The district may also be used for other forms of housing.

7.2. Permitted Uses

The following uses are permitted:

- over-and-under duplexes;
- row and town houses;
- apartment buildings;
- home offices;
- group homes;
- parks and recreation areas; and
- buildings and uses accessory to the above.

7.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- new detached residences;
- side-by-side duplexes;
- manufactured and modular homes;
- churches;
- bed and breakfast establishments;
- home businesses;
- utility installations; and
- buildings and uses accessory to the above.

7.4. Number of Dwellings on a Lot

No more than one detached house may be built on a lot.

7.5. Lot Size Requirements

Detached houses:

A lot for a detached residence shall have an area of at least 450 square metres (4,800 square feet), a mean width of at least 12 metres (40 feet), and a street frontage of at least 7.5 metres (25 feet).

Duplexes:

A lot for one side of a duplex shall have an area of at least 250 square metres (2,690 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5 metres (16.5 feet).

Other residences:

A lot for other styles of residences shall be large enough to accommodate the proposed buildings subject to all required yards, setbacks, site coverage, parking, and landscaping.

Non-residential uses:

Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

7.6. Site Coverage

Buildings shall cover no more than 50% of the area of a residential lot.

7.7. Yards and Setbacks

Not with standing the following yards and setbacks requirements, Section 6.10 (R4 District) of Schedule B of this bylaw must be adhered to.

Front yard:

Buildings shall be set back at least 6 metres (20 feet) from the front property line.

Rear yard:

Buildings shall be set back at least 6 metres (20 feet) from the rear property line.

Side yard:

Buildings shall be set back at least

1.5 metres (5 feet) from the side property line of a flanking street⁽¹⁾,

3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard,

(1) Amended by Bylaw No. 193-05

25% of the overall height of the building, and

A minimum of 1.5 metres (5 feet) in all cases.

Despite the foregoing, a duplex, row house, or fourplex may be built straddling the side property line.

7.8. Yards and Setbacks: Accessory Buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings other than garages shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street.

Rear yard (accessory buildings only):

Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

Rear yard (garages only):

Despite the subsection above, garages may be located 1 metre (3 feet) or 6 metres (20 feet), but not *between* 1 metre and 6 metres, from a rear property line.

A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.

A shared garage serving two attached duplexes may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

7.9. Distances Between Buildings

All buildings shall be separated by 1 metre (3 feet) from all other buildings whether on the same or a different lot or such greater distance as may be required by the Alberta Building Code.

7.10. Emergency Vehicle Access

7.10.1. Along the sides of an apartment building of two or more storeys, Emergency Vehicle Access must conform to the side and rear yard setbacks as per the Alberta Building Code requirements. There shall be a firm, level area (the “fire access area”), accessible from the road by emergency response equipment.

7.10.2. No buildings, vehicles, or other obstructions shall be placed or allowed in a fire access area.

7.11 . Parking

Off-street parking shall be provided in the following amounts:

Detached houses:

Two stalls per house.

Duplexes:

Two stalls per unit.

Row houses & fourplexes:

If each unit is on a separate title, two stalls per unit; if the units are not on separate titles, 1.5 stalls per unit.

Bed and breakfast establishments:

One off street stall shall be provided for each rental room in addition to the basic two stalls per residence.

Apartments:

One stall per unit.

Other uses:

to the satisfaction of the Development Authority.

7.12. Other Controls

The requirements of Schedule A apply in this district.

8. MANUFACTURED HOUSING SUBDIVISION (MHS) DISTRICT

8.1. Purpose

The purpose of the MHS district is to provide land where manufactured homes may be placed on titled lots which are dimensioned to fit the unique size and shape of this style of housing.

8.2. Permitted Uses

The following uses are permitted:

- new manufactured homes on permanent foundations;
- home offices;
- parks and recreation areas; and
- buildings and uses accessory to the above.

8.3. Discretionary uses

The following uses may be allowed at the discretion of the Development Authority:

- older manufactured homes, mounted on permanent foundations, provided that in the opinion of the Development Authority the structure is fully compatible with the neighborhood;
- single detached houses built on site;
- modular houses;
- recreational or assembly buildings serving the residents of the subdivision;
- home businesses;
- group homes;
- utility installations; and
- buildings and uses accessory to the above.

8.4. Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot.

8.5. Lot Size Requirements

Single section residences:

A lot for a single section residence, serviced by a rear lane, shall have a mean width of at least 12 metres (40 feet), a street frontage of at least 9 metres (30 feet), and a depth of at least 36 metres (120 feet).

Multi-section residences:

A lot for a multi-section residence, serviced by a rear lane, shall have a mean width of at least 13.5 metres (44 feet), a street frontage of at least 10 metres (33 feet), and a depth of at least 30 metres (99 feet).

Corner lots:

Residential corner lots shall be at least 15 metres (50 feet) wide.

In all cases:

If a residential lot is not serviced by a lane it shall be at least 15 metres (50 feet) wide.

Non-residential uses:

Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

8.6. Lot Coverage

Buildings shall cover no more than 40% of the area of a residential lot.

8.7. Yards and Setbacks: Main Buildings

Front yard:

Buildings shall be set back at least 5 metres (17 feet) from the front property line.

Rear yard:

Buildings shall be set back at least 5 metres (17 feet) from the rear property line.

Side yard:

Buildings shall be set back at least

3 metres (10 feet) from the side property line of a flanking street,

3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and

A minimum of 1.5 metres in all cases.

8.8. Yards and Setbacks: Accessory Buildings

Front yard:

No accessory building shall be located in a front yard.

Side yard:

Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street.

Rear yard (accessory buildings only):

Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

Rear yard (garages only):

Despite the subsection above, garages may be located 1 metre (3 feet) or 6 metres (20 feet), but not *between* 1 metre and 6 metres, from a rear property line.

A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.

8.9. Lanes

Where lanes are not provided, lot width must be sufficient to provide a wide side yard as required by Subsection 7.7.

8.10. Parking

Residences:

All residences shall have two off-street parking stalls.

Other uses:

Parking for other uses shall be provided to the satisfaction of the Development Authority.

8.11. Other Controls

The requirements of Schedule A apply in this district.

9. MANUFACTURED HOUSING PARK (MHP) DISTRICT

9.1. Purpose

The purpose of the MHP district is to provide land where manufactured homes can be set on rented sites. Regulations for the MHS district apply in this district. Additionally, the following regulations apply.

9.2. Interpretation

Where the word “lot” is used in the regulations for the MHS district, it is to be interpreted in this district as meaning an unsubdivided space, stall, pad, or site rented to the occupant of a manufactured home for his exclusive use.

9.3. Site-built Houses Not Permitted

Houses built on site are not permitted in this district.

9.4. Area Structure Plan Required

9.4.1. No land shall be subdivided or developed for a manufactured housing park unless that land is the subject of an area structure plan adopted by bylaw.

9.4.2. If Council does not adopt its own guidelines, the “Land Use Planning Recommendations for Manufactured Housing in Alberta,” prepared by the Manufactured Housing Association of Alberta and Saskatchewan, may be used, but where that document conflicts with this bylaw, the bylaw shall govern.

9.4.3. The requirement for an area structure plan does not apply to manufactured housing parks which existed at the date of adoption of this bylaw.

9.5. Parking

The developer or operator of a manufactured home park may provide common parking lots in place of one of the two parking stalls required by each residence.

9.6. Other Controls

The requirements of Schedule A apply in this district.

10. **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

10.1. Purpose

The purpose of the PUD district is to provide land for large scale innovative developments which cannot be accommodated under any other district.

10.2. Area Structure Plan Required

10.2.1. No land shall be developed as a PUD unless that land is the subject of an area structure plan adopted by bylaw.

10.2.2. The area structure plan may over-ride the standards set out in this bylaw provided this is noted in the area structure plan bylaw.

10.3. Development Agreement Required

A comprehensive development agreement covering the entire PUD must be in place before any site development is commenced.

11. CENTRAL COMMERCIAL (C1) DISTRICT

11.1. Purpose

The C1 district provides land for pedestrian-oriented commercial land uses in the core of the municipality.

11.2. Permitted Uses

The following uses are permitted:

- retail businesses, except those listed as discretionary;
- service businesses, except those listed as discretionary;
- clubs, associations, churches, and lodges, except those listed as discretionary;
- government, police, and emergency services operations;
- residences above the main floor; and
- buildings and uses accessory to the above.

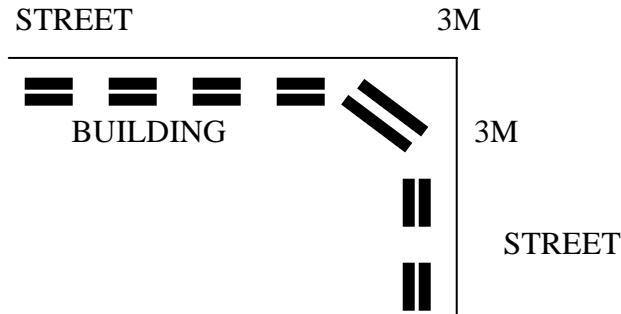
11.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- residences;
- liquor stores;
- food processing establishments, other than bakeries, which are permitted;
- restaurants, clubs, and other establishments serving alcoholic drinks;
- amusement arcades;
- casinos and bingo halls;
- taxi stands;
- businesses involving the sale of gasoline or the sale or repair of motor vehicles;
- advertising signs not exempted by Section 16.1 of Schedule A; and
- buildings and uses accessory to the above.

11.4. Yards and Setbacks

- 11.4.1. All buildings shall be set back at least 6 metres (20 feet) from a rear lane, unless space is provided elsewhere for parking, loading, and garbage containers.
- 11.4.2. No building shall be constructed closer than 3 metres (10 feet) to the intersection of two streets, as shown in the adjacent diagram.



11.5. Parking

- 11.5.1. New professional, government, financial services, and medical buildings shall be provided with one off street parking stall for each whole 50 square metres of net leasible area.
- 11.5.2. Other new commercial buildings shall be provided with one off street parking stall for each whole 100 square metres of net leasible area.
- 11.5.3. Where an existing building is to continue in that use, or to be converted to another use, and is not to be enlarged, no parking is required in addition to that previously provided.
- 11.5.4. Off street parking may be located on the lot being developed or elsewhere within convenient walking distance.
- 11.5.5. Where off street parking is located on a separate lot, the Town may enter into an agreement under Section 650 of the Act, reserving the lot for parking, and may protect the agreement by registering a caveat on the title of the lot.
- 11.5.6. Off street parking may be shared between two or more businesses if there is a written agreement between the two landowners and the agreement is satisfactory to the Development Authority.
- 11.5.7. In determining whether an agreement under Subsection 10.5.6. is satisfactory, the Development Authority may consider the different times of peak usage by each business.

11.6. Other Controls

The requirements of Schedule A apply in this district.

12. HIGHWAY COMMERCIAL (C2) DISTRICT

12.1. Purpose

The purpose of the C2 district is to provide land for services to the traveling public, and for businesses which generate or benefit from exposure to large volumes of vehicle traffic.

12.2. Permitted Uses

The following uses are permitted:

- automobile, recreation vehicle, boat, manufactured housing, and farm equipment sales, leasing, service, and repair businesses, but excluding body shops, and paint shops;
- retail businesses, except those listed as discretionary; service businesses, except those listed as discretionary;
- clubs, associations, churches, and lodges, except those listed as discretionary;
- government, police, and emergency services operations;
- buildings and uses accessory to the above.

12.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- residences above the main floor;
- automotive body shops and paint shops;
- travel trailer campsites;
- bulk fuel sales;

- storage compounds;
- liquor stores;
- restaurants, clubs, and other establishments serving alcoholic drinks;
- funeral homes;
- amusement arcades;
- casinos and bingo halls;
- food processing establishments;
- advertising signs not exempted by Section 16.1 of Schedule A; and
- buildings and uses accessory to the above.

12.4. Highway Access

The Development Authority shall not approve a direct access from a lot to Highway 2A or Highway 53 without the agreement of Alberta Transportation and Utilities.

12.5. Lot Size Requirements

12.5.1. Lots for commercial operations shall have an area of at least 1,000 square metres (10,750 square feet) and a mean width of at least 30 metres (100 feet).

12.5.2. The size of lots for other uses shall be as required by the Development Authority.

12.6. Yards and Setbacks

All buildings shall be set back at least

- 8 metres (26 feet) from any road or, if used as part of a service station or a drive in business, 12 metres from any road;
- 5 metres (16 feet) from the rear property line;
- 3 metres (10 feet) from the side property line, but no less than half the height of the building from a side property line which abuts a residential area.

12.7. Parking

This bylaw does not require that parking be provided. However, recommended numbers of stalls are attached, for information only, at the end of this schedule.

12.8. Other Controls

The requirements of Schedule A apply in this district.

13. LIGHT INDUSTRIAL (M1) DISTRICT

13.1. Purpose

The purpose of the M1 district is to provide land for industrial and commercial uses which will not damage or interfere with adjacent land uses by reason of noise, dust, odor, vibration, heavy traffic, or other objectionable conditions.

13.2. Permitted Uses

The following uses are permitted:

- manufacturing, processing, and fabrication;
- warehousing and storage;
- automobile, truck, and farm equipment sales and service;
- car and truck washing establishments;
- transportation, communications, and utilities industries;
- veterinary clinics;
- auction markets, but excluding animal sales;
- retail businesses, except those listed as discretionary;
- service businesses, except those listed as discretionary;
- clubs, associations, and lodges, except those listed as discretionary;
- government, police, and emergency services operations; and
- buildings and uses accessory to the above,

provided that these uses comply with the purpose of this district as regards objectionable conditions.

13.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- auto body and paint shops;
- bulk fuel sales;
- recycling industries;
- livestock auction markets;
- liquor stores;
- restaurants, clubs, and other establishments serving alcoholic drinks;
- amusement arcades;
- casinos and bingo halls;
- buildings and uses accessory to the above;
- residences above the main floor;

- advertising signs not exempted by Section 16.1 of Schedule A; and
- other industrial and commercial activities which in the opinion of the Development Authority are compatible with the purpose of the district.

13.4. Highway Access

The Development Authority shall not approve a direct access from a lot to Highway 2A or Highway 53 without the agreement of Alberta Transportation and Utilities.

13.5. Yards and Setbacks

All buildings shall be set back at least

- 8 metres (26 feet) from any road or, if used as part of a service station or a drive in business, 12 metres from any road;
- 5 metres (16 feet) from the rear property line;
- 3 metres (10 feet) from the side property line.

13.6. Screening

The Development Authority may require that areas used for open storage of unsightly material are screened from public view by means of suitable fencing or landscaping.

13.7. Other Controls

The requirements of Schedule A apply in this district.

14. **HEAVY INDUSTRIAL (M2) DISTRICT**

14.1. Purpose

The purpose of the M2 district is to provide land for industrial and commercial uses which may be objectionable in other areas by reason of noise, dust, odor, vibration, heavy traffic, or other objectionable conditions.

14.2. Permitted Uses

The following uses are permitted:

- manufacturing, processing, and fabrication;
- warehousing and storage;
- auto body and paint shops;
- auto wreckers;
- bulk fuel sales;
- car and truck washing establishments;
- transportation, communications, and utilities industries;
- veterinary clinics;
- auction markets;
- recycling industries;
- services to agriculture;
- government, police, and emergency services operations; and
- buildings and uses accessory to the above.

14.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- residences above the main floor;
- buildings and uses accessory to the above; and
- other industrial and commercial activities which in the opinion of the Development Authority are compatible with the purpose of the district.

14.4. Yards and Setbacks

All buildings shall be set back at least

- 8 metres (26 feet) from any road or, if used as part of a service station or a drive in business, 12 metres from any road;
- 5 metres (16 feet) from the rear property line;
- 3 metres (10 feet) from the side property line.

14.5. Screening

The Development Authority may require that areas used for open storage of unsightly material are screened from public view by means of suitable fencing or landscaping.

14.6. Other Controls

The requirements of Schedule A apply in this district.

15. **INSTITUTIONAL AND PUBLIC USES (IPU) DISTRICT**

15.1. Purpose

The purpose of the IPU district is to provide land for schools, hospitals, and other community service facilities, both publicly and privately owned.

15.2. Permitted Uses

The following uses are permitted:

- parks and playgrounds;
- municipally owned athletic and sporting facilities;
- schools and libraries;
- halls and auditoriums;
- churches;
- group homes;
- hospitals, hospices, nursing homes, and long term care facilities;
- cemeteries and crematoriums;
- storm water detention areas;
- buffer strips; and
- buildings and uses accessory to the above.

15.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- campgrounds managed by an Association or the municipality;
- residences for staff of the facility; and
- buildings and uses accessory to the above.

15.4. Yards and Setbacks

Residences in the IPU district require the same yards and setbacks as in the adjacent residential district or, if there is no adjacent residential district, the same yards and setbacks as in the R1 district.

15.5. Parking

Off-street parking stalls shall be provided in the following numbers:

Schools:

One stall per employee, plus one stall per 10 students over the age of 15.

Health facilities:

One stall for each employee present at the busiest time, plus one stall per 4 beds.

Other facilities:

As required by the Development Authority, sufficient that the facility does not unduly deprive nearby residences of on-street parking.

15.6. Other Controls

The requirements of Schedule A apply in this district.

16. **PARK AND RECREATION (P) DISTRICT**

16.1. Purpose

The purpose of the P district is to provide land for parks and recreational facilities. It differs from the P district by not allowing major buildings.

16.2. Permitted Uses

The following uses are permitted:

- parks;
- playgrounds;
- golf courses and driving ranges;
- buffer strips; and
- buildings and uses accessory to the above.

16.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- municipally owned recreation facilities; and
- buildings and uses accessory to the above.

16.4. Other Controls

The requirements of Schedule A apply in this district.

17. **RESIDENTIAL EXPANSION (RX) DISTRICT**

17.1. Purpose

The purpose of the RX district is to identify land which in future will probably be converted to residential use, but which can be used for agriculture as long as the owner elects to do so. An area structure plan must be adopted by bylaw before the land will be considered for reclassification to another residential use.

17.2. Permitted Uses

The following uses are permitted:

- agricultural, but excluding intensive livestock operations or the spreading of manure; and
- buildings and uses accessory to the above.

17.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- residences (except mobile homes);
- uses which are compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan affecting the land.

17.4. Number of Dwellings on a Lot

No more than one dwelling shall be established on a lot.

17.5. Yards and Setbacks

Buildings, utility connections, and other improvements shall be established in locations compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan affecting the land.

17.6. Other Controls

The requirements of Schedule A apply in this district.

17.7. Assessment

Land which is classified as RX district, and which is actually used for agriculture, is deemed to be agricultural for the purpose of assessment.

18. COMMERCIAL/INDUSTRIAL EXPANSION (CX) DISTRICT

18.1. Purpose

The purpose of the CX district is to identify land which in future will probably be converted to commercial or industrial use, but which can be used for agriculture as long as the owner elects to do so. An area structure plan must be adopted by bylaw before the land will be considered for reclassification to commercial or industrial use.

18.2. Permitted Uses

The following uses are permitted:

- agricultural, but excluding intensive livestock operations or the spreading of manure; and
- buildings and uses accessory to the above.

18.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- residences; and
- uses which are compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan affecting the land.

18.4. Number of Dwellings on a Lot

No more than one dwelling shall be established on a lot.

18.5. Yards and Setbacks

Buildings, utility connections, and other improvements shall be established in locations compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan affecting the land.

18.6. Other Controls

The requirements of Schedule A apply in this district.

18.7. Assessment

Land which is classified as CX district, and which is actually used for agriculture, is deemed to be agricultural for the purpose of assessment.

19. **FLOOD PLAIN (FP) DISTRICT**

19.1. Purpose

The purpose of the FP district is to allow flood-prone land to be used productively while not permitting buildings and uses that could be damaged by flooding, and all developments in the FP district is subject to

19.2. Permitted Uses

The following uses are permitted:

- agricultural, excluding intensive livestock operations or the spreading of manure;
- market gardening and tree farming;
- parks and recreation grounds; and
- buildings and uses accessory to the above.

19.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- uses of land which in the opinion of the Development Authority are compatible with surrounding properties and which will not be damaged by flooding.

19.4 Other Controls

19.4.1. An applications for a development permit within the flood way or flood fringe shall include the geodetic elevation of the site.

19.4.2. No buildings or structures, other than roads and bridges, shall be located in a flood way.

19.4.3. Buildings and structures may be built in a flood fringe provided that

19.4.3.1. they are designed and built to minimize flood damage,

19.4.3.2. they are in accordance with the guidelines and standards for flood prone area issued by Alberta Environmental Protection;

19.4.3.3. all mechanical and electrical installations are set at least 0.5 metres above the 1:100 flood elevation; and

19.4.3.4. habitable floor space is not developed below the 1:100 flood elevation.

20. **DIRECT CONTROL (DC) DISTRICT**

20.1. Control by Council

Pursuant to Section 12 of the bylaw, Council (or, where authorized by Council, the Development Authority) may directly regulate and control the use or development of land and buildings in a DC district, provided that this regulation is consistent with the Municipal Development Plan.

SCHEDULE D

RECOMMENDED PARKING STANDARDS

The following numbers of spaces are recommended as a minimum:

One stall for each member of staff present at the busiest shift, plus customer/client parking at the following rates:

| Type of Establishment | Customer Parking Recommended |
|--|---|
| Retail stores, banks, offices, and service establishments | one stall per 100 square metres of gross leasable area |
| Places of entertainment | one stall per 5 client seats |
| Hotels and motels | one stall per room, plus those stalls required for any entertainment component of the business |
| Industrial plants | as required for the likely number of visitors |

These numbers may be reduced if an establishment has the use of suitable off-site parking such as on-street parking, municipally-owned lots, or private arrangements for the use of other businesses' parking where peak periods differ.