

## **PART 4 – GENERAL REGULATIONS**

### **4.1 Applicability**

- 4.1.1 The general regulations shall apply to all development within the Town. Where there appears to be a conflict between this Part and other Parts of the Bylaw, the more stringent regulations shall prevail.

### **4.2 Access Standards**

- 4.2.1 The Development Authority shall not approve a development permit unless provision for access is included with the application for development permit.
- 4.2.2 All access shall be to the approval of the Development Authority with respect to location, design, and construction standards.
- 4.2.3 Where a site abuts two roads, either existing or proposed, access to the site shall be to the road of lesser traffic volume, unless otherwise approved by the Development Authority.
- 4.2.4 The Development Authority may impose a condition of the development permit, requiring the applicant to enter into a development agreement with the Town to construct or pay for the construction or upgrading of a road or walk necessary to serve the development.

#### **Setbacks from Provincial Highways**

- 4.2.5 Proposed development within 300 m of the highway boundary or within 800 m of the centre point of an intersection of the highway with another road requires approval from the Government of Alberta prior to the issuance of a development permit.

### **4.3 Accessory Development**

- 4.3.1 An accessory building, structure or use shall not be considered without an approved principal building, structure or use.
- 4.3.2 An accessory building, structure or use shall be considered a permitted use when accessory to a permitted use and a discretionary use when accessory to a discretionary use.
- 4.3.3 Specific regulations for accessory buildings, structures and uses may be provided for within each land use district. Should a land use

district not contain specific regulations for accessory buildings, structures and uses, the regulations for principal buildings shall apply.

- 4.3.4. An accessory building shall not be used as a dwelling, except where authorized by this Bylaw.
- 4.3.5 A previously approved accessory building when it is physically attached to the principal building, through the roof or wall structure shall be considered part of the principal building.
- 4.3.6. An accessory building or structure shall not be constructed over an easement or right-of-way.
- 4.3.7 An accessory building or structure in a non-residential district, abutting a residential district, shall be setback a minimum of 3.0 m from the boundary of the residential district and shall not be higher than the maximum height of a principal building in the abutting residential district.
- 4.3.8 In residential districts that allow for a zero setback to a lot line, an accessory building that is a mutual garage may be developed on the common lot line. The minimum side yard for the opposite side lot line shall be as required within the applicable residential district provisions.
- 4.3.9 The setback for an accessory building or structure shall not be less than the side yard required for the principal building on the side lot line abutting a flanking road.

#### **4.4 Amenity Spaces**

- 4.4.1 Amenity space shall be a minimum of 3.5m<sup>2</sup> per dwelling unit for townhouses, multiple dwellings, and apartment dwellings.
- 4.4.2 Amenity space shall consist of both common amenity space and private amenity space.
- 4.4.3 Common amenity space shall:
  - a) consist of a minimum of one contiguous area;
  - b) contain seating and may contain other amenities such as play structures, gazebos, barbeques;
  - c) if located outside, shall be provided in a general landscape area; and

d) in a location accessible and highly visible from the principal building.

4.4.4 Private amenity space shall be a minimum of 1.5m<sup>2</sup> per dwelling unit for townhouses, multiple dwellings, and apartment dwellings.

4.4.5 Amenity space provided at ground level within 4.0m of a road, lane, on-site parking area or adjacent parcel shall be screened to the satisfaction of the Development Officer. When considering the amount and type of screening required, the Development Officer shall consider the type of amenity provided (e.g. children's play area), and the likely safety issues and adverse effects arising from the amenity and its location.

## **4.5 Demolition of Buildings and Structures**

4.5.1 Demolition of buildings and structures may require reclamation of the site; mitigation measures, such as dust control, protective barriers; and other such provisions deemed appropriate by the Development Authority to protect the public as well as public and private property.

4.5.2 If any demolition or removal of a building or structure involves working on or near public property, the applicant may be required to provide financial security in an amount satisfactory to the Town, to protect against damage to surrounding properties.

4.5.3 Demolition of a portion of building shall be considered to be a change in intensity of the use and/or redevelopment of the existing building. The resultant building and use shall be subject to the provisions of this Bylaw.

## **4.6 Design Standards**

### **General Standards**

4.6.1 In all development, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practical, that the materials are durable and similar to, or better than the standard of development on the subject and adjacent sites.

4.6.2 All sides of a building exposed to view from a road or other public space shall be architecturally designed and finished as a principal facade.

- 4.6.3 A box-like appearance in building design and large expanses of uninterrupted building surfaces shall be avoided by adding definition through colour or material details.
- 4.6.4 The design should discourage crime by reducing concealment opportunities, providing lighting to minimize dark spaces and encourage pedestrian safety, placing of windows to maximize informal surveillance, and easily identifying street addresses.

**Standards Affecting Multi-Family, Commercial, or Institutional Development**

- 4.6.5 Each site shall be designed with due regard and sensitivity to adjacent lots and development, in order to ensure development is complimentary and compatible. The design of a site shall consider the privacy of adjacent residential development.
- 4.6.6 Buildings are encouraged to be sited, oriented and designed to:
  - a) take into consideration solar benefits and opportunities; and
  - b) minimize impact on other buildings, considering such things as daylight, sunlight, ventilation, visual privacy and views.
- 4.6.7 All loading, service, trash collection and accessory storage areas, shall be located to the rear or sides of the principal building, and be screened from view from any road other than a lane, and from adjacent sites, by building walls, landscape materials, berms, fences or a combination of these, to the satisfaction of the Development Officer;
- 4.6.8 Appropriate lighting shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture.
- 4.6.9 Development should provide a transition in building height and massing in relation to development in surrounding neighbourhoods.

**Standards Affecting Industrial Development**

- 4.5.10 Any use or activity in an Industrial land use district should have regard for the following appearance standards:
  - a) all loading, service, trash collection and accessory storage areas, and vehicle compounds shall be located to the rear or sides of the principal building, and be screened from view from any road other than a lane, and from adjacent sites, by building

walls, landscape materials, berms, fences or a combination of these, to the satisfaction of the Development Officer;

- b) buildings should be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Authority may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of adjacent development; and
- c) where allowed, outside display areas may be located to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

#### **4.7 Easements, Utility Right-of-Ways, and Public Utility Lots**

4.7.1 No structure including any associated foundations or eaves shall be constructed or placed on a utility easement unless:

- a) Written consent has been obtained from the person or authority for whose use the easement has been granted; and
- b) The proposed structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility in the opinion of the Development Authority.

4.7.2 No development other than a utility or a park shall occur on a lot designated as a public utility lot.

4.7.3 Notwithstanding Subsection 4.7.2 above, an existing development and/or use may be permitted, provided that it is the subject of an encroachment agreement.

#### **4.8 Environmental Features**

4.8.1 A minimum setback of 30.0 m is required from the top of bank of any watercourse or water body, unless the Development Officer is provided with an environmental and geotechnical assessment prepared by a qualified professional that verifies that a lesser setback is warranted. The Development Officer shall require a setback greater than 30.0 m where determined by the assessment.

4.8.2 The minimum setback and the requirements for an environmental and geotechnical assessment indicated in 4.8.1 above may be reduced or eliminated where the Development Officer is satisfied that there is no risk or adverse effect on development or the riparian area.

4.8.3 No trees shall be cleared or removed from any land which lies within the minimum setback from the top of bank to a watercourse or water body, unless the Development Officer receives written confirmation from a qualified professional indicating:

a) that the removal is necessary in order to provide access to the watercourse or water body; and

b) the area where trees or vegetation may be removed.

#### **4.9 Fences**

4.9.1 The maximum height of a fence shall be 2.0 m.

4.9.2 Despite Section 4.9.1, where any portion of the fence extends beyond the foremost portion of the principal building into the setback from the front lot line or the side lot line abutting a road other than a lane, the maximum height shall be 1.0 m.

4.9.3 The Development Officer may vary the height of a fence in commercial or industrial districts in order to provide additional security or safety from roads or adjacent development subject to Section 3.12.

4.9.4 A proposed fence should be complimentary and compatible with the principal building to the satisfaction of the Development Officer.

4.9.5 Fences consisting of barbed wire and posts shall only be allowed within the FD District.

4.9.6 The Development Authority may require a solid fence to be installed where a non-residential or multi-residential development is proposed to abut a residential development, a public park, a school and institution or other similar use in order to mitigate any potential nuisance caused by the proposed development.

#### **4.10 Height and Grade**

4.10.1 The proposed building grade shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls, and ensure positive drainage to appropriate receiving drainage courses or watercourses.

- 4.10.2 In determining whether a development conforms to the maximum height permitted in any land use district, structures such as industrial processing towers, chimney stacks, monuments, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, solar collectors or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.
- 4.10.3 Calculation of the building height shall be determined by the vertical distance between building grade and the highest point of the building with a non-sloping roof or a roof that slopes less than 20 degrees. On a roof sloping more than 20 degrees, it is measured to the mid-point between the eave line and the ridge of a sloping roof provided that the ridge shall be no more than 2.0 m above the maximum building height in the District.

#### **4.11 General Landscaping**

- 4.11.1 All new development shall require landscaping in accordance with this section.
- 4.11.2 All residential development shall complete the front yard landscaping of the lot within twelve (12) months of completing construction of the approved development.
- 4.11.3 An expansion or change to an existing development that requires a Development Permit may require landscaping at the discretion of the Development Officer. This requirement will not apply to developments that consist of interior alterations only or those that do not alter the size, scale or character of the existing building.
- 4.11.4 In any district all required yards and all open spaces or undeveloped areas excluding parking areas, driveways, sidewalks, outdoor storage and service areas shall be landscaped in accordance with an approved landscaping plan. The following districts shall be exempt from this requirement:
- a) R1 – Single Family detached District
  - b) R2 – Low Density Residential District
  - c) R3 - Low to Medium Density Multiple Residential District
  - d) R5 - Residential Manufactured Home District
  - e) FD – Future Development District
- 4.11.5 A landscape plan shall be prepared by a Landscape Architectural Technologist or equivalent. This requirement shall not apply if the proposed development is located on a site of less than 675m<sup>2</sup> in total area.

4.11.6 A landscape plan must show the following:

- a) the property lines and dimensions of the site;
- b) a north arrow;
- c) a signed stamp of the Landscape Architectural Technologist or equivalent;
- d) features located adjacent and within the site, including streets, sidewalks, lanes, driveways, vehicular accesses, street lights, street furnishings, and boulevard landscaping;
- e) location of all buildings, parking areas, vehicular and pedestrian circulation systems on the subject site;
- f) all overhead, surface and underground utilities, limits of easements and rights-of-way;
- g) existing and proposed topography;
- h) existing vegetation and indication whether it is to be retained or removed;
- i) the layout of berms, retaining walls, screening, delineation of both soft and hard surfaced landscaped areas;
- j) the location, height and design of all proposed retaining walls, fences and screens;
- k) typical planting details indicating soil depths and mulch types; and,
- l) a table indicating the type and quantities of plant material required and the quantities provided.

4.11.7 Notwithstanding 4.11.4 any portion of the Site not occupied by building(s), vehicle and pedestrian circulation area or parking areas shall be landscaped.

4.11.8 A garbage collection area, an open storage area, or an outdoor service area, including any loading and vehicular service area, which is visible from an adjacent site in a residential district or from a public road other than a lane, shall be fenced or have screen planting or both. The location, length, thickness and height of such fence or screen planting



shall be in accordance with the landscape plan approved by the Development Officer. Such fence or screen planting or both shall be maintained to provide effective screening from the ground to a height of 2.0 m.

- 4.11.9 For the purpose of determining the required number of trees and shrubs to be planted, the calculation of the landscape area shall include the entire portion of the site not covered by the building(s), parking areas, access, internal drive aisles, and internal sidewalks.
- 4.11.10 All required landscape areas are to meet the following landscape requirements:
- a) Provide a minimum of one tree for every 35.0m<sup>2</sup> required setback area, and one shrub for every 15.0m<sup>2</sup> of required setback area. An equivalent substitution of Five (5) shrubs per One (1) tree may be considered, at the discretion of the Development Officer, however no more than 30% of the required trees may be substituted with shrubs.
- 4.11.11 If the required landscaped yards, or portions thereof, contain native trees and shrubs the area may be maintained in its natural vegetated state at the discretion of the Development Officer. Vegetation preserved on the site may, at the discretion of the Development Officer, be credited to the total Landscaping requirements. Consideration must be given to the following:
- a) ensuring the safety and maintainability of the Site and its surroundings; and
  - b) the health and viability of the existing vegetation.
- 4.11.12 All landscaped areas shall be designed and constructed in accordance with the approved grading plan for the site.
- 4.11.13 The registered landowner of a site abutting a Town boulevard is responsible for landscaping and maintaining said boulevard, at the registered landowner's expense, excluding anything specified in a Development Agreement or as determined by the Development Officer.
- 4.11.14 Should any Town boulevard be disturbed by adjacent development, the boulevard shall be remediated with sod and boulevard trees of an approved species planted at the recommended spacing for that species as deemed appropriate by the Development Officer. Any

additional or alternative Landscaping on Town boulevards (i.e. shrub and flower beds, xeriscaping) shall be subject to review and approval by the Development Officer in consultation with the Town Engineer.

- 4.11.15 The landowner shall be responsible for landscaping of the site and the subsequent maintenance of the landscape area for two (2) years from the date of substantial completion of the work. The registered owner shall replace any landscaping materials that do not survive the two (2) year maintenance period, with suitable, similar materials as approved by the Development Officer.

#### **4.12 Landscape Planting Requirements**

4.12.1 All plant materials must conform to the horticultural standards of the most current edition of the Canadian Standards for Nursery Stock from the Canadian Nursery Landscape Association. The use of drought tolerant plant material and the application of Xeriscaping principles are encouraged. The following planting requirements shall be met in all landscaped areas:

- a) A minimum of one third of all required trees must be coniferous. Coniferous trees must be a minimum height of 2.5 m and at least 50% of the required coniferous trees must be a minimum of 3.5 m in height at the time of planting;
- b) Deciduous trees must have a minimum caliper of 65 mm and at least 50% of the provided deciduous trees must have a minimum caliper of 75 mm at the time of planting;
- c) A minimum of one third of all required shrubs must be coniferous. Coniferous shrubs must be a minimum spread of 450 mm at the time of planting. Smaller shrubs may be accepted depending on the species of shrub, and at the discretion of the Development Officer; and
- d) Deciduous shrubs must be a minimum height of 450 mm at the time of planting. Smaller shrubs may be accepted depending on the species of shrub, and at the discretion of the Development Officer.

#### **4.13 Landscape Security**

- 4.13.1 The Development Officer may require, as a condition of a development permit that the owner provide a guaranteed security to ensure that landscaping is provided and maintained for two (2) years.

The security shall be cash or an irrevocable letter of credit having the value equivalent to 100% of the established landscaping costs.

- 4.13.2 Where applicable, the Development Officer shall require an applicant to prepare and forward an estimate for the cost of supplying and installing materials shown on a landscape plan. The estimate shall be prepared by a qualified individual or company, and shall outline the cost of individual landscape and labour to the satisfaction of the Development Officer.
- 4.13.3 If cash is offered as the landscaping security, the Town shall hold it until the landscaping has been installed, successfully maintained for two (2) years and the Development Officer is satisfied through site inspection that this has occurred.
- 4.13.4 If a letter of credit is offered as the landscaping security, it shall be in a form satisfactory to the Town. The initial term of the letter of credit shall be one (1) year. The letter of credit shall be automatically renewed for a further one (1) year term, sixty (60) days prior to expiry. This process shall be repeated as many times as is necessary so that the letter of credit is maintained until the installation of landscaping has occurred and maintenance of the landscaping has been carried out for two (2) years, as determined by and to the satisfaction of the Development Officer.
- 4.13.5 The owner shall notify the Town sixty (60) days prior to the expiry date of the letter of credit, in order to provide sufficient time for the Development Officer to inspect the site and to determine if the landscaping is installed and maintained in accordance with the regulations of this Bylaw. If landscaping conditions are satisfactory to the Development Officer, the letter of credit may be released. If inspection cannot be made within this sixty (60) day period due to weather conditions or other extenuating circumstances, the letter of credit shall automatically renew for a further one (1) year term.
- 4.13.6 Upon application by the owner's representative, a letter of credit may be reduced at the discretion of the Development Officer, when any of the following events occur and are to the satisfaction of the Development Officer:
  - a) the required landscaping has been properly installed; or
  - b) the required landscaping has been maintained and is in a healthy condition after one (1) growing season.
- 4.13.7 At the request of the owner, a letter of credit shall be released when the Development Officer is satisfied that the required landscaping has

been installed, maintained and is in a healthy condition after two (2) growing seasons.

- 4.13.8 Any letter of credit shall allow for partial draws. If the landscaping is not installed and maintained in accordance with the approved landscape plan within one (1) growing season after completion of the development, or if the landscaping is not well maintained and in a healthy condition two (2) years after completion of the landscaping, the Town may draw on the cash security or the letter of credit and the amount thereof shall be paid to the Town for its use absolutely. The owner shall reimburse all expenses incurred by the Town to renew or draw upon a letter of credit to the Town by payment of invoice or from the proceeds of the letter of credit.
- 4.13.9 Where the owner does not complete the required landscaping, or if the owner fails to maintain the landscaping in the healthy condition to the satisfaction of the Development Officer for the specified periods of time and the cash or the proceeds from the letter of credit are insufficient for the Town to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the Town immediately upon being invoiced. The Town shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied within sixty (60) days of completing or maintaining the landscaping.
- 4.13.10 Upon receipt of a written request from the parties involved in the development, including but not limited to, the property owner, condominium association or the issuer of the letter of credit, an inspection of the finished landscaping may be scheduled by the Development Officer. Inspections may be made during the normal growing season, approximately June 1 through September 30. All reasonable effort shall be made by the Development Officer to perform the inspection within ten (10) working days of receipt of the inspection request.

#### **4.14 Outdoor Lighting**

- 4.14.1 The provisions of this Section shall apply to all development, except:
- a) lighting required under the Alberta Building Code;
  - b) outdoor lighting fixtures which are necessary for worker safety;
  - c) seasonal decorations; or
  - d) signs.

4.14.2 All outdoor lighting shall be located, aimed and shielded in a manner that does not directly illuminate a road or an adjacent residential area.

4.14.3 Outdoor lighting used to illuminate flags, statues, or other objects mounted on a pole, pedestal or platform, or floodlighting used for architectural or landscape purposes must be aimed so that the directed light is substantially confined to the object(s) intended to be illuminated.

#### **4.15 Multiple Uses**

4.15.1 Where any land, building or structure is used for more than one purpose; all provisions of this Bylaw relating to each individual use shall apply. If there are conflicts between standards for individual uses, the more stringent standard shall apply.

#### **4.16 Projections**

4.16.1 A cantilever that provides additional interior space may project up to 0.6m into a required setback of 1.2m or greater, but in all cases at least 1.2m shall be maintained between the wall designed with the cantilever and the lot line.

4.16.2 Despite 4.16.1, the following may project up to 0.6m into a required setback of 1.2m or greater:

- a) architectural or ornamental features such as cornices, leaders, eaves, gutters, pilasters, sills and awnings;
- b) fireplaces and chimneys, provided the horizontal length of each projection shall not exceed a total of 1.83m; or
- c) satellite dishes 1.22m or less in diameter.

4.16.3 Where there is more than one cantilever or fireplace/chimney or both, the total horizontal length of all cantilevers shall not exceed one-third of the length of the building wall exclusive of any garage walls.

4.16.4 Where the cantilever in 4.16.1 is within a setback from a side lot line, the total horizontal length of all projections shall not exceed 3.05m

4.16.5 The following may project into a required setback as outlined below, provided there is no encroachment onto an easement or utility right of way;

- a) patios up to a maximum of 2.0m into a required setback from the front lot line and up to the lot line that abuts a side yard or

rear yard;

- b) decks up to a maximum of:
  - i) 0.6m into a required setback less than 4.0m;
  - ii) 2.0m into a required setback of 4.0m to 7.4m;
  - iii) 3.5m into a required setback of greater than 7.4m;
- c) unenclosed steps, landings and stairs which are attached to or abutting a principal building and provide direct access from ground level to the principal building up to a maximum of 2.0m into a front yard and rear yard and not less than 0.3m from the lot line that abuts a side yard;
- d) balconies up to a maximum of:
  - i) 2.0m into a front yard;
  - ii) 3.5m into a rear yard;
  - iii) 0.6 into a side yard;
- e) eaves and eavestrough up to a maximum of 0.5m into a required setback for accessory buildings.

4.16.6 Utilities and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with adjacent properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.

#### **4.17 Queuing**

4.17.1 Drive lanes shall have a sufficient turning radius to accommodate vehicle entrance to the drive through aisle.

4.17.2 No pedestrian access into the premises shall cross the drive through aisle.

4.17.3 Where the drive aisle is adjacent to a residential district, landscape screening shall be provided in accordance with this Bylaw.

4.17.4 The queuing space must not overlap with any parking spaces or drive aisles.

4.17.5 All drive through services shall comply with the following regulations:

- a) each queuing space shall be a minimum of 6.0 m long and 2.8 m wide;
- b) for drive-in food services facilities a minimum of four (4) queuing spaces shall be provided per service lane, plus a minimum of one (1) queuing space located downstream of the service window;
- c) for financial services drive-through facilities a minimum of two (2) queuing spaces shall be provided per service lane, plus a minimum of one (1) queuing space located downstream of the service window;
- d) for car washing establishments a minimum of four (4) queuing spaces shall be provided per service lane or wash bay, plus a minimum of one (1) queuing space located downstream of the service lane or wash bay; and
- e) for all other drive-through vehicle services not specified above a minimum of (4) queuing spaces per service land, plus a minimum of one (1) queuing space located downstream of the service lane, bay or window.

4.17.6 The Development Authority may reduce the number of queuing spaces if it can be shown that the traffic volume for the proposed use does not warrant the need for the required queuing spaces.

#### **4.18 Site Services and Improvements**

4.18.1 Site servicing such as private or public sewer, water, site grading, surface drainage and stormwater management for individual lots or bareland condominium units required as a result of a proposed development shall comply with all Town and provincial requirements.

4.18.2 Where private or public sewer, water, site grading, surface drainage, stormwater management or other essential services such as natural gas or power for individual lots or bareland condominium lots are required by the Development Authority, a Development Officer may refuse a use or development or impose a condition requiring the applicant to enter into a development agreement with the Town to construct or pay for the construction or upgrading of services necessary to serve the development.

4.18.3 The applicant or owner shall provide a guaranteed security to ensure that all site servicing is constructed and record drawings are submitted to the satisfaction of the Development Authority.

#### **4.19 Site Grading**

4.19.1 Unless otherwise exempted by this Bylaw, site grading shall not be allowed in any land use district until a development permit for a principal use has been issued.

4.19.2 Where, in the process of development, areas require site grading, filling or excavation, the topsoil shall be removed prior to work commencing and shall be replaced following completion of the work.

#### **4.20 Storage Pod**

4.20.1 Unless exempted by Section 3.4.17 a development permit for a storage pod, permanent or temporary, is required in all districts.

4.20.2 A storage pod as an accessory structure to an approved use may be considered in the M1 District and shall comply with the regulations of the district.

4.20.3 A storage pod may be placed temporarily on a multi residential, commercial, industrial or public service site for purposes of storage of equipment and materials. A valid development and building permit for the proposed new use must be issued for the site. The siting of the storage pods must comply with the setback regulations of the applicable district.