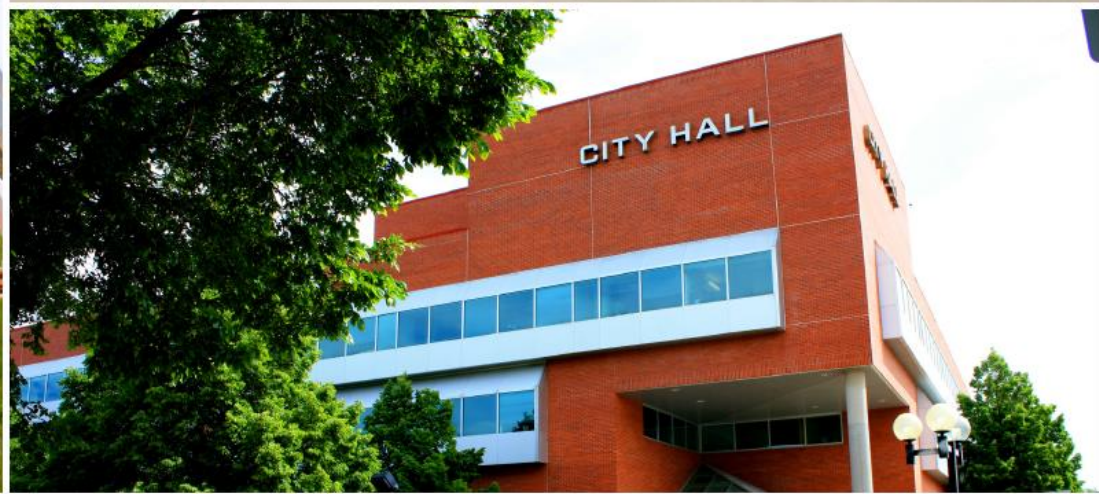




 **Medicine Hat**
The Gas City



Medicine Hat land use bylaw

Growing to a city of 100,000+



BYLAW 4168

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BYLAW # 4168

CONSOLIDATION OF A BYLAW TO REGULATE THE DEVELOPMENT AND USE OF LAND IN THE CITY OF MEDICINE HAT

WHEREAS the *Municipal Government Act* requires every Alberta municipality to pass a land use bylaw;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MEDICINE HAT ENACTS AS FOLLOWS:

0.1 TITLE

This Bylaw may be referred to as the “City of Medicine Hat Land Use Bylaw”.

PART 1 LAND USE DISTRICTS AND OVERLAYS

1.1 LAND USE DISTRICTS ESTABLISHED

- (i) The following Land Use Districts are established, the locations of which are shown on the Land Use District Maps:
 - (1) Low Density Residential District (R-LD)
 - (2) Medium Density Residential District (R-MD)
 - (3) Mixed Use District (MU)
 - (4) Downtown Mixed Use District (MU-D)
 - (5) Neighbourhood Commercial District (C-N)
 - (6) Regional Commercial District (C-R)
 - (7) Highway Commercial District (C-H)
 - (8) Business Industrial District (I-B)
 - (9) General Industrial District (I-G)
 - (10) Heavy Industrial District (I-H)

- (11) Historic Clay District (HC)
 - (12) Community Services District (CS)
 - (13) Open Space District (OS)
 - (14) Utilities District (U)
 - (15) Future Urban Development District (FUD)
 - (16) Airport District (A)
 - (17) Direct Control District (DC)
- (ii) Detailed descriptions of the Land Use Districts including the Purpose Statements, Permitted Uses, Discretionary Uses, and Development Regulations specific to each District are set out in Parts 6 through 10.

1.2 OVERLAYS ESTABLISHED

- (i) The following Overlays are established, and described in the indicated Schedules to this Bylaw:
- (1) River Flats Overlay – Schedule A
 - (2) Deleted ¹
 - (3) Deleted ²
 - (4) Airport Vicinity Protection Overlay – Schedule E ³
- (ii) The purpose of an Overlay is to establish Development Regulations, applicable to Sites within the Overlay, that are in addition to and not in substitution for other Development Regulations, unless a Development Regulation set out in an Overlay Schedule specifically or by necessary implication supersedes, replaces or varies another Development Regulation.

1.3 DETERMINING BOUNDARIES

In the event of uncertainty or dispute with respect to the location of the boundary of a Land Use District or Overlay, the location will be determined by application of the following rules:

- (i) Where the boundary of a District or Overlay is shown as approximately following the boundary of a Site, a utility right-of-way, an easement, or the City, the District boundary or Overlay boundary is deemed to follow the

¹ Amended by Bylaw 4376 – October 4, 2016

² Amended by Bylaw 4273 – July 7, 2015

³ Amended by Bylaw 4377 – September 19, 2017

surveyed boundary of the Site, the utility right-of-way, the easement, or the City.

- (ii) Where the boundary of a District or Overlay is shown as approximately following a road, the road itself is not included within the District or Overlay.
- (iii) Where the boundary of a District or Overlay is shown as approximately following the edge or shore of a body of water, the boundary is deemed to follow the edge line or shore line and in the event of a naturally occurring change in the location of the edge line or shore line the District boundary or Overlay boundary is deemed to have changed to conform to the new location of the edge line or shore line.
- (iv) Where the boundary of a District or Overlay is shown as following a topographic contour line or a Development Setback Line established on Geophysical Risk Lands, the boundary is deemed to follow the contour line or Setback line, and in the event of a change in the location of the contour line caused by natural forces or a change made by a Development Authority to the Setback line the boundary is deemed to have changed to conform to the new location of the contour line or Setback line.
- (v) Where the boundary of a District or Overlay is shown as being parallel to or an extension of any of the features described in subsections (i) through (iv) of this section 1.3, the boundary is deemed to be where a plan of survey shows, or would show, such parallel or extended line to be.
- (vi) If the exact location of a District boundary or Overlay boundary cannot be determined by the application of subsections (i) through (v) of this section 1.3, a Development Authority shall determine the location of the boundary on the basis of measurements scaled from the applicable Land Use District Map or Overlay map.

PART 2

DEVELOPMENT APPROVAL

2.1 DEVELOPMENTS IN COMPLIANCE WITH BYLAW

No person shall commence, continue or carry on a Development, or cause or allow a Development to be commenced, continued, or carried on, unless

- (i) a Development Permit authorizing the Development has been issued and remains in force and effect; or
- (ii) the Development is exempt from the requirement of a Development Permit pursuant to the provisions of this Bylaw or any other enactment.

2.2 DEVELOPMENTS NOT REQUIRING DEVELOPMENT PERMIT

The following Developments do not require a Development Permit if they comply with all applicable Development Regulations and other requirements of this Bylaw, but do require a Development Permit if a Variance is needed:

- (i) alteration, renovation, repair or maintenance of a Building where there is no increase to the Gross Floor Area;
- (ii) a change of use of a Building to a Permitted Use where there is no increase to the Gross Floor Area;
- (iii) demolition of a Building where a Development Permit has been issued for a new Development on the same Site, if demolition of the existing Building is allowed under the terms of the new Development Permit;
- (iv) erection or construction of:
 - (1) a Driveway or walkway in a R-LD District, ⁴
 - (2) a Shed or a Building with a GFA less than 10 m² that is associated with a non-residential use, ⁵
 - (3) a fence less than 2.0 m in height, ⁶
 - (4) a retaining wall not more than 0.60 m high,

⁴ Amended by Bylaw 4273 – July 7, 2015

⁵ Amended by Bylaw 4273 – July 7, 2015

⁶ Amended by Bylaw 4273 – July 7, 2015

- (5) a pergola or arbor,
- (6) an uncovered deck or patio,
- (7) a waste management enclosure,
- (8) a hot tub in a residential District,⁷
- (9) a satellite dish antenna with a signal receiving surface area less than 1.00 m²,
- (10) a solar panel mounted to the roof of a Building;
- (v) Landscaping, where the existing grade and natural surface drainage pattern is not materially altered;
- (vi) a Community Garden;
- (vii) use of a Building or part of a Building for a polling station, returning officer's headquarters, candidate's campaign office or any other official temporary use in connection with an election, referendum or census;
- (viii) a temporary Building placed for the sole purpose of serving as a construction office for a Development, provided the temporary Building is removed upon completion of construction of the Development;
- (ix) construction, renovation or repair of any municipally owned infrastructure, roads, bridges, or utilities;⁸
- (x) a Development carried out pursuant to a Service Agreement;
- (xi) a market, special function tent, or outdoor amusement park placed or erected on a temporary basis;⁹
- (xii) temporary or seasonal hucksters or transient businesses;
- (xiii) a sign identified in Schedule D as not requiring a Development Permit.
- (xiv) a Day Home.¹⁰

2.3 EFFECTIVE DATE OF DEVELOPMENT PERMIT

- (i) A Development Permit comes into force and effect only after the time for an appeal to the Board has expired or, if an appeal has been filed, a decision has been made by the Board to confirm the issuance of the

7 Amended by Bylaw 4273 – July 7, 2015

8 Amended by Bylaw 4273 – July 7, 2015

9 Amended by Bylaw 4273 – July 7, 2015

10 Amended by Bylaw 4273 – July 7, 2015

Development Permit subject to any Variance or other change to conditions of approval directed by the Board.

- (ii) Notwithstanding subsection 2.3(i) and subject to subsection 2.3(iii) a Development may be commenced before the time for an appeal to the Board has expired, if no appeal has been made other than an appeal of conditions by the Development Permit holder and if the Development Permit holder has executed and delivered to a Development Authority a Voluntary Waiver of Claims in the form prescribed by the CAO.
- (iii) If a Development Permit holder executes and delivers to a Development Authority a Voluntary Waiver of Claims in the prescribed form and if an appeal is filed in respect of the Development by a person other than the Development Permit holder, within the time limited for doing so:
 - (1) the Development must not commence, or if already commenced must forthwith cease, pending the outcome of the appeal; and
 - (2) any person who commences or carries on the Development, or causes or allows it to be commenced or carried on, contravenes section 2.1 of this Bylaw as though the Voluntary Waiver of Claims had never been executed.
- (iv) Subject to subsection 2.3(v) a Development Permit expires and is of no further force or effect if the Development is not commenced within 12 months from the date that the Development Permit was issued.
- (v) A Development Authority may extend the period for commencement of a Development for up to 12 additional months if an application for extension is received from the Development Permit holder before the Development Permit expires pursuant to the provisions of section 2.3(iv).

2.4 DURATION OF DEVELOPMENT APPROVAL

A Development Permit remains in effect indefinitely, subject to

- (i) expiry pursuant to subsection 2.3(iv) and;
- (ii) cancellation or suspension pursuant to section 3.3

unless a condition of the Development Permit specifies a time limit on the duration of Development approval.

2.5 WAITING PERIODS FOLLOWING REFUSALS

- (i) When a Rezoning Application is made and the Council does not pass the resulting amending bylaw, another Rezoning Application for the same or substantially the same Site must not be accepted from the same or any

other Applicant until six months after the date on which the amending bylaw is defeated by the Council.

- (ii) Subject to subsection 2.5(iii) when an application for a Development Permit is refused by a Development Authority and

- (1) an appeal results in the refusal being upheld by the Board, or
 - (2) no appeal is made within the time limited for doing so

another application for a Development Permit for the same or substantially the same use on the same or substantially the same Site must not be accepted from the same or any other Applicant until six months after the date of the refusal of the original application by a Development Authority.

- (iii) The six month waiting period referenced in subsection 2.5(ii) does not apply in the case of a Development Permit application that is refused solely on the basis that the proposed Development was not in compliance with a Development Regulation if a re-application for Development approval contains the necessary changes to bring the proposed Development into compliance with the Development Regulation.

PART 3

POWERS AND DUTIES OF DEVELOPMENT AUTHORITY AND CHIEF ADMINISTRATIVE OFFICER

3.1 DEVELOPMENT AUTHORITIES ESTABLISHED

- (i) The Chief Administrative Officer is a Development Authority, with powers and duties as set out in this Bylaw or in any other enactment.
- (ii) The Commission is a Development Authority with powers and duties as set out in this Bylaw or in any other enactment.
- (iii) The Chief Administrative Officer may delegate in writing the powers and duties of Development Authority.
- (iv) If the Chief Administrative Officer has delegated to the General Manager the powers and duties of Development Authority, the General Manager may further delegate such powers and duties to one or more Development Officers.

3.2 POWERS AND DUTIES OF DEVELOPMENT AUTHORITIES

- (i) A Development Authority may issue a Development Permit.
- (ii) A Development Authority may impose conditions of approval of a Development Permit, based on any or all of the following:
 - (1) the application of land use planning considerations or principles to the circumstances of a proposed Development;
 - (2) ensuring that the Development will comply with the Municipal Servicing Standards or, where deemed appropriate by the Development Authority, will be exempt from compliance with some or all of the Municipal Servicing Standards;
 - (3) ensuring compliance with any provision of this Bylaw;regardless of whether the Development is a Permitted Use, a Discretionary Use, or a Similar Use.

- (iii) Without limiting the generality of subsection 3.2(ii) a Development Authority may impose as a condition of approval of a Development Permit:
 - (1) a requirement that the Applicant enter into an agreement with the City, satisfactory to the City, to provide for any matter or thing relevant to the Development or to the relationship between the Applicant and the City resulting from or relating to the Development, including without limitation any matter or thing described in section 650 or section 651 of the Act;
 - (2) a specified time limit on the duration of Development approval in the case of a Development Permit for a Discretionary Use, a Similar Use, or a Permitted Use approved with a Variance.
- (iv) A Development Authority may approve a Development Permit with or without conditions for a use of a Site or a Building that is neither a Permitted Use nor a Discretionary Use in the District in which the Development is to be located, provided that:
 - (1) the proposed use is a Similar Use; and
 - (2) all public notices of the Development Permit approval specifically reference the fact that the use was approved as a Similar Use.
- (v) Unless a specific provision of this Bylaw provides otherwise, a Development Authority may allow a Variance as a condition of a Development Permit if:
 - (1) the proposed Development is a Permitted Use, Discretionary Use or Similar Use in the District in which it is to be located;
 - (2) the proposed Development, with Variance, would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
 - (3) the Variance is a function of an aspect or feature that is specific to the Site, Building or sign to which it applies, not shared by a significant number or other Sites, Buildings or signs in the City;
 - (4) the Variance represents the smallest deviation from the applicable Development Regulation or other requirement of this Bylaw that in the opinion of the Development Authority is needed to accommodate the proposed Development; and
 - (5) the Variance is expressed to be a condition of Development Permit approval, and is specifically mentioned in public notices of the Development Permit approval.

- (vi) If a time limit on the duration of approval has been included as a condition of a Development Permit, a Development Authority has the discretion to extend that time upon application from the Development Permit holder made before the expiry date of the Development Permit.
- (vii) A Development Authority may refuse to issue a Development Permit:
 - (1) for a Permitted Use that does not conform to this Bylaw; or
 - (2) for a Discretionary Use or Similar Use that does not conform to this Bylaw or that, in the opinion of the Development Authority, is not suitable for its intended location on the basis of relevant land use planning considerations or principles;provided that the Development Authority shall give the Applicant written reasons for a refusal to issue a Development Permit.
- (viii) Notwithstanding any other provision of this Bylaw if a Building is or becomes a provincial historic resource, a registered historic resource or a municipal historic resource under or within the meaning of the *Alberta Historical Resources Act*, a Development Authority has the discretion to allow a Development in respect of the Building that is not a Permitted Use, a Discretionary Use or a Similar Use in the District in question, provided that:
 - (1) the Development is confined entirely to the interior of the Building;
 - (2) the Development is not inconsistent with the Purpose Statement for the District; and
 - (3) the Development Permit authorizing the Development contains such conditions as the Development Authority deems appropriate for the purpose of ensuring that the Development does not alter, or detract from the visual appearance or impact of, the character-defining elements of the Building that led to its designation as a provincial historic resource, a registered historic resource or a municipal historic resource.

3.3 CANCELLATION/SUSPENSION OF DEVELOPMENT PERMIT

- (i) When a Development for which a Development Permit has been issued is not being constructed or carried on in compliance with any condition of the Development Permit or with any applicable provision of this Bylaw or any other enactment, then in addition to any other lawful action it may take a Development Authority may:

- (1) suspend the Development Permit for either an indefinite or a specified period of time, until the Development is brought into compliance; or
 - (2) cancel the Development Permit.
- (ii) If a Development Permit is issued by mistake, or on the basis of incorrect information, a Development Authority may cancel the Development Permit.
- (iii) If a Development Authority cancels or suspends a Development Permit it shall make reasonable efforts to locate and inform the Development Permit holder of the action taken.

3.4 STOP ORDER

A Development Authority may issue any order described in section 645(2) of the Act upon the occurrence of any event or circumstance described in section 645(1) of the Act.

3.5 ADMINISTRATIVE POWERS AND DUTIES

- (i) In addition to exercising powers and fulfilling duties as Development Authority under section 3.1(i) the CAO is responsible for administering and enforcing this Bylaw and in so doing has the authority to create or issue forms, procedures, protocols, requirements, guidelines, and interpretations of terminology used in this Bylaw, that are not inconsistent with any provision of this Bylaw or any other enactment, in respect of:
 - (1) any aspect of the process of making application for a Development Permit, a subdivision, an amendment to this Bylaw or a compliance certificate or compliance letter, including:
 - (a) the supporting material required for an application,
 - (b) when an application is deemed to be complete,
 - (c) when an Applicant is required to post a public notification in respect of property that is the subject of an application for Development approval, subdivision, or amendment to this Bylaw, and the type of notification required;
 - (2) any matter relating to enforcement of this Bylaw, or enforcement of a condition of a Development approval or subdivision approval.
- (ii) The CAO may cause to be published or posted on the City's website a version of this Bylaw or portion of this Bylaw that includes illustrative

diagrams or explanatory notes, if a disclaimer is included to advise readers that the illustrative diagrams or explanatory notes do not form part of the official Bylaw as enacted by the Council.

- (iii) The CAO must ensure that every application for a Development Permit is:
 - (1) processed, and a decision made and communicated to the Applicant; or
 - (2) referred to the Commission or the Council, with adequate supporting material including a staff recommendation, when required under this Bylaw or when the CAO exercises discretion under subsection 3.5(iv)

as expeditiously as available resources will allow.

- (iv) The CAO has the discretion to refer any Development Permit application to the Commission acting as a Development Authority, regardless of whether such referral is required under this Bylaw.
- (v) The CAO must ensure that every Rezoning Application is processed and a corresponding amending bylaw prepared for referral to the Commission and presentation to Council, with adequate supporting material including a staff recommendation, as expeditiously as available resources will allow.
- (vi) The CAO must create processes and requirements to establish how, when and to whom notice of the issuance of a Development Permit is to be given, consistent with the principle that a person affected by a new development should have a reasonable opportunity to learn of the Development Permit authorizing the development in time to initiate an appeal to the Board.

3.6 MANDATORY REFERRALS TO COMMISSION

- (i) Every Rezoning Application, or other type of application for a bylaw to amend this Bylaw, including applications originating from within the City organization, must be referred to the Commission for review and recommendation to the Council before the amending bylaw receives second reading.
- (ii) Every application for approval of a Development on a Site located in whole or in part within the Direct Control District must be referred to the Commission which shall either make a decision or make a recommendation to the Council, in accordance with the provisions of section 10.7.

PART 4

INTERPRETATION AND DEFINITIONS

4.1 INTERPRETATION

In this Bylaw and in any form, procedure, protocol, requirement, guideline or interpretation of terminology created or issued by the CAO under subsection 3.5(i), unless the context explicitly or by necessary implication requires otherwise:

- (i) the letter “m” standing alone in lower case means “metres”;
- (ii) the words "include," "includes," and "including" (and similar formulations) are deemed to be followed by "without limitation";
- (iii) a reference to a person means both a natural person and a body corporate or partnership;
- (iv) a word or expression not defined in this Bylaw but defined in the Act has the same meaning as in the Act, except that the meaning of the word “road” is expanded to incorporate everything included in the definition of “highway” in the Alberta *Traffic Safety Act*;
- (v) a reference to an application for a Development Permit includes an application for an amendment to an existing Development Permit.

4.2 ROUNDING OF NUMBERS

In determining whether a Building, a Site, a Setback, a sign or any other thing complies with a requirement of height, area, distance, luminance or illumination, the measurement of the Building, Site, Setback, sign or other thing shall be rounded to the same number of significant digits as set out in this Bylaw.

4.3 APPLICATION OF PURPOSE STATEMENTS

- (i) Purpose Statements for Land Use Districts are intended to describe in a general way the intent of the Council for development of the District and are not to be construed as setting out exhaustively all the characteristics that a Development must have in order to be a Permitted Use or Discretionary Use in the District.
- (ii) In determining whether a proposed Development may be a Similar Use, a Development Authority must consider the Purpose Statement for the

District where the Development is proposed to be located and must not apply a Similar Use characterization unless satisfied that the proposed Development is substantially consistent with that Purpose Statement and thereby meets the intent of the Council for development of the District.

4.4 GENERAL DEFINITIONS ¹¹

In this Bylaw, the following terms have the meanings set out in this section:

Accessory Use means a use of a Site or a Building, or a portion of a Site or a Building, that is ancillary to and customarily associated with a Principal Use, provided however that an Adult Establishment is not an accessory use to any other land use defined in this Bylaw.

Alley means an Alley as defined in the *Traffic Safety Act* of Alberta.

Applicant means a person who is lawfully entitled to make, and makes, an application for any document, approval or other thing that may be issued, made or done under the authority of this Bylaw.

Arterial and Collector Road Map means a map of the City or a portion of the City, showing the locations of Arterial Roads and Collector Roads in the area depicted by the map, that is adopted by resolution of the Council and:

- (i) maintained in secure electronic format by the CAO, clearly identified as an official version for the purposes of this Bylaw and accessible for revision only by persons so authorized by the CAO;
- (ii) revised only at the direction of the CAO, only when the City makes a change to the road network affecting an Arterial Road or a Collector Road; and,
- (iii) available for inspection in electronic format on the City's website and available for either inspection or purchase in hard copy printout at the offices of the Planning, Building and Engineering Department or the Municipal Works Department of the City.

Arterial Road means a road shown as an Arterial Road on the Arterial and Collector Road Map.

Back of Sidewalk means the edge of a sidewalk that adjoins or overlaps a Property Line, on the opposite side of the sidewalk from the side that abuts the road.

Boulevard means a Boulevard as defined in the *Traffic Safety Act* of Alberta.

Building means a Building as defined in the *Municipal Government Act*.

Building Height means the vertical distance between the geodetic elevation of the floor on the first Storey and the highest point of the roof.

11 Amended by Bylaw 4273 – July 7, 2015

Building Inspector means an employee, contractor or agent of the City, responsible for enforcing the *Alberta Safety Codes Act* and regulations thereunder.

Bylaw means this Land Use Bylaw.

Bylaw Enforcement Officer means a person appointed by the City or by the City's Police Service, having the authority to enforce City Bylaws, and includes a police officer or peace officer appointed under the *Alberta Police Act* or *Peace Officer Act*.

Chief Administrative Officer or **CAO** means the person appointed as Chief Administrative Officer, Municipal Services, pursuant to the *Administrative Organization Bylaw* and includes any person to whom the CAO has delegated any power, duty or responsibility assigned to the CAO under this Bylaw.

City of Medicine Hat or **City** means the municipal corporation of the City of Medicine Hat or the land lying within the boundaries of the City of Medicine Hat, as the context requires.

Collector Road means a road shown as a Collector Road on the Arterial and Collector Road map.

Commission means the Municipal Planning Commission for the City of Medicine Hat, established under the *Municipal Planning Commission Bylaw*.

Corner Site means:

- (i) a Site located at the intersection of two roads that are not Alleys, if the angle formed by that intersection measures 135 degrees or less; or,
- (ii) a Site having a Property Line that abuts a road which:
 - (a) is not an Alley, and,
 - (b) changes direction at any point where it abuts the Siteif the angle formed by the change of direction as determined by the lines tangent to the Property Line abutting the road measures 135 degrees or less.

Corner Visibility Triangle means a triangular area on

- (i) a Site located at the intersection of two roads that are not Alleys; or,
 - (ii) a Site located at the intersection of an Alley and a road that is not an Alley
- formed on two sides by the edges of the two roads, or the road and Alley, that intersect at a corner of the Site; and on the third side by a straight line drawn to connect two points, one along the intersecting edge of each road or Alley, that lie:
- (iii) 7.50 m from the point of intersection in the case of two intersecting roads that are not Alleys; or,

- (iv) 3.00 m from the point of intersection in the case of an Alley intersecting with a road that is not an Alley.

[Note: a corner Site may have more than one corner visibility triangle, if there is an Alley behind it and roads to the front and side.]

Council means the Council of the City of Medicine Hat.

Deck means a horizontal structure, raised a minimum of 0.6 m above grade, that is intended for use as an outdoor amenity space. A Deck may be covered or enclosed with screens and windows.

Development means a Development as defined in the *Municipal Government Act*.

Development Authority means a person or entity established under this Bylaw as a Development Authority and includes any person to whom powers and duties of Development Authority have been delegated to the extent of the scope of the delegation.

Development Officer means a person to whom the General Manager has delegated some or all of the powers and duties of Development Authority.

Development Permit means a document authorizing a Development issued under the provisions of this Bylaw.

Development Regulation means:

- (i) a rule or requirement set out in Part 5;
- (ii) a rule or requirement that applies to Developments in a particular District, if set out in the detailed description of the District in Part 6, 7, 8, 9, or 10, including any rule or requirement for the District that is determined by a Development Authority;
- (iii) a rule or requirement that applies to an overlay, if set out in the description of the overlay in Schedule A; and,¹²
- (iv) a rule or requirement that applies to signs, set out in Schedule D.

Dilapidated Vehicle means a Vehicle that is:

- (i) incapable of being safely operated;
- (ii) partially or fully dismantled; or,
- (iii) substantially damaged.

Discretionary Use means a use of a Site or a Building for which a Development Authority may in its discretion issue a Development Permit to an Applicant, if the application otherwise conforms to this Bylaw.

District or Land Use District means a land use District established under section 1.1(i), more particularly described in Part 6, 7, 8, 9, or 10 and diagrammed on a Land Use District Map.

12 Amended by Bylaw 4376 – October 4, 2016

Driveway means a hard surfaced area that provides access for Vehicles from a road to an attached garage, Garage or Off-street Parking associated with a residential use.

Dwelling means a self-contained unit for the purpose of a household residence that may include food storage and preparation, sleeping and personal hygiene facilities.

Environmental Site Assessment or **ESA** means a written report prepared by or under the supervision of a qualified professional, to describe and assess the overall environmental status of a Site, including:

- (i) whether there is or may be any substance above, on, or below the surface of a Site, or any other conditions or circumstances on or relating to the Site, that could create a risk to the environment or to human health either on or off the Site, and if so what is the nature and extent of the risk and what are the options to eliminate or mitigate the risk; and,
- (ii) whether there is, or has been, any enforcement action including any administrative penalty or sanction, arising from a breach of a federal or provincial environmental enactment or a failure to comply with the terms of any provincial or federal environmental approval or permit, relating to the Site.

Exterior Side Property Line means a Side Property Line of a Site that forms the boundary of the Site with a road.

Exterior Side Setback means the distance between a Building or Development or other specified thing on a Site, and an Exterior Side Property Line.

Exterior Side Yard means a Side Yard that abuts a road.

Floor Area Ratio or **FAR** means the numerical value obtained by dividing the Gross Floor Area of all Buildings on a Site, excluding parking below grade, by the Site Area.

Frontage means:

- (i) where used with reference to residential Developments, the length of the Front Property Line of the Site; and,
- (ii) where used with reference to non-residential Developments, the length of the Property Line of a side of a Site that abuts a road other than an Alley.

Front Property Line means the Property Line separating a Site from an abutting road other than an Alley, and in the case of a corner Site means the shorter of the two Property Lines separating the Site from an abutting road.

Front Setback means the distance between a Building or Development or other specified thing on a Site, and a Front Property Line.

Front Yard means the portion of a Site extending across the full width of the Site that is bounded on one side by a Front Property Line and on the other side by a notional line that is flush with the front of the principal Building and extends to the Side Property Lines.

General Manager means the General Manager of the City's Planning, Building and Development Services Department and includes any other City employee to whom the General Manager delegates any of the powers or duties of that position other than the powers or duties of Development Authority.

Gross Floor Area or **GFA** means the total floor area of a Building contained within the outside surface of exterior and basement walls.

Gross Vehicle Weight means the value specified by the Vehicle manufacturer as the maximum loaded weight of a Vehicle.

Interior Side Property Line means a Side Property Line of a Site that forms the boundary of the Site with another Site.

Interior Side Setback means the distance between a Building or Development or other specified thing on a Site, and an Interior Side Property Line.

Interior Side Yard means a Side Yard that does not abut a road.

Internal Private Roadway means a road that is located entirely on a Site and is used to provide access to Development within the Site.

Landscaping or **Landscaped** means the enhancement of a Site by the addition of:

- (i) trees, shrubs, turf, or other vegetative plantings; or
- (ii) decorative hardsurfacing elements such as pavers, landscaping rock, or stamped and coloured concrete,

but does not include monolithic concrete, asphalt, gravel, or loose aggregate.

Land Use District Map means a map of the City or a portion of the City, showing the land use District classifications of the Sites covered by the map, that is adopted by resolution of the Council and:

- (i) maintained in secure electronic format by the CAO, clearly identified as an official version for the purposes of this Bylaw and accessible for revision only by persons so authorized by the CAO;
- (ii) revised only on the direction of the CAO, only when the council makes an amendment to this Bylaw affecting the District classification of a Site or when an event or circumstance described in section 1.3 requires a revision to the map; and,
- (iii) available for inspection in electronic format on the City's website and available for either inspection or purchase in hard copy printout at the offices of the Planning, Building and Development Services Department of the City.

Large Vehicle means a Vehicle, other than a Recreational Vehicle:

- (i) with a gross vehicle weight, vehicle signage, or vehicle registration, to be in excess of 6500 kilograms;
- (ii) with one or more of the following characteristics:
 - (1) tandem axles;
 - (2) a passenger capacity in excess of 15 persons; or,
 - (3) dual wheels where the vehicle includes a flat deck or other form of utility deck; and,
- (iii) that can be generally described as a bus, cube van, dump truck, flatbed truck, or tractor trailer.

Livestock means one or more of the following:

- (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
- (ii) domestically reared or kept deer, reindeer, moose, elk, or bison;
- (iii) farm bred fur bearing animal including a fox or mink;
- (iv) animal of the bovine species;
- (v) animal of the avian species including a chicken, turkey, duck, goose or pheasant; and
- (vi) any other animal that is kept for agricultural purposes,

but does not include cats, dogs or other domesticated household pets.

Motor Vehicle or **Vehicle** means a motor vehicle as defined in the *Traffic Safety Act* of Alberta.

Municipal Government Act or **MGA** or **Act** means the *Municipal Government Act* of Alberta.

Municipal Servicing Standards or MSSM means the detailed requirements for construction of any municipal infrastructure, public utility, or road or of anything intended to connect to or integrate with any municipal infrastructure, public utility, or road, as set out in a document or set of documents published by the City under the title of "Municipal Servicing Standards Manual".

Off-Street Parking means an area associated with a Development that is set aside for parking of Motor Vehicles, and is located on the Development Site and not on a road.

Outdoor Display Area means an outdoor place on a commercial Site where goods are temporarily put on display for inspection by, or retail sale or lease to, the general public.

Permitted Use means a use of land or a Building for which a Development Permit must be issued to an Applicant, with or without conditions, if the application otherwise conforms to this Bylaw.

Principal Building means a Building in which a Principal Use of a Site occurs.

Principal Dwelling means a Building or portion of a Building in respect of which the Principal Use is a residence.

Principal Use means the primary use of a Site or Development.

Property Line means the line shown on a legal plan of survey that forms a boundary between a Site and an abutting Site or a road.

Purpose Statement means the words under the heading “Purpose” at the beginning of each District description found in Parts 6 through 10 of this Bylaw.

Real Property Report or **RPR** means a report on a Site, prepared by a qualified Alberta land surveyor, in accordance with the Alberta Land Surveyors’ Association Manual of Standard Practice.

Rear Property Line means the Property Line of a Site which is furthest from and parallel or approximately parallel to the Front Property Line.

Rear Setback means the distance between a Building or Development or other specified thing on a Site, and a Rear Property Line.

Rear Yard means the portion of a Site extending across the full width of the Site that is bounded on one side by a Rear Property Line and on the other side by a notional line that is flush with the side of the Principal Building that is nearest to the Rear Property Line and extends to the Side Property Lines.

Recreational Vehicle or **RV** means a vehicle or other thing that is primarily designed to provide temporary living quarters for recreational camping, travel or seasonal use, whether it has its own motor power or is mounted on or towed by another Vehicle, and includes a motorhome, a travel trailer, a fifth wheel travel trailer, a tent trailer, and a camper whether or not the camper is attached to a Vehicle.

Rezoning Application means an application to amend this Bylaw for the purpose of changing the District classification of a Site.

River Flats Overlay Map means a map showing the locations of Sites included within the River Flats Overlay, that is adopted by resolution of the Council and:

- (i) maintained in secure electronic format by the CAO, clearly identified as an official version for the purposes of this Bylaw and accessible for revision only by persons so authorized by the CAO;
- (ii) revised on the direction of the CAO, only when the Council makes an amendment to this Bylaw affecting the River Flats Overlay or when an event or circumstance described in section 1.3 requires a revision to the map; and,
- (iii) available for inspection in electronic format on the City’s website and available for either inspection or purchase in hard copy printout at the offices of the Planning, Building and Engineering Department of the City.

Screening means the use of Landscaping, fences or berms to visually separate areas, Sites or uses.

Service Agreement includes an agreement of the kind described in section 655(1)(b) of the *Municipal Government Act*.

Setback means the distance between:

- (i) the foundation of a Building, excluding exterior cladding, a Development, a natural feature or other thing, and
- (ii) a Property Line, a Building, a Development or other thing

and when any thing is described as being “set back” from any other thing, a grammatically analogous meaning applies.

Shed means a detached accessory Building 10 m² or less in Gross Floor Area that is associated with a residential use.

Side Property Line means a Property Line of a Site other than the Front Property Line or the Rear Property Line.

Side Setback means the distance between any part of a Building or Development or other thing on a Site that is within or abuts a Side Yard, and the segment of Side Property Line that forms the boundary of that Side Yard.

Side Yard means that portion of a Site situated:

- (i) between the Side Property Line and the nearest wall of the principal Building on the Site (not including projections); and,
- (ii) between the Front Yard and the Rear Yard.

Similar Use means a use of a Site or Building, in a District, which in the opinion of a Development Authority is so similar to a Permitted Use or a Discretionary Use in that District that it meets the intent of the Council for the Development of that District as set out in the applicable purpose statement, but does not include a use that is a Permitted Use or a Discretionary Use in any other District.

Site means a lot or a parcel of land, or in the case of a Development located or to be located on more than one lot or parcel of land, the aggregate of the lots or parcels of land on which the Development is located or to be located, and includes a condominium unit but does not include a road.

Site Area means the area contained within the boundaries of a Site as shown on a plan of subdivision or as described in a certificate of title.

Site Coverage means that portion of the Site Area that is covered by Buildings excluding eaves, uncovered stairways, uncovered patios, Sheds, Driveways, walkways, Landscaping, decorative ponds, gardens, temporary swimming pools, uncovered pergolas, fences, or retaining walls.

Site Width means the horizontal distance between the Side Property Lines of a Site measured at a distance 6.0 m back from the midpoint of the Front Property Line.

Storey means that portion of a Building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Subdivision and Development Appeal Board or **SDAB** or **Board** means the Subdivision and Development Appeal Board for the City of Medicine Hat.

Traffic Control Device has the meaning set out in the Alberta *Traffic Safety Act*.

Units Per Hectare or **UPH** means the residential density of a Site, calculated as a ratio of the number of Dwellings divided by the Site Area in hectares.

Variance means a variation, relaxation or waiver of a Development Regulation or other requirement of this Bylaw, allowed as a condition of a Development Permit for a Development that is a Permitted Use, a Discretionary Use or a Similar Use in the District or overlay where it is proposed to be located, or as a condition of a Development Permit for a sign.

Voluntary Waiver of Claims means a document executed and submitted by the holder of a Development Permit, for the purpose of allowing that person to commence the Development or cause or allow it to be commenced, before the period for appeal to the Board has expired.

4.5 USE DEFINITIONS

In this Bylaw, the following uses have the meanings set out in this section:

Adult Establishment means a business that provides entertainment, goods or services that appeal to or stimulate, or are intended to appeal to or stimulate, the prurient interests or erotic desires of its customers or patrons, whether or not that is a Principal Use, but does not include a business that holds a valid and subsisting license under the *Escort Service Bylaw* and does not include a retail business that provides goods of that kind [including printed, audio recorded or video recorded material] if a person authorized to represent the business is able to show on a balance of probabilities that:

- (i) not more than 30% of the retail floor area of the business contains goods of that kind;
- (ii) the total number of goods of that kind on the premises does not at any time exceed 30% of the total number of all goods on the premises that are available for inspection, sale, rental or loan;
- (iii) goods of that kind are at all times kept physically separate from all other goods on the premises that are available for inspection, sale, rental or loan; and
- (iv) goods of that kind are not sold, rented or loaned to, or made available for inspection by, persons under the age of 18 years.

Agricultural Use means the cultivation or keeping of fruits, vegetables, grains or animals for commercial gain, but does not include a confined feeding operation as defined in the Alberta *Agricultural Operation Practices Act* and does not include an Animal Service.

Animal Service means a Development whose Principal Use is treatment, boarding, kenneling, grooming, impoundment, or training of domestic animals, and includes veterinary clinics, pet grooming, boarding and breeding kennels, impoundment facilities or animal shelters, but does not include a confined feeding operation as defined in the Alberta *Agricultural Operation Practices Act*.

Apartment means a Building that contains 3 or more Dwellings, a common entrance for the Dwellings to the exterior, and an internal hallway system.

Artist Studio means a Development whose Principal Use is the creation of works of art, and includes instruction in art and sales of works of art.

Backyard Suite means a Dwelling located in the Rear Yard of a Site where the Principal Use is a Single Detached House.

Bar means a Development whose Principal Use is to provide alcoholic beverages for on-site consumption, and includes a pub, a nightclub or a lounge and may include live or recorded entertainment.

Business and Professional Office means a Development whose Principal Use is to provide administrative, consulting, financial, information, management, or professional services, and includes a bank, a call centre or the office of an architect, engineer, insurance agent, lawyer, or travel agent but does not include a Health Care Facility or a Health Care Office.

Business Support Services means a Development whose Principal Use is the provision of support services to businesses, where all of the on-site activity occurs indoors, and includes sign making, catering, janitorial services, security services, and office equipment and supplies sales and service.

Campground means a Development whose Principal Use is seasonal short term parking and occupancy of tents, Recreational Vehicles, and other similar Vehicles.

Cemetery means a Development whose Principal Use is disposal of remains of the deceased, and includes a columbarium, mausoleum or pet cemetery.

Club means a Development whose Principal Use is meetings or social or recreational activities of a non-profit charitable, benevolent, social, service, athletic, business or fraternal organization, and includes ancillary eating and drinking facilities.

Cluster Housing means a comprehensively planned residential Development with multiple low rise Buildings containing up to four Dwellings each and may include private amenities that are accessory to the residential Development including an Internal Private Roadway, Park, Recreational Facility, Community Centre or RV Storage.

Community Centre means a Development whose Principal Use is to provide auditorium, banquet, exhibition, gymnasium, meeting, or seminar facilities.

Community Garden means a Site or part of a Site that does not contain a Dwelling, on which vegetables or fruits [but not cereal grains or animals of any kind] are cultivated for consumption or distribution on a not-for-profit basis.

Cultural Facility means a Development whose Principal Use is:

- (i) collection, preservation, restoration, storage or display of works or objects of historical, archaeological, scientific or artistic value; or
- (ii) theatrical, literary or musical performances.

Day Care Facility means a Development whose Principal Use is to provide temporary child care and supervision to seven or more children under 13 years of age, or to children under the age of 15 years who, because of a special need, require care, and includes a day care centre, a kindergarten or a nursery school.

Day Home means a Development, that is an Accessory Use to and located within a Dwelling, that provides temporary child care and supervision to a maximum of six children under the age of 13 years, or to children under the age of 15 years who, because of a special need, require care.

Drive-Through Service means a Development whose Principal Use is to offer goods or services to persons in a parked or stationary Vehicle by way of a service window, and may include an automated banking machine with Vehicle access or a fast food drive through business.

Duplex means a Building that contains two Dwellings separated either by a common party wall extending from foundation to roof and/or by a common ceiling/floor assembly, with each Dwelling having its own separate entrance to the exterior.

Education Institution means a Development whose Principal Use is to provide instruction and training, and includes a business school, trade school, college or university but does not include an elementary school, junior high school or high school.

Funeral Establishment means a Development whose Principal Use is the preparation of the deceased for burial or cremation and customarily related activities such as providing facilities for holding funerals, and includes a columbarium, crematorium, funeral home and mausoleum.

Gaming Establishment means a Development whose Principal Use is to provide patrons the opportunity to engage in games of chance, and includes a bingo hall and a casino.

Garage means a detached accessory Building more than 10 m² in Gross Floor Area that is associated with a residential use.

Government Services means a Development whose Principal Use is to provide municipal, provincial or federal government services and includes a government office, postal service outlet, social service centre, elementary school, junior high school, or high school.

Greenhouse and Garden Centre means a Development whose Principal Use is the growing, storage, wholesale and/or retail sale of plants of any kind and materials and equipment used for Landscaping or gardening.

Health Care Facility means a Development whose Principal Use is to provide:

- (i) medical and health care services on both an inpatient and an outpatient basis; or,
- (ii) provincially licensed extended medical care.

Health Care Office means a Development whose Principal Use is to provide medical and health care services on an outpatient basis only, and includes medical and dental offices, health care clinics, counselling services and dispensaries selling pharmaceutical and medical supplies.

Home Occupation means the use of a Dwelling, Garage, or Shed by the occupant of that Dwelling for a business, trade or profession. The following businesses or uses are prohibited as a Home Occupation:

- (i) Adult Establishments;
- (ii) businesses that are or should be licensed under the *Escort Service Bylaw*;
- (iii) animal breeding or kennels;
- (iv) Vehicle modification or servicing (including autobody work, Vehicle painting, Vehicle repairs, and Vehicle or equipment storage or cleaning);
- (v) Industrial Operations (including sheet metal work, welding, upholstery work, carpentry, or cabinet making);
- (vi) retail uses.

Home Occupation, Major means a Home Occupation that does not exceed a Gross Floor Area of 30 m².

Home Occupation, Minor means a Home Occupation that does not exceed a Gross Floor Area of 10 m², is considered a home office, and with no more than one business related Vehicle visit per week.

Hotel means a Development whose Principal Use is to provide temporary sleeping accommodation in rooms or suites that have separate access from a common indoor hallway or corridor, and that may include eating, drinking, entertainment, convention, sports, recreation, office and retail facilities that are related to the Principal Use.

Industrial Operations means a Development whose Principal Use is:

- (i) processing raw materials;
- (ii) manufacturing or assembling goods or equipment;
- (iii) crushing, dismantling, processing or sorting recyclable or reusable waste products provided that these activities do not involve the use of chemicals or the application of heat; or,
- (iv) storage or shipping of materials, goods or equipment,

and includes a distribution facility, equipment yard, factory, recycling facility, or warehouse, but does not include a Development that uses a process involving

any hydrocarbon as feedstock, such as a fertilizer plant.

Industrial Support Services means a Development whose Principal Use is to provide sales or service to agricultural, industrial, or business clients, and includes agricultural or industrial supplies and services, building supply centres, bulk fuel sales, contractor's offices, large equipment sales or servicing, Livestock auctions, lumber yards, and wholesale centres.

Live Work Residence means a Building, or portion of a Building separated from the rest of the Building by a party wall from foundation to roof, containing one Dwelling and one non-residential use, with a front entrance facing a road.

Market means a Development whose Principal Use is to serve as a venue where multiple vendors provide an assortment of retail goods and food or beverages to the public, and includes an artisan craft show, farmers market, flea market, and trade show.

Motel means a Development whose Principal Use is to provide temporary sleeping accommodation in rooms or suites with separate access to the outdoors.

Motor Vehicle and R.V. Sales means a Development whose Principal Use is sales or leasing of Motor Vehicles or Recreational Vehicles, and includes an auto dealership, boat dealership, and Recreational Vehicle dealership.

Motor Vehicle Gas Station means a Development whose Principal Use is retail sales of gasoline or other Motor Vehicle fuels and related petroleum products and incidental auto accessories.

Motor Vehicle Service Station means a Development whose Principal Use is cleaning, detailing, service or repair of Motor Vehicles and includes an auto body shop, car wash, auto glass repair, oil and lubrication service, tire shop, transmission repair, and auto upholstery shop.

Multiple Unit Residential Development means a development consisting of one or more Buildings containing three or more Dwellings, with each Dwelling having its own separate and direct entrance to the exterior.¹³

Park means a Development whose Principal Use is the provision of outdoor open space for recreational activities that do not require major Buildings or facilities, and includes picnic areas, playgrounds, multi-purpose leisure trails, Landscaped areas, public washrooms, and open space areas that are left in their natural state.

Parking Facility means a Development whose Principal Use is the provision of storage or parking for Vehicles, whether indoor or outdoor, and includes any parking lot that is not an Accessory Use.

Place of Amusement means a Development whose Principal Use is to provide amusement pastimes, and includes an arcade, a computer and internet cafe, mini golf, movie theatre, pool hall, and water slide.

13 Amended by Bylaw 4370 – December 20, 2016

Place of Worship means a Development whose Principal Use is to serve as a gathering place for worship and associated ritual or liturgical activities, and may include facilities for social, benevolent or charitable activities.

Protective Service means any service provided by the City's Fire Department or Police Services, and any ambulance or paramedic service, and includes 9-1-1 dispatch services.

Recreation Facility means a Development whose Principal Use is to provide athletic or recreational facilities that may occur either indoors or outdoors, with or without an area for spectators, and includes a golf course, recreation arena, swimming pool, sports field or court, or a multi-purpose event centre containing one or more of these or Similar Uses.

Renewable Energy means a Development whose Principal Use is the generation of energy for commercial or residential use, from wind, solar, geothermal or other sources that do not depend on finite, non-renewable resources such as fossil fuels.

Restaurant means a Development whose Principal Use is to serve prepared food and beverages to customers for on-site or take-out consumption and includes cafes, bistros, delis, cafeterias, coffee shops, take-out restaurants, and banquet facilities and may include catering services as an Accessory Use.

Resource Extraction means a Development whose Principal Use is removal, extraction and primary processing of resource materials found on or under a Site, or accessible from a Site, and may include a gravel pit, sand pit, clay pit, quarry, mine, or the stripping of topsoil, but does not include the processing of resource materials transported to a Site.

Retail and Consumer Services means a Development that does not fall within any other use definition in this Bylaw and whose Principal Use is the sale of goods and services directly to the public, including establishments that provide: groceries, alcoholic beverages, household goods, furniture and appliances, hardware, building materials, clothing, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment and supplies, photography, photo developing, hair cutting, hair styling, drycleaning, and personal fitness services.

Salvage Facility means a Development whose Principal Use is to store, dismantle and crush scrap Motor Vehicles and other large metal objects.

Secondary Suite means a second Dwelling located within a Single Detached House.

Self Storage means a Development whose Principal Use is to lease portions of a Site for storage of goods, and includes mini-storage and Recreational Vehicle or boat storage.

Single Detached House means a Building that contains one Dwelling, and may contain a Secondary Suite.

Special Outdoor Recreation means a Development or Site whose Principal Use is to be a venue for outdoor recreational activities that in the opinion of a Development Authority may cause an adverse impact to other lands, and includes a place where vehicles are raced either directly or by remote control, a firearm shooting range, or outdoor paintball.

Deleted. ¹⁴

Utilities means a Development that comprises a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (i) water or steam;
- (ii) sewage disposal;
- (iii) public transportation operated by or on behalf of the City;
- (iv) irrigation;
- (v) drainage;
- (vi) fuel;
- (vii) electric power;
- (viii) heat;
- (ix) waste management;
- (x) residential and commercial street lighting;
- (xi) telecommunications,

and includes minor Buildings and the thing that is provided for public consumption, benefit, convenience or use but does not include a water treatment plant, sewage treatment plant, solid waste landfill, or power plant.

14 Amended by Bylaw 4370 – December 20, 2016

PART 5

DEVELOPMENT REGULATIONS GOVERNING ALL DISTRICTS

5.0 APPLICATION OF THIS PART

This Part:

- (i) applies to all Developments in all Districts unless a specific provision of this Bylaw narrows the application of a section or subsection; and
- (ii) is supplemented and not superseded by other Development Regulations unless a specific provision of this Bylaw states otherwise.

5.1 DELETED ¹⁵

5.2 DELETED ¹⁶

5.3 ADULT ESTABLISHMENTS

- (i) An Adult Establishment must not be located closer than 250 m to the nearest Dwelling, Recreation Facility, Education Institution, elementary school, junior high school, high school, Place of Worship, Day Care Facility, Community Centre or Park, nor may it be located closer than 250 m to another Adult Establishment. ¹⁷
- (ii) An Adult Establishment is not in contravention of subsection (i) of this section 5.3 if it lawfully exists either under this Bylaw or as a non-conforming use and a use described in subsection (i) subsequently locates within the 250 m separation distance.

5.4 PARKING REGULATIONS

5.4.1 GENERAL PARKING RULES

- (i) The Off-Street Parking area design requirements set out in subsection

¹⁵ Amended by Bylaw 4273 – July 7, 2015

¹⁶ Amended by Bylaw 4273 – July 7, 2015

¹⁷ Amended by Bylaw 4273 – July 7, 2015

5.4.3 do not apply to a Development in existence on the date of enactment of this Bylaw, if the Gross Floor Area of the Development on that date is not increased.

- (ii) If a Development Permit is issued that authorizes an increase to the Gross Floor Area of a Development without a change of use or an increase to the intensity of use, additional Off-Street Parking in compliance with the provisions of this Bylaw is required only in respect of the additional Gross Floor Area.
- (iii) If a proposed modification or alteration of an existing Development is intended to result in a change of use or an increase to the intensity of use, a Development Authority may attach conditions to a Development Permit for the purpose of ensuring that the Off-Street Parking area is brought into compliance with the Development Regulations with respect to parking as set out in this section 5.4.
- (iv) All new Off-Street Parking provided in connection with a Development that is approved after the date of enactment of this Bylaw must conform to the parking design requirements set out in subsection 5.4.3, regardless of whether the parking is required under this Bylaw or is provided voluntarily by the Development Permit holder.
- (v) A Development Authority may approve any parking design that does not conform to the requirements of this section 5.4 if in the opinion of the Development Authority the parking design is an integral component of an innovative environmental or urban design for the Development.

5.4.2 REQUIRED OFF-STREET PARKING

- (i) Off-Street Parking must be provided in connection with every Development except in the following Districts:
 - (1) Downtown Mixed Use District;
 - (2) Neighbourhood Commercial District;
 - (3) Business Industrial District;
 - (4) General Industrial District;
 - (5) Heavy Industrial District;
 - (6) Airport District.
- (ii) Subject to subsection 5.4.2(i) Off-Street Parking must be provided for a Development in accordance with the following:

- (1) For Residential uses: ¹⁸
 - (a) 0.5 parking stall for each Dwelling containing only one bedroom; and
 - (b) 1 parking stall for each Dwelling containing two bedrooms or more.
- (2) For Non-residential Uses:
 - (a) 1.5 parking stalls per 100 m² of Gross Floor Area for Clubs, Community Centres, Greenhouse and Garden Centres;
 - (b) 2.0 parking stalls per 100 m² of Gross Floor Area for Animal Services, Business and Professional Offices, Business Support Services, Motor Vehicle Gas Stations, Motor Vehicle Service Stations, Places of Amusement, and Retail and Consumer Services;
 - (c) 3.0 parking stalls per 100 m² of Gross Floor Area for Restaurants, Bars and Health Care Offices;
 - (d) 0.5 parking stalls per guest room for Motels and Hotels;
 - (e) as required by a Development Authority for all other uses including their Accessory Uses.

5.4.3 OFF-STREET PARKING DESIGN REQUIREMENTS

- (i) A parking lot or Parking Facility that provides Off-Street Parking must:
 - (1) be surface treated with asphalt, concrete, pavers or at the discretion of a Development Authority a suitable similar material;
 - (2) in the case of an Accessory Use parking lot, subject to section 5.24.1(i) include a pedestrian walkway to connect the parking lot to a main public entrance to the Principal Building that it serves;
 - (3) be designed so that motor vehicles are not required to back out of a parking stall onto a road; and
 - (4) be landscaped in accordance with section 5.11.5.
- (ii) A parking stall in a parking lot or Parking Facility must:
 - (1) have a minimum width of 2.75 m, or 3.00 m when located adjacent to a barrier such as a wall, fence, or column;
 - (2) have a minimum depth of 5.50 m, or in the case of a parallel parking space a minimum length of 7.00 m;

¹⁸ Amended by Bylaw 4273 – July 7, 2015

- (3) be set back a minimum of 1.50 m from a Building façade;
 - (4) have a minimum vertical clearance of 2.00 m;
 - (5) be clear of any obstructions; and
 - (6) not be located in a required Setback.
- (iii) The minimum width of a drive aisle in a parking lot or Parking Facility is: 7.00 m for 90° parking, 5.50 m for 60° parking, and 3.60 m for 45° parking and parallel parking.
- (iv) When a parking stall in a parking lot or Parking Facility abuts a walkway, a wheelstop must be provided and set back 0.60 m from the front edge of the parking stall.
- (v) Barrier-free parking stalls must:
 - (1) be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application;
 - (2) be included in the calculation of the minimum Off-Street Parking required by a Development Authority; and
 - (3) be identified as parking stalls for the disabled through the use of appropriate signage, in accordance with provincial standards.

5.4.4 DELETED ¹⁹

5.5 MOTOR VEHICLE ACCESS

5.5.1 NON-RESIDENTIAL ²⁰

- (i) This subsection 5.5.1 applies only to non-Residential uses for which a Development Permit is issued after the date of enactment of this Bylaw.²¹
- (ii) A Site may have motor vehicle access either:
 - (1) directly from a road or Alley; or
 - (2) through another property over which an access easement has been registered at the Land Titles Office.
- (iii) A Site is restricted to one motor vehicle access point per Frontage except in the case of Sites larger than 1.00 hectare or multiple Sites for which joint access is provided.

¹⁹ Amended by Bylaw 4273 – July 7, 2015

²⁰ Amended by Bylaw 4273 – July 7, 2015

²¹ Amended by Bylaw 4273 – July 7, 2015

- (iv) A motor vehicle access to a Site must:
 - (1) be located a minimum of 15.00 m from the intersection of two or more roads where at least one of them is a Collector Road or Arterial Road, and a minimum of 6.00 m from the intersection of any other two roads if neither is an Alley;
 - (2) be connected to a turning space on the Site that is large enough and designed appropriately so that motor vehicles leaving the Site are not required to back onto a Collector Road or an Arterial Road.
- (v) A Development Authority may as a condition of Development approval impose any design or location requirements with respect to motor vehicle access that it deems appropriate in the interest of a Development or the general public, including without limitation a requirement that access points:
 - (1) be located so as to avoid impeding traffic on a road;
 - (2) be consolidated on Sites containing more than one Development, or between adjacent Sites containing compatible uses;
 - (3) be either two directional or one directional;
 - (4) be signed in any manner the Development Authority deems fit; and
 - (5) be designed with motor vehicle egress stacking spaces that the Development Authority deems adequate.

5.5.2 **DELETED** ²²

5.5.3 **DRIVE-THROUGH SERVICES**

- (i) A Drive-through Service must be designed to be complementary in nature to the Principal Use of a Site and must be integrated into the overall Site design in a manner that does not create a conflict between the movements of pedestrians and motor vehicles, or conflict with adjacent land uses.
- (ii) Without limiting the generality of subsection 5.5.3(i) a Drive-through Service:
 - (1) must not be located within a required minimum Setback;
 - (2) must include at least 8 inbound queuing spaces in the case of a Drive-Through Service associated with a Restaurant and at least 3

²² Amended by Bylaw 4273 – July 7, 2015

- inbound queuing spaces for all other uses;
- (3) must provide at least 1 outbound queuing space;
- (4) must allow for adequate motor vehicle maneuvering within the Site; and
- (5) must not obstruct a pedestrian walkway, a designated fire lane, or any parking space whether on the Site or elsewhere.
- (iii) Queuing spaces shall be a minimum of 6.50 m in length and 3.00 m in width.
- (iv) Drive-through services must be set back a minimum of 30.00 m from any Dwelling.²³

5.6 ENVIRONMENTAL SITE ASSESSMENT REPORTS

- (i) A Development Authority may require an Environmental Site Assessment Report as supporting material to an application for a Development Permit or to a Rezoning Application, where in the opinion of the Development Authority:
 - (1) there may be a risk of any pre-existing contamination on or near the Site; or
 - (2) the proposed Development may create an environmental risk to other lands.
- (ii) If an environmental assessment or environmental study or report of any kind is required as part of a provincial or federal approval process for a Development, a Development Authority may require the Applicant to provide a copy of the environmental assessment, study or report and may take its content into consideration in making a decision on a Development Permit application or in making a recommendation with respect to a Rezoning Application.
- (iii) If a Development Authority concludes, based on the content of an Environmental Site Assessment Report or any environmental assessment or study or report required by a provincial or federal regulatory authority, that a proposed Development could have a negative impact on the environment, then regardless of whether the Development is a Permitted Use or a Discretionary Use the Development Authority may:
 - (1) approve the issuance of a Development Permit upon such conditions as the Development Authority deems advisable to

23 Amended by Bylaw 4273 – July 7, 2015

mitigate negative impact on the environment associated with the Development; or

- (2) refuse to approve the issuance of a Development Permit if the Development Authority is of the opinion that there are no reasonable conditions of approval that could adequately mitigate negative impact on the environment associated with the Development.
- (iv) A proposed Development does not conform to this Bylaw if, in the opinion of a Development Authority, there are no reasonable conditions of approval that could adequately mitigate negative impact on the environment associated with the Development.

5.7 EXCEPTIONS TO BUILDING HEIGHT RESTRICTIONS

The Building Height restrictions of this Bylaw do not apply to:

- (i) Spires, domes, belfries, towers or other architectural features associated with a Place of Worship;
- (ii) Chimneys;
- (iii) Clock towers and flagpoles;
- (iv) Data communication towers and antennas;
- (v) Water storage tanks;
- (vi) Monuments;
- (vii) Silos used for agricultural purposes and silos in an Industrial District;
- (viii) Aggregate processing facilities;
- (ix) Buildings associated with a municipal service including recreational Buildings;
- (x) Agricultural Buildings; and
- (xi) Solar collectors or wind turbines.

5.8 DELETED ²⁴

²⁴ Amended by Bylaw 4273 – July 7, 2015

5.9 GEOPHYSICAL RISK LANDS

5.9.1 DEFINITIONS

In this section, and elsewhere in this Bylaw:

“Bottom of the Escarpment” means the lowest break line or topographic discontinuity between the River Valley System wall and the River Valley System bottom. It is the point at which the overall slope changes from less than 33 percent (18 degrees) to greater than 33 percent (18 degrees).

“Development Setback Line” means a line which defines the closest point to the Top of Escarpment or the Bottom of the Escarpment where:

- (1) a Development may occur, in the case of an existing Site; or
- (2) a Property Line may be established in the case of a proposed subdivision.

“Geophysical Risk Lands” means areas of the City where there may be risk resulting from natural conditions associated with steep and often unstable slopes and areas historically susceptible to flooding.

“Flood Fringe” means that part of the Flood Risk Area adjoining the Floodway where floodwaters are generally shallower and the rate of flow is slower, as shown on the Flood Risk Maps in the Medicine Hat Floodplain Study Addendum prepared by Alberta Environment, Water Resources and Environment Canada, February 1991.

“Flood Risk Area” means the lands at or below the designated flood level that are predicted to be affected by a 1 in 100 year flood as shown on the Flood Risk Maps in the Medicine Hat Floodplain Study Addendum prepared by Alberta Environment, Water Resources and Environment Canada, February 1991.

“Floodway” means that part of the Flood Risk Area where floodwaters are deepest, fastest and most destructive as shown on the Flood Risk Maps in the Medicine Hat Floodplain Study Addendum prepared by Alberta Environment, Water Resources and Environment Canada, February 1991.

“Overall Slope” means the slope of a hypothetical section line joining the Top of the Escarpment and the Bottom of the Escarpment;

“River Valley System” means the South Saskatchewan River and its tributaries and the valleys and coulees of the South Saskatchewan River and its tributaries;

“Top of the Escarpment” means the uppermost River Valley System breakline or the slope edge defining the most distinct break or topographic discontinuity in slope between the upper plateau and the River Valley System wall, where the overall slope changes from greater to less than 15 percent (8.5 degrees).

5.9.2 REGULATIONS

5.9.2.1 PURPOSE

The purpose of this section is to prudently regulate Developments on Geophysical Risk Lands.

5.9.2.2 DEVELOPMENTS NEAR STEEP SLOPES

- (i) Where the Overall Slope exceeds 15 percent (8.5 degrees) but is less than or equal to 33 percent (18 degrees), the Development Setback Line for Developments near the Top of the Escarpment will be determined by a Development Authority but must not in any event be closer than 6 m to the Top of the Escarpment and no Variance to this minimum 6 m Setback is allowed except pursuant to clause (iv) of this subsection 5.9.2.2.
- (ii) Where the Overall Slope exceeds 33 percent (18 degrees) the Development Setback Line will be determined by a Development Authority, and an Applicant for a Development Permit must provide a geotechnical report containing a recommendation as to the location of the Setback Line, prepared by an engineer who is licensed to practice in the Province of Alberta and is qualified by training and experience to express a professional opinion on geotechnical matters.
- (iii) The Development Setback Line for Developments near the Bottom of the Escarpment is either:
 - (1) 6.0 m from the Bottom of the Escarpment; or
 - (2) A distance from the Bottom of the Escarpment that is equal to the difference in vertical elevation between the Bottom of the Escarpment and the Top of the Escarpment immediately above it;whichever is the greater Setback, and no Variance to this minimum Setback distance is allowed except pursuant to clause (iv) of this subsection 5.9.2.2.
- (iv) Notwithstanding clauses (i) through (iii) of this subsection 5.9.2.2 when a Development is proposed to be located, in whole or in part, closer to Top of the Escarpment or Bottom of the Escarpment than the Development Setback Line, the Development Authority may issue a Development Permit with a Variance upon such conditions as it deems appropriate, only if the Applicant has provided a geotechnical report prepared by an engineer licensed to practice in the Province of Alberta and qualified by training and experience to express a professional geotechnical opinion, which states that the Development itself, its potential occupants, and any existing or potential new Developments in the vicinity will not be at risk.

- (v) Notwithstanding clause (i) of this subsection 5.9.2.2 if a geotechnical report produced by a qualified and competent engineer indicates a need for a Development Setback Line further than 6.0 m from Top of the Escarpment or Bottom of the Escarpment in a particular location, a Development Authority may establish a different Development Setback Line for a Development in that location.

5.9.3 FLOOD RISK AREAS

- (i) Low intensity recreational land use may be allowed in any portion of the Floodway.
- (ii) No Development involving a Building or other structure is allowed in the Floodway with the exception of a fence or retaining wall that in the opinion of a Development Authority is not likely to be significantly damaged by a flood.
- (iii) No Development is allowed in the Floodway that may in the opinion of a Development Authority adversely alter the Floodway hydraulics.
- (iv) No Development involving filling is allowed in the Floodway or the Flood Fringe unless expressly approved in writing by the provincial Department of the Environment.
- (v) A Development in the Flood Fringe must provide for flood proofing to the satisfaction of a Development Authority.

5.10 DELETED ²⁵

5.11 LANDSCAPING

5.11.1 LANDSCAPING RULES

- (i) It is the intention of the Council that landscaping be an integral component of new Developments on vacant Sites, and redevelopments of existing uses, while recognizing that provision of additional landscaping may not always be feasible when lands are redeveloped or when an increase to the intensity of an existing use is proposed.
- (ii) If a Development Authority allows a Variance from the landscaping rules set out in this section, then in addition to the considerations set out in subsections 3.2(v) and 5.11.1(i) the Development Authority shall impose as conditions of Development approval, where feasible and practicable,

25 Amended by Bylaw 4273 – July 7, 2015

landscaping alternatives that focus on enhancement of the streetscape by addition of landscaping between the Building and the adjacent road, and in the parking areas adjacent to the road.

5.11.2 DELETED ²⁶

5.11.3 GENERAL LANDSCAPING RULES

The following landscaping rules apply to on-Site landscaping in all Districts where it is required:

- (i) Landscaping materials shall be selected based on the context of the Site, and in the case of trees, shrubs, turf or other vegetation, for their hardiness, disease-resistance, and maintenance characteristics. ²⁷
- (ii) When Landscaping is required adjacent to a Boulevard, the tree species chosen must complement the existing Boulevard trees. ²⁸
- (iii) Landscaping shall not block sight lines for pedestrians and motor vehicles within 1.0 m from the Back of Sidewalk or from the back of the curb or edge of the adjacent road if there is no sidewalk.
- (iv) Landscaping shall not interfere with the effectiveness of lighting within the parking lot or Boulevard.
- (v) A Development Authority shall determine:
 - (1) the minimum number of trees or shrubs for every landscaped area, and the maximum height (if any) of shrubs;
 - (2) the minimum distance, if any, between the ground and the lowest branches of any tree;
 - (3) the minimum caliper width (if any) at the time of planting in the case of deciduous trees, and the minimum height (if any) at the time of planting in the case of evergreen trees.
- (vi) Landscaping shall be maintained on an ongoing basis. Any tree or shrub that does not survive must be replaced within one year of discovery or of being notified of the situation by a Development Authority. ²⁹
- (vii) Deleted ³⁰

26 Amended by Bylaw 4273 – July 7, 2015

27 Amended by Bylaw 4273 – July 7, 2015

28 Amended by Bylaw 4273 – July 7, 2015

29 Amended by Bylaw 4273 – July 7, 2015

30 Amended by Bylaw 4273 – July 7, 2015

5.11.4 REQUIRED LANDSCAPING IN NON-RESIDENTIAL DISTRICTS ³¹

- (i) Deleted ³²
- (ii) The following Landscaping is required for Developments in all non-residential Districts except the I-G and I-H districts: ³³
 - (1) a 3.0 m strip adjacent to a Property Line that abuts a road;
 - (2) an area as determined by a Development Authority, that is adjacent to a Building having a Building Height greater than 12 m, to reduce the impact of the Building mass;
 - (3) an area as determined by a Development Authority, to enhance a pedestrian connection between the principal entrance of a Building and the adjacent road;
 - (4) an area as determined by a Development Authority, adjacent to a Property Line that abuts a residential district;
 - (5) an area as determined by a Development Authority, to provide a buffer between uses on adjacent Sites; and
 - (6) within a parking lot in accordance with the requirements set out in subsection 5.11.5.
- (iii) The following Landscaping is required for Developments in the I-G and I-H districts: ³⁴
 - (1) a 3.0 m strip adjacent to a Property Line that abuts a Collector Road or Arterial Road;
 - (2) an area as determined by a Development Authority, adjacent to a Property Line that abuts a non-industrial District; and
 - (3) an area as determined by a Development Authority, to provide a buffer between uses on adjacent sites.

5.11.5 REQUIRED LANDSCAPING IN OFF-STREET PARKING ³⁵

- (i) Landscaping shall be incorporated into the design of Off-street Parking to improve the microclimate, provide safety to pedestrians, improve the internal circulation, improve the aesthetics of a Site, minimize the effect on the streetscape, and allow for storm water infiltration on the Site.

31 Amended by Bylaw 4273 – July 7, 2015

32 Amended by Bylaw 4273 – July 7, 2015

33 Amended by Bylaw 4273 – July 7, 2015

34 Amended by Bylaw 4273 – July 7, 2015

35 Amended by Bylaw 4273 – July 7, 2015

- (ii) The following rules apply to Off-street Parking in the MU, I-B, and all commercial Districts:
 - (1) Landscaping shall be provided within concrete curb islands:
 - (a) at the end of every parking aisle;
 - (b) where needed to define the drive aisle; and
 - (c) as required by a Development Authority to screen parking areas.
 - (2) All Landscaping within Off-street Parking areas must:
 - (a) be designed to be protected from damage;
 - (b) be raised a minimum of 0.15 m above the grade of the adjacent asphalt;
 - (c) be a minimum of 8.0 m² in size with no dimension less than 2.0 m (excluding curbs); and
 - (d) contain a minimum of one tree or shrubs that the Development Authority deems equivalent to a tree.

5.12 DRAINAGE REGULATION

- (i) It is an implied condition of every Development Permit that includes a Building which is constructed, placed or erected after the enactment of this Bylaw, that:
 - (1) the Development must include landscaping and grading which must be completed within two years from the date the Development Permit is issued, for the purpose of ensuring that all surface water is drained away from all sides of the Building; and
 - (2) a Real Property Report or Site plan prepared by a qualified Alberta land surveyor, showing the Site topography in sufficient detail to allow surface water drainage patterns to be determined, must be submitted to a Development Authority or the Building Inspector not later than one year after the required landscaping and grading is completed.
- (ii) Despite subsection 5.12(i)(1) a Development Authority may grant a Variance, or a Building Inspector may grant written permission, for design or construction of a Building that does not provide for drainage of surface water from all sides of the Building, if in the opinion of the Development Authority or Building Inspector:
 - (1) suitable alternative arrangements are included in the design and construction of the Building; and

- (2) there will be no adverse impact on the Development or on adjacent lands, resulting from not providing for drainage of surface water from all sides of the Building.
- (iii) Where a surface drainage plan exists for any area of the City under the provisions of any enactment or as a term of any agreement entered into as a condition of subdivision approval or as a condition of a Development Permit, every Development within that area must include landscaping or surface grading that conforms to the surface drainage plan.
- (iv) Where no surface drainage plan exists, every Development must be designed and constructed to ensure that no surface water is directed toward any adjoining land that is not a road or Alley.

5.13 DELETED ³⁶

5.14 DELETED ³⁷

5.15 OUTDOOR DISPLAY AREAS

An Outdoor Display Area shall not:

- (i) be located on a Site that includes a residential use;
- (ii) obstruct a pedestrian walkway or motor vehicle drive aisle;
- (iii) be located within 2.00 m of a Property Line;
- (iv) be placed over any landscaped area.

5.16 OUTDOOR STORAGE

Where any non-residential Development involves outdoor storage, other than an Outdoor Display Area:

- (i) the land used for outdoor storage must be screened from the adjacent road [and, at the discretion of a Development Authority, from adjacent land uses] by a wooden fence or other thing of equal screening value which shall be not less than 2.00 m and not more than 2.50 m in height;
- (ii) the material stored shall not be piled higher than the height of the fence or other screening facility;

³⁶ Amended by Bylaw 4273 – July 7, 2015

³⁷ Amended by Bylaw 4273 – July 7, 2015

- (iii) in an I-G or I-H District only, a chain link fence with filler strips woven into the mesh may be used as a screening facility;
- (iv) a seacan or other form of shipping container is allowed only on a Site within an industrial District, and only if it is not located in the Front Yard or the Exterior Side Yard of the Site.

5.17 PROJECTIONS INTO REQUIRED SETBACKS

Every part of any yard required by this By-law shall be open and unobstructed by any structure or other thing, except that:

- (i) wheelchair ramps and lifting devices may be located in any required Setback;
- (ii) Deleted ³⁸
- (iii) a yard may contain any customary architectural or functional structure or feature of a Building such as window sills, cornices, eaves, gutters, chimneys, pilasters, canopies, or window bays, provided that no such structure or feature shall project more than 0.60 m into any required Setback and the total combined length of all projections must not exceed 40 percent of the length of the façade on each Storey;
- (iv) Deleted ³⁹
- (v) a fence that complies with the height restrictions of this Bylaw is allowed along any Property Line, or between a Property Line and a Principal Building for the purpose of establishing a barrier between a Side Yard and a Front Yard or Rear Yard.

5.18 DELETED ⁴⁰

5.19 DELETED ⁴¹

5.20 CORNER VISIBILITY TRIANGLE

- (i) Subject to subsection 5.20(ii) no Development or portion of a Development is allowed within a Corner Visibility Triangle.

38 Amended by Bylaw 4273 – July 7, 2015

39 Amended by Bylaw 4273 – July 7, 2015

40 Amended by Bylaw 4273 – July 7, 2015

41 Amended by Bylaw 4273 – July 7, 2015

- (ii) Landscaping and fences are allowed within a Corner Visibility Triangle if they allow for a clear sight line through the whole of the Corner Visibility Triangle at all vertical elevations between 0.90 m and 2.50 m from surface grade.

5.21 SETBACK FROM ENERGY INFRASTRUCTURE

No Building or structure or foundation of any kind is allowed:

- (i) within 15.00 m of an easement or right-of-way that contains a gas pipeline operating at a pressure equal to or in excess of 100 p.s.i.g. or 700 kPa;
- (ii) within 100.00 m of a producing oil well or gas well, or at such other distance not less than 50.00 m that may be allowed by a provincial regulatory authority having jurisdiction;
- (iii) with 5.00 m of a shut-in or abandoned oil well or gas well.

5.22 DELETED ⁴²

5.23 WASTE MANAGEMENT RULES

- (i) All forms of waste including without limitation solid waste, recyclable materials, cooking oils, or grease shall be contained:
 - (1) entirely within a Building; or
 - (2) within an outdoor waste receptacle screened by an enclosure that:
 - (a) is not less than 2.00 m high with no waste exceeding the height of the screening; and
 - (b) is clad on the exterior with an opaque material that may include brick, masonry, stucco, or wood but may not be chain link fencing with slats.
- (ii) Despite subsection 5.23(i)(2) a Development Authority may allow an outdoor waste receptacle that is not screened by an enclosure, in respect of a Site that is located or configured in such manner that it would be impossible or impractical to service the waste receptacle if it were screened in compliance with subsection 5.23(a)(ii).
- (iii) Recycling drop off locations must be screened to the satisfaction of a Development Authority.

42 Amended by Bylaw 4273 – July 7, 2015

5.24 ARCHITECTURAL AND URBAN DESIGN

5.24.1 PEDESTRIAN WALKWAYS

- (i) In all Districts except the Low Density Residential District, a pedestrian walkway must be constructed that connects the entrance of a Principal Building to the adjacent road and to any parking lot associated with the Principal Building, unless an Applicant demonstrates to the satisfaction of a Development Authority that the absence of a pedestrian walkway does not in the circumstances pose a material safety risk to pedestrians.
- (ii) A pedestrian walkway must:
 - (1) be a minimum width of 1.50 m;
 - (2) not be surfaced with asphalt;
 - (3) contain no obstructions including without limitation any display of goods or vending machines;
 - (4) contain lighting that is designed and situated to be useful to pedestrians; and
 - (5) be protected from motor vehicles either by having an elevation above the elevation of any adjacent parking lot, or through the use of barriers or soft landscaping.

5.24.2 LIGHTING

Where outdoor lighting is used to illuminate any Site or Building the lighting must not:

- (i) be directed towards or adversely illuminate adjacent or nearby lands;
- (ii) be a hazard to motor vehicle or pedestrian traffic on any road or Alley.

5.24.3 MECHANICAL EQUIPMENT

- (i) All mechanical equipment including rooftop mechanical units not contained inside a Building must be concealed by incorporating the equipment within the roof or otherwise concealing it in a manner that in the opinion of a Development Authority is compatible with the design and character of the Building.
- (ii) A flat-roofed Building must provide a parapet at least 0.75 m in height measured from the surface of the roof to the top of the parapet.

5.25 SIGNS

The Development Regulations applicable to signs are set out in Schedule D.

5.26 AIRPORT VICINITY PROTECTION OVERLAY⁴³

The Development Regulations applicable to the Airport Vicinity Protection Overlay are set out in Schedule E.

⁴³ Amended by Bylaw 4377 – September 19, 2017

PART 6

RESIDENTIAL DISTRICTS⁴⁴

6.1 GENERAL RULES FOR RESIDENTIAL DISTRICTS

6.1.1 GARAGES AND SHEDS

- (i) The Development Regulations for Garages and Sheds is as follows:

| DEVELOPMENT REGULATIONS | GARAGE | SHED |
|--|--|-------------------|
| Maximum Building Height | 5.0 m | 3.7 m |
| Interior Side Setback and Rear Setback | 0.6 m with no roof projection closer than 0.45 m | 0.0 m |
| Exterior Side Setback | 3.0 m | 3.0 m |
| Maximum GFA | 85 m ² | 10 m ² |

- (ii) Notwithstanding (i), where there is Motor Vehicle access directly into the Garage from an Alley the minimum Rear Setback must be 1.5 m;
- (iii) A Garage or Shed must not be located in a Front or Exterior Side Yard.
- (iv) The maximum combined Site Coverage for all Garages and Sheds on a Site is 15%.
- (v) A Garage must not be used as a Backyard Suite or for a Home Occupation unless that use is specifically allowed by a provision of this Bylaw or a Development Permit.
- (vi) A Garage or Shed must be finished in materials that are characteristic of a residential District.

6.1.2 FENCES AND RETAINING WALLS

- (i) The height of a fence above grade at any point along a fence line, including the height of any retaining wall above which the fence is a vertical extension from grade, must not exceed:
- (1) 1.2 m if the fence is located within a Front Yard; and,
 - (2) 2.0 m in all other cases.
- (ii) Notwithstanding (i), a fence or retaining wall must allow for a clear sight line through the whole of the Corner Visibility Triangle at all vertical elevations above 0.9 m.

⁴⁴ Amended by Bylaw 4273 – July 7, 2015

6.1.3 DECKS

- (i) The minimum Setback for a Deck is as follows:

| STRUCTURE | FRONT SETBACK | REAR SETBACK | EXTERIOR SIDE SETBACK | INTERIOR SIDE SETBACK |
|--------------------------------|------------------|-----------------|-----------------------------|-----------------------------|
| Deck (uncovered or covered) | 2.4 m | 3.0 m | 2.4 m | 1.2 m |
| Deck (enclosed) | 4.0 m | 6.0 m | 4.0 m | 1.2 m |

- (ii) Notwithstanding (i), stairs accessing a Deck may be located within a Front Setback, Exterior Side Setback, or Rear Setback but must not be located within an Interior Side Setback.

6.1.4 SWIMMING POOLS AND HOT TUBS

- (i) A swimming pool or hot tub must:
- (1) not be located in a Front Yard or Exterior Side Yard;
 - (2) have a minimum Exterior Side Setback of 3.0 m;
 - (3) have a minimum Interior Side Setback and Rear Setback of 1.2 m; and,
 - (4) discharge water only into the municipal sanitary sewer system unless the Development Authority has approved in writing an alternative method of discharging water.
- (ii) Where a swimming pool is located within 50 m of the top or bottom of a coulee, escarpment or any other geophysical risk lands the swimming pool must have a double lining or other forms of secondary containment to the satisfaction of the Development Authority.

6.1.5 MINOR RESIDENTIAL STRUCTURES OR EQUIPMENT

- (i) Minor residential structures or equipment associated with a residential use including air conditioners, pool pumps or filters, fire pits, solar panels, satellite dishes, children's play structures, trampolines, and pet animal enclosures must not be located in a Front Yard or Exterior Side Yard unless they are screened by Landscaping or fencing to the satisfaction of the Development Authority.

6.1.6 HOME OCCUPATIONS

- (i) A Home Occupation Development Permit may be for a Home Occupation, Minor or for a Home Occupation, Major and may be issued only in respect of a Dwelling.
- (ii) A Home Occupation:

- (1) must not conflict with or alter the residential character of the area of the District in which it is located;
 - (2) must be carried on in a manner that is incidental and subordinate to the Principal Use of the Development as a Dwelling, and,
 - (3) must not create a risk of harm to the health or safety of any person or a risk of adverse impact on nearby Sites including without limitation: excessive noise, on-street parking congestion, and Vehicle traffic above the norms for a residential area.
- (iii) Without limiting the generality of section 6.1.6(ii):
- (1) not more than two Home Occupations may be carried on in a Dwelling, of which not more than one may be a Home Occupation, Major;
 - (2) all aspects of a Home Occupation, including storage of any materials, tools, products or equipment associated with the Home Occupation, must be carried on inside a Dwelling, a Garage, or a Shed; and,
 - (3) retail sales of any goods is prohibited, unless it is incidental and related to the service provided by the Home Occupation.

6.1.7 SHOW HOMES

- (i) A Dwelling may be used as a show home provided that all municipal infrastructure required for servicing the Development has received Construction Completion Certificates, a Development Permit has been issued for the Dwelling, and the Building has received occupancy.

6.1.8 PROHIBITED OR RESTRICTED OBJECTS

- (i) No part of any Site may be used to store a Dilapidated Vehicle unless it is located inside of an enclosed Building.
- (ii) No part of any Site may be used to store a Large Vehicle except while actively engaged in loading or unloading.
- (iii) The following objects or structures are prohibited in residential Districts:
 - (1) barb wire or electrical fencing;
 - (2) a seacan or other form of shipping container;
 - (3) the keeping of Livestock, unless otherwise permitted or licensed under another City Bylaw;
 - (4) signage unless specifically allowed by Schedule D; and,
 - (5) any object which, in the opinion of a Development Authority, may pose a health or safety risk to the neighbourhood.

6.2 LOW DENSITY RESIDENTIAL DISTRICT (R-LD)

6.2.1 PURPOSE

To allow for the Development of new residential areas with low density built forms while allowing densification in established neighbourhoods in the form of Duplexes, Secondary Suites, and Backyard Suites.

6.2.2 PERMITTED USES

- (i) Duplex
- (ii) Single Detached House

6.2.3 DISCRETIONARY USES

- (i) Backyard Suite
- (ii) Cluster Housing
- (iii) Garages
- (iv) Home Occupations
- (v) Secondary Suite

6.2.4 DEVELOPMENT REGULATIONS

6.2.4.1 SITE WIDTH AND SITE AREA

- (i) Unless otherwise referenced in subsections (ii) or (iii), the minimum Site Width and Site Area is as follows:

| LAND USE | SITE WIDTH | SITE AREA |
|---|----------------------|-----------------------------------|
| Duplex | 7.6 m (per Dwelling) | 250 m ² (per Dwelling) |
| Single Detached House | 10.0 m | 325 m ² |
| Single Detached House and a Secondary Suite | 12.2 m | 400 m ² |
| Single Detached House and a Backyard Suite | 15.2 m | 500 m ² |
| Cluster Housing | no minimum | 1.5 ha |

- (ii) Notwithstanding (i), the minimum Site Width for a Single Detached House that contains a front attached triple garage is 14.0 m.
- (iii) Notwithstanding (i) or (ii), on a corner Site the minimum Site Width is increased by 2.8 m and the minimum Site Area is increased by 90 m².

6.2.4.2 SITE COVERAGE

The maximum Site Coverage is 45%.

6.2.4.3 DENSITY

- (i) A Site containing a Duplex must not contain a Secondary Suite or a Backyard Suite.
- (ii) A maximum of one Secondary Suite or Backyard Suite is allowed on a Site.
- (iii) The density of a Site containing Cluster Housing must be between 10 and 25 UPH.

6.2.4.4 DEVELOPMENT SETBACKS

- (i) Unless otherwise referenced in subsections (ii), (iii) or (iv), the minimum Setbacks are as follows:

| LAND USE | FRONT SETBACK | EXTERIOR SIDE SETBACK | INTERIOR SIDE SETBACK | REAR SETBACK |
|-----------------------|---------------|-----------------------|-----------------------|--------------|
| Single Detached House | 4.0 m | 4.0 m | 1.3 m | 6.0 m |
| Duplex | 4.0 m | 4.0 m | 1.3 m | 6.0 m |
| Cluster Housing | 6.0 m | 6.0 m | 6.0 m | 6.0 m |

- (ii) Notwithstanding subsection (i), for a Site containing a Duplex, there is no requirement for an Interior Side Setback from a party wall.
- (iii) Notwithstanding subsection (i), the minimum Front Setback or Exterior Side Setback for an attached garage is 6.0
- (iv) Notwithstanding subsection (i), where Cluster Housing is externally oriented to a road, the minimum Front Setback is reduced to 4.0m.

6.2.4.5 BUILDING HEIGHT

- (i) The maximum Building Height is:
 - (1) 7 m for a Backyard Suite; and,
 - (2) 10 m for Cluster Housing, a Duplex or Single Detached House.

6.2.4.6 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- (i) The façade width of a front attached garage must not exceed 10 m.
- (ii) A Single Detached House, Cluster Housing, Duplex, or Backyard Suite may be manufactured off-site provided that:
 - (1) the hitch is removed upon placement on the Site;

- (2) the Building is placed on a full perimeter foundation or longitudinal floor beam with skirting system; and,
- (3) the Building has a roof pitch and exterior finishing materials that are consistent with Dwellings in the immediate area.

6.2.4.7 LANDSCAPING

- (i) All yards that are visible from a road, except for portions of the yard that are covered by a Driveway, must be Landscaped.
- (ii) Where Cluster Housing is internally oriented, the entire perimeter of the Site must contain Screening to the satisfaction of the Development Authority, either as:
 - (1) a 6.0 m Landscaping buffer; or,
 - (2) a uniform community fence.
- (iii) A minimum of one tree per Dwelling must be planted within the Front Yard, Exterior Side Yard, or adjacent Boulevard. At the discretion of the Development Authority several shrubs may be planted in lieu of a tree.
- (iv) All Landscaping must be completed within two years of occupancy of the Development.

6.2.4.8 DRIVEWAYS

- (i) Driveways must not connect to an Arterial Road or Collector Road unless:
 - (1) in the opinion of the Development Authority, there is no practical alternative of Motor Vehicle access to the Site; or,
 - (2) Driveways connecting to a Collector Road are planned and identified within an Area Structure Plan.
- (ii) A maximum of one Driveway per Site is allowed to connect to a road, except on a Site containing Cluster Housing in which case all Driveways must only connect to an Internal Private Roadway.
- (iii) A Driveway that connects to a road must:
 - (1) be surfaced with concrete, pavers, or asphalt within two years of occupancy of the Development;
 - (2) not exceed 2/3 of the Site Width or 10 m, whichever is less;
 - (3) not conflict with municipal infrastructure or Boulevard trees within the road right-of-way;
 - (4) be Setback from an intersection of two roads a combined distance of the corner curb radius plus 2.0 m measured from the edge of the Driveway to the curbface of the parallel road; and,
 - (5) be Setback 1.5 m from an Alley.
- (iv) A maximum of one Internal Private Roadway per Cluster Housing Development is allowed to connect to a road unless, in the opinion of the

Development Authority, additional connections are warranted based on the following criteria:

- (1) the density of the Site;
- (2) Site design constraints;
- (3) emergency Vehicle access; and,
- (4) traffic volume.

6.2.4.9 RECREATIONAL VEHICLES, BOATS, AND TRAILERS

- (i) A maximum of two RVs, boats, or utility trailers are allowed on a Site, but only one may be stored within the Front Yard or Exterior Side Yard provided it is on a Driveway.
- (ii) An RV, boat, or utility trailer must not:
 - (1) occupy or obstruct access to any required Off-Street Parking;
 - (2) be used for sleeping, food preparation or personal hygiene while parked or stored on a Site;
 - (3) be located closer than 0.5 m from the Back of Sidewalk, and if there is no sidewalk, no closer than 1 m from the edge of the paved surface of the abutting road; or,
 - (4) be parked or stored within any Corner Visibility Triangle.

6.2.4.10 SECONDARY SUITES

- (i) A Secondary Suite must:
 - (1) have an entrance to the exterior that is separate from the entrance for the Principal Dwelling; or,
 - (2) share an entrance to a common interior landing with the Principal Dwelling.
- (ii) A Secondary Suite must not contain more than two bedrooms.
- (iii) A Secondary Suite must not be subject to separation from the Single Detached House through a condominium conversion or subdivision.

6.2.4.11 BACKYARD SUITES

- (i) A Backyard Suite must:
 - (1) only be located on a Site where there is access to an Alley;
 - (2) have Off-Street Parking allotted to the Backyard Suite that is accessed from an Alley;
 - (3) be located within a Rear Yard;
 - (4) have exterior finishing materials that are consistent with the Single Detached House; and,

- (5) not be subject to separation from the Single Detached House through a condominium conversion or subdivision.
- (ii) A Backyard Suite must not exceed 65 m² in GFA, excluding the floor area of a Deck or stairway.
- (iii) The maximum Site Coverage of a Backyard Suite is 15%.
- (iv) The minimum Setbacks of the District apply to the Backyard Suite, except the minimum Rear Setback is 1.5 m.
- (v) A Backyard Suite must not contain more than two bedrooms.

6.2.4.12 DEVELOPMENT IN ESTABLISHED NEIGHBOURHOODS

- (i) Notwithstanding any other provision of section 6.2, in order to minimize the impact of new Development in an established neighbourhood:
 - (1) the Front Setback must be within 1 m of the average of the actual Front Setback of the adjacent Sites on each side of the Site;
 - (2) the primary entrance to a Dwelling must face the same direction as the majority of other Dwellings on the block face; and,
 - (3) no new Driveways accessing a road will be allowed unless more than 60% of the Dwellings on the block face already have one.
- (ii) Notwithstanding subsection (i)(3), an existing Driveway may be repaired or replaced but must not be expanded.
- (iii) Notwithstanding subsection (i)(3), no trees located within a Boulevard may be removed to accommodate a new Driveway or Off-Street Parking.

6.3 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-MD)

6.3.1 PURPOSE

To allow for the Development of new residential neighbourhoods with low rise built forms at medium densities while allowing contextual densification to occur in established neighbourhoods.

6.3.2 PERMITTED USES ⁴⁵

- (i) Multiple Unit Residential Development
- (ii) Single Detached House, Duplex, or Secondary Suite provided they legally existed on a Site as of January 1st, 2015.

6.3.3 DISCRETIONARY USES ⁴⁶

- (i) Apartments
- (ii) Backyard Suite
- (iii) Duplex
- (iv) Garages
- (v) Home occupations
- (vi) Secondary Suite

6.3.4 DEVELOPMENT REGULATIONS

6.3.4.1 SITE FRONTAGE AND AREA

- (i) Unless otherwise referenced in subsection (ii) or (iii), the minimum Site Width and Site Area is as follows:

| LAND USE ⁴⁷ | SITE WIDTH | SITE AREA |
|---------------------------------------|------------|-----------------------------------|
| Multiple Unit Residential Development | 19.0 m | 180 m ² (per Dwelling) |
| Apartment | 30.0 m | 1000 m ² |

- (ii) Notwithstanding (i), on a corner Site the minimum Site Width is increased by 2.0 m and the minimum Site Area is increased by 90 m².
- (iii) Notwithstanding (i), when a Site that contains a street oriented Multiple Unit Residential Development is subdivided into individual Sites, the minimum Site Width is 5.5 m for an internal unit of a Multiple Unit

⁴⁵ Amended by Bylaw 4370 – December 20, 2016

⁴⁶ Amended by Bylaw 4370 – December 20, 2016

⁴⁷ Amended by Bylaw 4370 – December 20, 2016

Residential Development and 7.5 m for an end unit of a Multiple Unit Residential Development.⁴⁸

6.3.4.2 SITE COVERAGE

The maximum Site Coverage is 65%.

6.3.4.3 DENSITY

- (i) The minimum density of a Site is 25 UPH.
- (ii) The maximum density of a Site that is developed with Multiple Unit Residential Developments is 56 UPH.⁴⁹
- (iii) The maximum density of a Site that is developed with Apartments is 100 UPH.
- (iv) Notwithstanding (iii), where required parking is provided underground the maximum density of a Site that is developed with Apartments is 150 UPH.

6.3.4.4 DEVELOPMENT SETBACKS

- (i) Unless otherwise referenced in subsections (ii) or (iii), the minimum Setbacks are as follows:

| LAND USE ⁵⁰ | FRONT SETBACK | EXTERIOR SIDE SETBACK | INTERIOR SIDE SETBACK | REAR SETBACK |
|---------------------------------------|---------------|-----------------------|-----------------------|--------------|
| Multiple Unit Residential Development | 4.0 m | 4.0 m | 2.0 m | 7.5 m |
| Apartment | 4.0 m | 4.0 m | 4.6 m | 7.5 m |

- (ii) Notwithstanding subsection (i), for a Site containing Multiple Unit Residential Development there is no requirement for an Interior Side Setback from a party wall.⁵¹
- (iii) Notwithstanding subsection (i), the minimum Front Setback or Exterior Side Setback for an attached garage is 6.0 m.

6.3.4.5 BUILDING HEIGHT

- (i) The maximum Building Height is:
 - (1) 12 m for Multiple Unit Residential Development; and,⁵²
 - (2) 18 m for Apartments.

48 Amended by Bylaw 4370 – December 20, 2016

49 Amended by Bylaw 4370 – December 20, 2016

50 Amended by Bylaw 4370 – December 20, 2016

51 Amended by Bylaw 4370 – December 20, 2016

52 Amended by Bylaw 4370 – December 20, 2016

6.3.4.6 LANDSCAPING

- (i) All yards that are not covered by a Building, a Driveway, or Off-street Parking, must be Landscaped.
- (ii) All Off-Street Parking must be screened from a road and adjacent Sites with trees, shrubs, and fencing.
- (iii) A minimum of one tree for every 7.6 m of Site Width must be planted within the Front Yard, Exterior Side Yard, or adjacent Boulevard. At the discretion of the Development Authority several shrubs may be planted in lieu of a tree.
- (iv) All Landscaping must be completed within two years of occupancy of the Development.

6.3.4.7 DRIVEWAYS AND PARKING AREAS

- (i) Driveways must not connect to an Arterial Road unless, in the opinion of the Development Authority, there is no practical alternative of Motor Vehicle access to the Site.
- (ii) A maximum of one Driveway is allowed per Site unless, in the opinion of the Development Authority, additional Driveways are warranted based on the following criteria:
 - (1) the density of the Site;
 - (2) Site design constraints;
 - (3) emergency Vehicle access; and,
 - (4) traffic volume.
- (iii) Off-Street Parking must not be closer to a Front Property Line or Exterior Side Property Line than the façade of the Principal Building.

6.3.4.8 DISCRETIONARY USES: BACKYARD SUITE, DUPLEX AND SECONDARY SUITE⁵³

At the discretion of the Development Authority, Backyard Suite, Duplex and Secondary Suite shall meet the requirements of the Low Density Residential (R-LD) Land Use District, section 6.2.4.

⁵³ Amended by Bylaw 4370 – December 20, 2016

PART 7

MIXED USE DISTRICTS

7.1 MIXED USE DISTRICT (MU)

7.1.1 PURPOSE

- (i) To maintain and promote key corridors and nodes as focal points for compact mixed use development.
- (ii) To encourage densification that supports pedestrian and transit oriented design while remaining compatible with the character of adjacent residential neighbourhoods.

7.1.2 PERMITTED USES

- (i) Artist Studios
- (ii) Business and Professional Offices
- (iii) Business Support Services
- (iv) Clubs
- (v) Community Centres
- (vi) Cultural Facilities
- (vii) Day Care Facilities
- (viii) Education Institutions
- (ix) Government Services
- (x) Health Care Facilities
- (xi) Health Care Offices
- (xii) Hotels
- (xiii) Live Work Residences
- (xiv) Markets
- (xv) Places of Amusement
- (xvi) Places of Worship
- (xvii) Recreation Facilities
- (xviii) Restaurants

- (xix) Retail and Consumer Services
- (xx) Deleted ⁵⁴

7.1.3 DISCRETIONARY USES ^{55 56 57}

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Apartments
- (iv) Backyard Suite
- (v) Bars
- (vi) Duplex
- (vii) Drive-Through Services
- (viii) Garages
- (ix) Greenhouse and Garden Centres
- (x) Home Occupations
- (xi) Industrial Support Services or Industrial Operations provided they legally existed on a Site as of January 1, 2016
- (xii) Motor Vehicle and RV Sales
- (xiii) Motor Vehicle Gas Stations
- (xiv) Motor Vehicle Service Stations
- (xv) Multiple Unit Residential Development
- (xvi) Parking Facilities
- (xvii) Secondary Suite
- (xviii) Self-Storage Facilities
- (xix) Single Detached House

7.1.4 DEVELOPMENT REGULATIONS

7.1.4.1 SITE DIMENSIONS

- (i) The minimum Site Width is: ⁵⁸
 - (1) 5.5 m for a Live Work Residence that is an internal unit;

⁵⁴ Amended by Bylaw 4273 – July 7, 2015

⁵⁵ Amended by Bylaw 4273 – July 7, 2015

⁵⁶ Amended by Bylaw 4352 – June 7, 2016

⁵⁷ Amended by Bylaw 4370 – December 20, 2016

⁵⁸ Amended by Bylaw 4273 – July 7, 2015

- (2) 6.7 m for a Live Work Residence that is an end unit;
 - (3) 30.0 m for Apartments;
 - (4) all other uses as required by a Development Authority.
- (ii) The minimum Site Area is 500 m².

7.1.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback is 3.00 m.
- (ii) The minimum Exterior Side Setback is 3.00 m.
- (iii) The minimum Interior Side Setback and minimum Rear Setback is 0.0 m, unless a Site abuts a residential District in which case the minimum Setback on that side of the Site is 6.0 m.⁵⁹

7.1.4.3 BUILDING HEIGHT

- (i) The maximum Building Height is 4 Storeys.
- (ii) A Development Authority may increase Maximum Building Height to 6 Storeys without using a Variance if:
 - (1) the Site is not adjacent to a Low Density Residential District;
 - (2) parking is integrated into the Building; and
 - (3) the Building contains both residential and non-residential uses.

7.1.4.4 LAND USES

- (i) A non-residential use must:
 - (1) not be located above or on the same Storey as a Dwelling in the same Building;⁶⁰
 - (2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing.⁶¹
- (ii) The maximum Gross Floor Area of a Bar is 600 m².

7.1.4.5 URBAN DESIGN

- (i) The main entrance to the Principal Building must face a road.
- (ii) Parking areas are not allowed within a Front yard or Exterior Side Yard.

⁵⁹ Amended by Bylaw 4273 – July 7, 2015

⁶⁰ Amended by Bylaw 4273 – July 7, 2015

⁶¹ Amended by Bylaw 4273 – July 7, 2015

7.1.4.6 DISCRETIONARY USES: BACKYARD SUITE, DUPLEX, SECONDARY SUITE AND SINGLE DETACHED HOUSE ⁶²

At the discretion of the Development Authority, Backyard Suite, Duplex, Secondary Suite and Single Detached House shall meet the requirements of the Low Density Residential (R-LD) Land Use District Section 6.2.4.

7.2 DOWNTOWN MIXED USE DISTRICT (MU-D)

7.2.1 PURPOSE

To maintain and promote the Downtown as a focal point for compact mixed use development, while preserving the historical character and pedestrian oriented nature of the neighbourhood.

7.2.2 PERMITTED USES

- (i) Artist Studios
- (ii) Business and Professional Offices
- (iii) Business Support Services
- (iv) Clubs
- (v) Community Centres
- (vi) Cultural Facilities
- (vii) Day Care Facilities
- (viii) Education Institutions
- (ix) Government Services
- (x) Health Care Facilities
- (xi) Health Care Offices
- (xii) Hotels
- (xiii) Live Work Residences
- (xiv) Markets
- (xv) Places of Amusement
- (xvi) Places of Worship
- (xvii) Recreation Facilities
- (xviii) Restaurants
- (xix) Retail and Consumer Services

62 Amended by Bylaw 4352 – June 7, 2016

7.2.3 DISCRETIONARY USES ^{63 64 65}

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Apartments
- (iv) Bars
- (v) Garages
- (vi) Home Occupations
- (vii) Multiple Unit Residential Development
- (viii) Parking Facilities

7.2.4 DEVELOPMENT REGULATIONS

7.2.4.1 BUILDING FRONTAGE

- (i) A minimum of 75.0 per cent of the façade of a Building must be within 3.00 m of the front Property Line.
- (ii) A minimum of 75.0 per cent of the façade of a Building must be within 3.00 m of the Exterior Side Property Line.

7.2.4.2 REQUIRED DEVELOPMENT SETBACKS

The minimum Interior Side Setback and minimum Rear Setback is 0.00 m, unless a Site abuts a Low Density Residential or Medium Density Residential District in which case the minimum Setback on that side of the Site is 3.00 m.

7.2.4.3 MAXIMUM BUILDING HEIGHT

The maximum Building Height is 4 Storeys.

7.2.4.4 LAND USES

- (i) A non-residential use must:
 - (1) not be located above or on the same Storey as a Dwelling in the same Building; ⁶⁶
 - (2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing. ⁶⁷

63 Amended by Bylaw 4273 – July 7, 2015

64 Amended by Bylaw 4352 – June 7, 2016

65 Amended by Bylaw 4370 – December 20, 2016

66 Amended by Bylaw 4273 – July 7, 2015

67 Amended by Bylaw 4273 – July 7, 2015

- (ii) The maximum Gross Floor Area of a Bar is 600 m².

7.2.4.5 URBAN DESIGN

- (i) A Development Authority shall have regard to, but is not bound by, the Downtown Redevelopment Plan in deciding on a redevelopment proposal.
- (ii) The first and second Storeys of a Building facade fronting a road must be faced with traditional building materials such as brick, masonry, or stucco.
- (iii) On the first Storey, a minimum of 50 per cent of a Building façade fronting a road must be glazing.
- (iv) The principal entrance to a Building must face a Property Line abutting a road.
- (v) Parking areas are not allowed within a Front yard or Exterior Side Yard.
- (vi) A Building with a Building Height greater than 3 Storeys shall incorporate a step back of a minimum of 2.00 m on all sides of the Building that front a road.
- (vii) Entrance features, arcades, awnings, or canopies, and courtyards must be incorporated into the overall design of a Building along road Frontages to create a protected pedestrian environment.
- (viii) All uses and storage shall be contained within a Building, with the exception of a Market or a patio associated with a Restaurant or a Bar.

PART 8

COMMERCIAL DISTRICTS

8.1 NEIGHBOURHOOD COMMERCIAL DISTRICT (C-N)

8.1.1 PURPOSE

To maintain and promote small scale commercial development that serves the needs of the immediate neighbourhood, while encouraging incorporation of residential uses above commercial uses in multi-Storey Buildings.

8.1.2 PERMITTED USES

- (i) Artist Studios
- (ii) Business and Professional Offices
- (iii) Clubs
- (iv) Community Centres
- (v) Cultural Facilities
- (vi) Day Care Facilities
- (vii) Government Services
- (viii) Health Care Offices
- (ix) Live Work Residences
- (x) Recreation Facilities
- (xi) Restaurants
- (xii) Retail and Consumer Services

8.1.3 DISCRETIONARY USES ⁶⁸

- (i) Accessory Uses
- (ii) Animal Services
- (ii.1) Apartments ⁶⁹
- (iii) Bars
- (iv) Business Support Services

⁶⁸ Amended by Bylaw 4352 – June 7, 2016

⁶⁹ Amended by Bylaw 4273 – July 7, 2015

- (v) Deleted ⁷⁰
- (vi) Drive-Through Services
- (vii) Places of Amusement
- (viii) Places of Worship
- (ix) Motor Vehicle Gas Stations
- (x) Motor Vehicle Service Stations

8.1.4 DEVELOPMENT REGULATIONS

8.1.4.1 SITE DIMENSIONS

- (i) The minimum Site Frontage is 5.0 m.

8.1.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback is 3.00 m.
- (ii) The minimum Exterior Side Setback is 3.00 m.
- (iii) The minimum Interior Side Setback and minimum Rear Setback is 6.0 m. ⁷¹

8.1.4.3 BUILDING HEIGHT

The maximum Building Height is 3 Storeys.

8.1.4.4 LAND USES

- (i) All Developments shall contain at least one non-residential use.
- (ii) The maximum Gross Floor Area of each non-residential use on a Site is 350 m².
- (iii) A non-residential use must:
 - (1) not be located above or on the same Storey as a Dwelling in the same Building; and ⁷²
 - (2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing. ⁷³

⁷⁰ Amended by Bylaw 4273 – July 7, 2015

⁷¹ Amended by Bylaw 4273 – July 7, 2015

⁷² Amended by Bylaw 4273 – July 7, 2015

⁷³ Amended by Bylaw 4273 – July 7, 2015

8.1.4.5 URBAN DESIGN

- (i) The main entrance to the Principal Building must face a road.
- (ii) Parking areas are not allowed within a Front Yard or Exterior Side Yard.
- (iii) All Buildings shall be finished in materials which in the opinion of a Development Authority exhibit a high quality, attractive and durable permanent appearance, and do not conflict with or alter the character of adjacent residential areas.

8.2 REGIONAL COMMERCIAL DISTRICT (C-R)

8.2.1 PURPOSE

To maintain and promote regional nodes located along principal transportation corridors as a focal point for commercial development.

8.2.2 PERMITTED USES

- (i) Artist Studios
- (ii) Business and Professional Offices
- (iii) Business Support Services
- (iv) Clubs
- (v) Community Centres
- (vi) Cultural Facilities
- (vii) Day Care Facilities
- (viii) Education Institutions
- (ix) Government Services
- (x) Health Care Facilities
- (xi) Health Care Offices
- (xii) Hotels
- (xiii) Markets
- (xiv) Parking Facilities
- (xv) Places of Amusement
- (xvi) Places of Worship
- (xvii) Recreation Facilities
- (xviii) Restaurants

- (xix) Retail and Consumer Services

8.2.3 DISCRETIONARY USES

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Bars
- (iv) Drive-through Services
- (v) Gaming Establishments
- (vi) Greenhouse and Garden Centres
- (vii) Motor Vehicle and RV Sales
- (viii) Motor Vehicle Gas Stations
- (ix) Motor Vehicle Service Stations

8.2.4 DEVELOPMENT REGULATIONS

8.2.4.1 LOT DIMENSIONS

- (i) The minimum Site Frontage is 15.00 m.
- (ii) The minimum Site Area is 1000 m².

8.2.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback, Exterior Side Setback and Rear Setback is 3.00 m.
- (ii) The minimum Interior Side Setback is 0.0 m, unless a Site abuts a residential District in which case the minimum Setback on that side of the Site is 6.0 m.⁷⁴

8.2.4.3 BUILDING HEIGHT

The maximum Building Height is 6 Storeys.

⁷⁴ Amended by Bylaw 4273 – July 7, 2015

8.3 HIGHWAY COMMERCIAL DISTRICT (C-H)

8.3.1 PURPOSE

To maintain and promote commercial development with high visibility along major transportation corridors that is compatible with both commercial and industrial adjacent uses.

8.3.2 PERMITTED USES

- (i) Artist studios
- (ii) Business and Professional Offices
- (iii) Business Support Services
- (iv) Clubs
- (v) Community Centres
- (vi) Cultural Facilities
- (vii) Day Care Facilities
- (viii) Education Institutions
- (ix) Government Services
- (x) Health Care Facilities
- (xi) Health Care Offices
- (xii) Hotels
- (xiii) Markets
- (xiv) Motels
- (xv) Motor Vehicle and RV Sales
- (xvi) Motor Vehicle Gas Stations
- (xvii) Motor Vehicle Service Stations
- (xviii) Parking Facilities
- (xix) Places of Amusement
- (xx) Places of Worship
- (xxi) Recreation Facilities
- (xxii) Restaurants
- (xxiii) Retail and Consumer Services

8.3.3 DISCRETIONARY USES

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Bars
- (iv) Drive-through Services
- (v) Funeral Establishments
- (vi) Gaming Establishments
- (vii) Greenhouse and Garden Centres

8.3.4 DEVELOPMENT REGULATIONS

8.3.4.1 LOT DIMENSIONS

- (i) The minimum Site Frontage is 15.00 m.
- (ii) The minimum Site Area is 1000 m².

8.3.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback, Exterior Side Setback and Rear Setback is 3.00 m.
- (ii) The minimum Interior Side Setback and minimum Rear Setback is 0.0 m unless a Site abuts a residential District in which case the minimum Setback on that side of the Site is 6.0 m.⁷⁵

8.3.4.3 BUILDING HEIGHT

The maximum Building Height is 4 Storeys.

⁷⁵ Amended by Bylaw 4273 – July 7, 2015

PART 9

INDUSTRIAL DISTRICTS

9.1 BUSINESS INDUSTRIAL DISTRICT (I-B)

9.1.1 PURPOSE

To create a transition area between commercial and industrial Districts in which commercial activities occur primarily indoors and do not create adverse impacts to other lands, while allowing for limited activity in outdoor areas.

9.1.2 PERMITTED USES

- (i) Animal Services
- (ii) Business Support Services
- (iii) Funeral Establishments
- (iv) Government Services
- (v) Greenhouse and Garden Centres
- (vi) Industrial Operations
- (vii) Industrial Support Services
- (viii) Motor Vehicle and RV Sales
- (ix) Motor Vehicle Gas Stations
- (x) Motor Vehicle Service Stations
- (xi) Parking Facilities
- (xii) Self-Storage Facilities

9.1.3 DISCRETIONARY USES

- (i) Accessory Uses
- (ii) Artist Studios
- (iii) Bars
- (iv) Business and Professional Offices
- (v) Clubs
- (vi) Community Centres

- (vii) Cultural Facilities
- (viii) Drive-through Services
- (ix) Education Institutions
- (x) Gaming Establishments
- (xi) Health Care Facilities
- (xii) Health Care Offices
- (xiii) Hotels
- (xiv) Markets
- (xv) Motels
- (xvi) Places of Amusement
- (xvii) Recreation Facilities
- (xviii) Renewable Energy
- (xix) Restaurants
- (xx) Retail and Consumer Services

9.1.4 DEVELOPMENT REGULATIONS

9.1.4.1 SITE DIMENSIONS

- (i) The minimum Site Frontage is 15.00 m.
- (ii) The minimum Site Area is 500 m².

9.1.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback and Exterior Side Setback is 3.00 m.
- (ii) The minimum Interior Side Setback and Rear Setback is 0.00 m unless a Site abuts a non-Industrial District in which case the Setback on that side of the Site is 6.00 m.

9.1.4.3 BUILDING HEIGHT

The maximum Building Height is 6 Storeys.

9.2 GENERAL INDUSTRIAL DISTRICT (I-G)

9.2.1 PURPOSE

The purpose of this District is:

- (i) to provide for industrial businesses whose activities may occur in whole or in part outdoors but generally do not have a significant adverse impact on other Sites;
- (ii) to provide an area for compatible non-industrial businesses.

9.2.2 PERMITTED USES

- (i) Animal Services
- (ii) Education Institutions
- (iii) Greenhouse and Garden Centres
- (iv) Government Services
- (v) Industrial Operations
- (vi) Industrial Support Services
- (vii) Motor Vehicle and R.V. Sales
- (viii) Motor Vehicle Gas Stations
- (ix) Motor Vehicle Service Stations
- (x) Parking Facilities
- (xi) Self-Storage Facilities
- (xii) Renewable Energy
- (xiii) Resource Extraction

9.2.3 DISCRETIONARY USES

- (i) Accessory Uses
- (ii) Adult Establishments
- (iii) Business Support Services
- (iv) Funeral Establishments
- (v) Markets
- (vi) Places of Amusement
- (vii) Recreation Facilities
- (viii) Restaurants
- (ix) Salvage Facilities

9.2.4 DEVELOPMENT REGULATIONS

9.2.4.1 SITE DIMENSIONS

- (i) The minimum Site Frontage is 30.00 m.
- (ii) The minimum Site Area is 1000 m².

9.2.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Front Setback and Exterior Side Setback is 3.00 m.
- (ii) The minimum Interior Side Setback and Rear Setback is 0.00 m unless a Site abuts a non-Industrial District in which case the minimum required Setback on that side of the Site is 6.00 m.

9.3 HEAVY INDUSTRIAL DISTRICT (I-H)

9.3.1 PURPOSE

To provide for large scale industrial uses that may be incompatible with uses in other Districts, and to allow for industrial uses that include significant outdoor activities.

9.3.2 PERMITTED USES

- (i) Government Services
- (ii) Industrial Operations
- (iii) Industrial Support Services
- (iv) Motor Vehicle Service Stations
- (v) Renewable Energy
- (vi) Resource Extraction
- (vii) Salvage Facilities
- (viii) Self-storage Facilities

9.3.3 DISCRETIONARY USES

- (i) Accessory Uses
- (ii) Developments employing industrial processes that use hydrocarbons as feedstock
- (iii) Greenhouse and Garden Centres
- (iv) Special Outdoor Recreation

9.3.4 DEVELOPMENT REGULATIONS

9.3.4.1 SITE DIMENSIONS

The minimum Site Area is 5,000 m².

9.3.4.2 REQUIRED DEVELOPMENT SETBACKS

- (i) The minimum Setback on all sides of a Site is 6.00 m.
- (ii) Despite clause 9.3.4.2(i) a Development Authority may require increased Setbacks on any or all sides of a Site.

PART 10

OTHER DISTRICTS

10.1 HISTORIC CLAY DISTRICT (HC)

10.1.1 PURPOSE

- (i) to reinforce and support the vision of this area of the City as a tourism destination;
- (ii) to encourage the development of the area as a heritage, arts, and cultural hub;
- (iii) to establish the opportunity for complementary commercial uses that support tourism and local neighbourhood needs;
- (iv) to establish the opportunity for Live Work Residences and other infill residential development.

10.1.2 PERMITTED USES

- (i) Artist Studios
- (ii) Clubs
- (iii) Community Centres
- (iv) Cultural Facilities
- (v) Education Institutions
- (vi) Government Services
- (vii) Greenhouse and Garden Centres
- (viii) Industrial Operations (Ceramic, Clay, and Brick Industries only)
- (ix) Live Work Residences

10.1.3 DISCRETIONARY USES ^{76 77}

- (i) Accessory Uses
- (ii) Appartments

⁷⁶ Amended by Bylaw 4273 – July 7, 2015

⁷⁷ Amended by Bylaw 4370 – December 8, 2016

- (iii) Business and Professional Offices
- (iv) Day Care Facility
- (v) Duplex
- (vi) Garages
- (vii) Home Occupations
- (viii) Hotels
- (ix) Markets
- (x) Multiple Unit Residential Development
- (xi) Places of Amusement
- (xii) Places of Worship
- (xiii) Recreation Facility
- (xiv) Restaurants
- (xv) Retail and Consumer Services
- (xvi) Single Detached House

10.1.4 DEVELOPMENT REGULATIONS

A Development Authority may establish Development Regulations specific to this District, and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, storm water drainage, and any other relevant land use planning considerations.

10.2 COMMUNITY SERVICES DISTRICT (CS)

10.2.1 PURPOSE

To provide for the development of social, non-profit, educational, governmental, religious and other public and private institutional services, as well as limited infill residential uses.

10.2.2 PERMITTED USES

- (i) Artist Studios
- (ii) Business and Professional Offices
- (iii) Clubs
- (iv) Community Centres
- (v) Cultural Facilities

- (vi) Day Care Facilities
- (vii) Education Institutions
- (viii) Government Services
- (ix) Health Care Facilities
- (x) Health Care Offices
- (xi) Places of Worship
- (xii) Recreation Facilities

10.2.3 DISCRETIONARY USES ^{78 79}

- (i) Accessory Uses
- (ii) Apartments
- (iii) Garages
- (iv) Home Occupations
- (v) Multiple Unit Residential Development

10.2.4 DEVELOPMENT REGULATIONS

A Development Authority may establish Development Regulations specific to this District, and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, storm water drainage, and any other relevant land use planning considerations.

10.3 OPEN SPACE DISTRICT (OS)

10.3.1 PURPOSE

To provide for the development of open spaces within the community that may contain landscaped parks, natural areas, recreational and cultural facilities, and related Accessory Uses.

10.3.2 PERMITTED USES

- (i) Government Services
- (ii) Recreation Facilities

10.3.3 DISCRETIONARY USES

- (i) Accessory uses

⁷⁸ Amended by Bylaw 4273 – July 7, 2015

⁷⁹ Amended by Bylaw 4370 – December 20, 2016

- (ii) Campgrounds
- (iii) Cemeteries
- (iv) Community Centres
- (v) Cultural Facilities

10.3.4 DEVELOPMENT REGULATIONS

A Development Authority may establish Development Regulations specific to this District, and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, storm water drainage, and any other relevant land use planning considerations.

10.4 UTILITIES DISTRICT (U)

10.4.1 PURPOSE

The purpose of this District is primarily to provide for the development of large scale public utility infrastructure.

10.4.2 PERMITTED USES

Installation and/or construction of any large public utility infrastructure

10.4.3 DEVELOPMENT REGULATIONS

A Development Authority may establish Development Regulations specific to this District, and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, storm water drainage, and any other relevant land use planning considerations.

10.5 AIRPORT DISTRICT (A)

10.5.1 PURPOSE

To provide for appropriate development of airport lands for the purpose of facilitating and promoting economic development, while ensuring the integrity and safety of the airport and airport operations.⁸⁰

10.5.2 PERMITTED USES

- (i) Airport related facilities and services;
- (ii) Business and Professional Offices

⁸⁰ Amended by Bylaw 4377 – September 19, 2017

- (iii) Business Support Services;
- (iv) Clubs;
- (v) Cultural Facilities;
- (vi) Community Centres;
- (vii) Education Institutions
- (viii) Government Services;
- (ix) Health Care Facilities;
- (x) Health Care Offices;
- (xi) Hotels;
- (xii) Industrial Operations (aircraft and aerospace industries)
- (xiii) Markets
- (xiv) Motels
- (xv) Motor Vehicle Gas Stations;
- (xvi) Motor Vehicle Service Stations;
- (xvii) Parking Facilities
- (xviii) Places of Amusement;
- (xix) Recreation Facilities;
- (xx) Restaurants;
- (xxi) Retail and Consumer Services;
- (xxii) Places of Worship
- (xxiii) Places of Amusement

10.5.3 DISCRETIONARY USES

- (i) Accessory Uses
- (i) Bars
- (ii) Drive Through Services
- (iii) Gaming Establishments
- (iv) Greenhouse and Garden Centres
- (v) Industrial Operations
- (vi) Industrial Support Services
- (vii) Motor Vehicle and RV Sales
- (viii) Self Storage Facilities

10.5.4 DEVELOPMENT REGULATIONS

- (i) Notwithstanding any other provision of this Bylaw, a distinct Site is not required for approval of a Development in this District, and more than one Principal Building or Principal Use is allowed on any lot or parcel of land in this District.
- (ii) If a new Site is created by subdivision, in this District, the Site must have:
 - (1) a Site Frontage of at least 7.50 m; and
 - (2) a Site Area of at least 225.00 m².
- (iii) A Development Authority may establish Development Regulations specific to this District that are not inconsistent with subsections (i) and (ii) of this section 10.5.4 and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, quality of existing roads, storm water drainage, and any other relevant land use planning considerations

10.5.5 ADDITIONAL DEVELOPMENT REQUIREMENTS

- (i) The minimum Front Setback for any Building within 30.00 m of Gershaw Drive SW is 3.00 m.
- (ii) The minimum Exterior Side Setback is 3.00 m.
- (iii) The minimum Interior Side Setback is 0.00 m.
- (iv) The minimum Rear Setback is 0.00 m unless a Site [or portion of a Site dedicated to a Development with a Building] abuts Gershaw Drive SW in which case the minimum Rear Setback is 3.00 m.
- (v) All Front Yards and Exterior Side Yards that abut Gershaw Drive SW. shall be landscaped, and no other landscaping is required in this District.

10.6 FUTURE URBAN DEVELOPMENT DISTRICT (FUD)

10.6.1 PURPOSE

To protect lands identified as future greenfield development areas from premature subdivision and development until urban development of the land can proceed in an orderly fashion consistent with the City's Municipal Development Plan and other statutory plans, and the Municipal Servicing Standards.

10.6.2 PERMITTED USES

Single Detached Houses that existed on the date of enactment of this Bylaw regardless of whether they are non-conforming Buildings or non-conforming

uses;⁸¹

10.6.3 DISCRETIONARY USES⁸²

- (i) Accessory Uses
- (ii) Agricultural Uses;
- (iii) Animal Services;
- (iv) Backyard Suites
- (v) Garages
- (vi) Greenhouses and Garden Centres
- (vii) Home Occupations
- (viii) Renewable Energy
- (ix) Resource Extraction
- (x) Secondary Suites
- (xi) Self Storage

10.6.4 DEVELOPMENT REGULATIONS

A Development Authority may establish Development Regulations specific to this District, and in doing so shall have regard to: impact on adjacent land uses, location, scale, availability of services, traffic generation, storm water drainage, and any other relevant land use planning considerations.

10.7 DIRECT CONTROL DISTRICT (DC)

10.7.1 PURPOSE

To allow the Council to exercise particular control over the use and development of specific Sites or Buildings in circumstances where in the opinion of the Council a proposed Development does not fit into any other District, or where a Site or Building requires a unique approach to establishing parameters for future development.

10.7.2 PARAMETERS FOR DEVELOPMENT OF DIRECT CONTROL LANDS

The Council may by resolution establish such parameters for development as it considers necessary in respect of any Site within this District, and in so doing

81 Amended by Bylaw 4273 – July 7, 2015

82 Amended by Bylaw 4273 – July 7, 2015

may vary, relax or waive any Development Regulation or any provision of the Municipal Servicing Standards, or issue any directions it considers appropriate to the Commission with respect to the Commission's power to make a decision on an application for a Development Permit involving that Site.

10.7.3 DEVELOPMENT APPROVAL PROCESS

- (i) Subject to subsection 10.7.3(iii) an application for approval of a Development on a Site in this District in respect of which Council has passed a resolution under section 10.7.2 shall be processed by the CAO in the same manner as an application involving any other District and shall be referred to the Commission which shall make a decision whether to approve the proposed Development with or without conditions, consistent with the Council resolution.
- (ii) An application for approval of a Development on a Site in this District in respect of which the Council has not yet passed a resolution under section 10.7.2 shall be referred to the Commission which shall make recommendations to the Council concerning:
 - (1) whether a resolution should be passed by the Council under section 10.7.2 and if so the proposed content of that resolution; and
 - (2) whether the Development should be approved, with or without conditions, and the content of any conditions proposedand the Council shall decide whether to pass a resolution under section 10.7.2 and whether to approve the proposed Development, with or without conditions.
- (iii) Despite section 10.7.3(i) if a Council resolution under section 10.7.2 specifically provides that the Council and not the Commission shall make a decision on any Development Permit application involving the Site, then the Commission shall nevertheless deal with the application but shall make a recommendation to Council on whether to approve the proposed Development, with or without conditions, and the Council shall make the decision.
- (iv) When a decision is made by the Commission or the Council to approve a Development involving a Site in this District, with or without conditions, a Development Permit corresponding to the decision shall be issued by a person to whom the appropriate power of Development Authority has been delegated.

PART 11

GENERAL PROVISIONS

11.1 SCHEDULES

Schedules A through D are incorporated into and form part of this Bylaw.

11.2 COMPLIANCE WITH OTHER LEGAL REQUIREMENTS

Nothing in this Bylaw affects a person's obligation to comply with

- (i) any other enactment; or
- (ii) any permit, approval, order or other legal requirement concerning or affecting a Development.

11.3 USES PERMITTED IN ALL DISTRICTS

Community Gardens, Parks, Protective Services, and Utilities are Permitted Uses in all Districts, regardless of whether they are so identified in Parts 6 through 10.⁸³

11.4 DELEGATION OF POWERS AND DUTIES

When the authority to delegate powers and duties under this Bylaw is granted to any person by a provision of this Bylaw:

- (i) the power to delegate includes the power to delegate in whole or in part, to delegate different powers and duties to different persons, and to revoke any delegation at any time;
- (ii) the delegation, or revocation of delegation, must be exercised in writing.

11.5 SEVERANCE OF PROVISIONS

If any provision of this Bylaw is found by a court to be of no force or effect, it is the intention of the Council that such provision be severed from this Bylaw and that every other provision of this Bylaw continue in force and effect.

⁸³ Amended by Bylaw 4217 – March 18, 2014

11.6 FEES

The Council may from time to time, by resolution, establish and charge fees in respect of any matter related to the administration or enforcement of this Bylaw.

11.7 ELIGIBILITY TO APPLY

A person who makes a Rezoning Application, or applies for a Development Permit, must be the registered owner of the lands affected as shown on the certificate of title or show written proof to the satisfaction of a Development Authority that the registered owner consents to the Application.

11.8 COMPLIANCE CERTIFICATES

- (i) A compliance certificate or compliance letter may be issued to: the registered owner of a Site, a person with a legal or equitable interest in a Site, or an agent or solicitor for any such person.
- (ii) Unless an Applicant specifically requests that additional matters be addressed, a compliance certificate or compliance letter shall deal only with:
 - (1) whether the current use of the Site is a Permitted Use or Discretionary Use or has been approved as a Similar Use, and if not whether it is to the best of the City's knowledge a lawful non-conforming use;
 - (2) whether the Setbacks from a Building on the Site are in compliance with the minimum Setback requirements of this Bylaw, and if not whether to the best of the City's knowledge it is a lawful non-conforming Building.

11.9 CHANGES TO NON-CONFORMING BUILDINGS

If a Building in existence on the date of enactment of this Bylaw is being utilized for a Permitted Use or a Discretionary Use in the District in which it is located but does not in other respects conform to the requirements of that District as set out in this Bylaw, a Development Permit may be issued for renovation or repair of the Building without enlargement or addition or structural alteration and without a change of use, if the proposed renovation or repair will not result in any additional non-compliance with the requirements of the District.

11.10 DEVELOPMENTS ON NON-CONFORMING SITES

Where an existing Site does not conform to the minimum Site Frontage or minimum Site Area requirement of the District in which it is located, a Development Permit in respect of that Site may be issued if the proposed Development complies with all other applicable provisions of this Bylaw and if in the opinion of a Development Authority the conditions set out in subsection 640(6) of the Act are met.

11.11 OFFENCES, PENALTIES AND INSPECTIONS

- (i) A person commits an offence who:
 - (1) commences or carries on, or causes or allows to be commenced or carried on, a Development without a Development Permit when a Development Permit is required under this Bylaw;
 - (2) fails to comply, or causes or allows a failure to comply, with any provision or condition of a Development Permit;
 - (3) fails to comply, or causes or allows a failure to comply, with any procedure, protocol or requirement created or issued by the CAO under section 3.5(i);
 - (4) uses, or causes or allows to be used, land or a Building in a manner contrary to the provisions of this Bylaw; or
 - (5) contravenes, or causes or allows to be contravened, any other provision of this Bylaw.
- (ii) A person who commits an offence under this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.00 or imprisonment for not more than one year, or both, and upon non-payment of a fine, imprisonment for not more than one year.
- (iii) A Bylaw Enforcement Officer may upon reasonable notice enter on any land or into any Building for the purpose of carrying out any inspection, remedy, enforcement or action pursuant to any provision of this Bylaw or the Act.
- (iv) If the owner or occupier of land or a structure consents to entry on the land by a Bylaw Enforcement Officer for the purpose of carrying out any inspection, remedy, enforcement or action pursuant to any provision of this Bylaw or the Act, the owner or occupier is deemed to have been given reasonable notice pursuant to section 542 of the Act.

PART 12

TRANSITIONAL AND CONSEQUENTIAL

12.1 REPEAL OF BYLAW 3181

City of Medicine Hat Bylaw No. 3181, as amended, is repealed and of no further force or effect except where explicitly stated otherwise in this Bylaw.

12.2 EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

- (i) This Bylaw is enacted and comes into force on the day it is passed.
- (ii) Subject to the provisions of subsection 12.2(iii), an application for a Development Permit that has been received by a Development Authority prior to the enactment of this Bylaw, must be dealt with by the Development Authority as if this Bylaw had not been enacted and Bylaw No. 3181 as amended had not been repealed.
- (iii) Except in the case of an application involving lands in the Direct Control District, a Development Permit may be issued by a Development Officer to whom the powers of Development Authority have been delegated, or may be referred by a Development Officer to the Commission for a decision, in respect of any application to which subsection 12.2(ii) applies.
- (iv) A Development Permit that was in force and effect at the date of enactment of this Bylaw continues to be in force and effect and is subject to suspension or cancellation pursuant to section 3.3 as though it had been issued under this Bylaw.

12.3 CONSEQUENTIAL AMENDMENTS

- (i) Bylaw #3007 is amended as follows:
 - (1) In subsection 3(f) the words “by Council” are struck out;
 - (2) In subsection 3(h) the words “or the *Planning Act* R.S.A. 1980, c. P-9” are struck out;

- (3) In subsection 7(1):
 - (a) clause (b) is repealed and replaced by the following:
“(b) to carry out the powers and duties of a Development Authority that are assigned to it under the Land Use Bylaw;”
 - (b) the words “and Development” in clause (c) are struck out.

(ii) Bylaw #3008 is amended as follows:

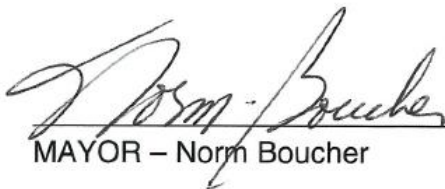
- (1) In the preamble, the words “and a development authority” are struck out wherever they appear;
- (2) In section 1, the words “and Development” are struck out;
- (3) Subsections 2(d) and 2(e) are repealed;
- (4) In subsection 2(f) the words “or the *Planning Act* R.S.A. 1980, c. P-9” are struck out;
- (5) In subsection 2(h) the word “Act” is struck out and replaced by “Land Use Bylaw”;
- (6) The heading immediately preceding section 3 is struck out, and sections 3, 4 and 5 are repealed.

READ A FIRST TIME in open Council on May 21, 2013.

READ A SECOND TIME in open Council on August 6, 2013.

READ A THIRD TIME in open Council on August 6, 2013.

SIGNED AND PASSED on August 9, 2013.


MAYOR – Norm Boucher




CITY CLERK – Angela Cruickshank

SCHEDULE “A”

RIVER FLATS OVERLAY

1. PURPOSE

The purpose of this Overlay is to ensure that new Developments in the River Flats community:

- are sensitive in scale to existing Developments;
- maintain the traditional character and pedestrian-friendly design of the streetscape;
- ensure privacy and sunlight on adjacent Sites; and
- are considered in the context of opportunity for discussion between Applicants and affected parties when an Applicant seeks a Variance from the Development Regulations.

2. AREA OF APPLICATION

This Overlay applies only to Developments approved after the date of enactment of this Bylaw, on Sites in the River Flats community located within the area shown on the River Flats Overlay Map.

3. DEVELOPMENT REGULATIONS

- (a) A Dwelling must comply with the following: ⁸⁴
- (i) it must in the opinion of a Development Authority be compatible with the traditional character of the streetscape in built-form, massing, materials, colours, and Site design;
 - (ii) if a porch is included, it must be incorporated as an integral part of the Building;
 - (iii) the principal entrance must face a road;
 - (iv) it must have a peaked or shed roof style;
 - (v) the design of the Dwelling must include traditional building materials on the façade including brick, stucco, or wood siding, and avoid the use of vinyl siding on a façade that fronts a road; ⁸⁵
 - (vi) it must where practical and feasible incorporate wood architectural accents and sandblasting of exposed concrete.

84 Amended by Bylaw 4273 – July 7, 2015

85 Amended by Bylaw 4273 – July 7, 2015

- (b) Despite any other Front Setback provision of this Bylaw, the Front Setback will be the average of the actual Front Setbacks of the two adjacent Sites on each side.
- (c) The visual impact of large expanses of blank walls, when they are adjacent to a road, Alley or open space, must be broken up with Building articulation, different material types, colour variations and landscaping.
- (d) Side windows and/or balconies must not be located directly facing similar features in adjoining Dwellings.⁸⁶
- (e) On Corner Sites, the facades of the Building that face the front and flanking roads must have consistent and complimentary design elements, in terms of building materials and architectural features.
- (f) All parking and parking access must be accessed from the rear Alley. Where there is no rear Alley and a garage is part of the Development, the face of the garage must be set back a minimum of 2.00 m behind the front façade of the Principal Building, or located in the Rear Yard.
- (g) No trees located in a Boulevard shall be removed in order to accommodate any driveway in a Front Yard or an Exterior Side Yard.

86 Amended by Bylaw 4273 – July 7, 2015

SCHEDULE “B”
SOUTHLANDS OVERLAY
DELETED ⁸⁷

87 Amended by Bylaw 4376 – October 4, 2016

SCHEDULE “C”
MANUFACTURED HOME OVERLAY
DELETED ⁸⁸

88 Amended by Bylaw 4273 – July 7, 2015

SCHEDULE “D” SIGNS

1. DEFINITIONS

In this Schedule, the following terms have the meanings set out below:

Canopy Sign means a sign which either forms a part of, or is attached to, a retractable or permanently affixed canopy structure.

Electronic Display means sign copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light-emitting diode displays, or any other similar electronic technology.

Façade means the exterior wall of a Building facing a road but does not include any side of a Building facing an interior side Property Line, a rear Property Line or an Alley.

Fascia Sign means a sign attached to or painted onto a Façade, the face of which is parallel to the wall to which it is attached, but does not include a mural.

Freestanding Sign means a sign which is supported independently by columns, structures or other supports that are placed or anchored in the ground and do not require support from a Building or other structure.

Portable Sign means a sign mounted on a frame, trailer, stand or similar structure that is easily transported, but does not include a Sandwich Board or a Temporary Sign.

Projecting Sign means a sign attached to a Façade which projects either perpendicularly or at an angle from the Façade.

Real Estate Sign means any sign displayed by or at the direction of a licensed realtor, or by the owner or occupant of a Site, for the purpose of announcing that a Site is for sale or lease or is the location of a garage sale or yard sale.

Sandwich Board means an “A” shaped form of sign sometimes referred to as an “A-frame” which is set on but not attached to the ground and has no external supporting structure, no illumination, and no electronic display.

Specialized Sign means a sign that does not fall within any other definition in this Schedule of a type of sign.

Window Sign means a sign that is located within a Building and is intended for viewing from the exterior.

2. GENERAL DEVELOPMENT REGULATIONS FOR SIGNS

2.1 SIGNS AS DISCRETIONARY USES REQUIRING DEVELOPMENT PERMIT

Every sign is a Discretionary Use and requires a Development Permit, unless a specific provision of this Schedule states otherwise.

2.2 SIGNAGE NOT REQUIRING A DEVELOPMENT PERMIT

The following types of signs are Permitted Uses in all Districts if they otherwise comply with the requirements of this Bylaw, and no Development Permit is required for their erection or display if they do so comply:

- (a) a sign not exceeding 0.50 m² in area which identifies the name or address of the occupant of a Dwelling; ⁸⁹
- (b) a sign not exceeding 0.50 m² in area which advises of restrictions on the use of a Building or Site, such as a “No Parking” or “No Trespassing” sign;
- (c) a Real Estate Sign not exceeding 1.00 m² in area in a District or Overlay that allows a residential use either as Permitted Uses or Discretionary Uses, and not exceeding 3.00 m² in area in all other Districts; ⁹⁰
- (d) a sign not exceeding 0.65 m² in area which indicates the direction or function of various parts of a Building or Site, including parking and traffic areas;
- (e) a Window Sign in any non-residential District that does not exceed 40% of the area of the window in which it is placed, and does not exceed 5.00 m² in area regardless of the size of the window;
- (f) a sign not exceeding 9.00 m² in area for the purpose of advising the public of future or ongoing development, construction, or subdivision of a Building or Site;
- (g) a sign erected by or at the direction of a government including signs identifying public Buildings, giving information to the public or regulating traffic or safety;
- (h) a flag, insignia, notice or advertising of any charitable, religious or fraternal organization if it does not exceed 0.50 m² in area in a District or Overlay that allows a residential use either as Permitted Uses or Discretionary Uses, or does not exceed 3.00 m² in area in all other Districts; ⁹¹
- (i) a memorial or historical sign, plaque or tablet; or
- (j) a sign displayed during the period of an election, referendum or plebiscite, including a period of not more than two weeks following the election, referendum

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or plebiscite, that announces or promotes a candidate or a political party, or alludes to a public issue, or is otherwise directly related to the election, referendum or plebiscite.

2.3 SIGNAGE CHARACTERISTICS NOT ALLOWED

- (a) No sign is allowed that in the opinion of a Development Authority may create a hazard to public safety or health.
- (b) No sign may obstruct the line of sight of a pedestrian or the driver of a vehicle with respect to access to or egress from a road, Alley or driveway, or detract from the visibility or effectiveness of any Traffic Control Device.
- (c) No sign shall obstruct ingress to or egress from a fire escape door, window or other required exit under the Alberta *Building Code*.
- (d) No sign other than a Traffic Control Device may display words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with pedestrian or vehicle traffic on a road.
- (e) No sign may incorporate a searchlight or strobelights.
- (f) No sign other than a Specialized Sign is allowed on a roof or completely above the parapet of a Building.
- (g) No sign may be painted on, or affixed in any manner to, a tree, stone, cliff or other natural object;
- (h) No sign other than a Specialized Sign, Sandwich Board, or Portable Sign shall be placed or erected on a Site unless the sign is permanently set into the ground or permanently affixed to a Building.
- (i) No sign other than a Traffic Control Device shall face an Interior Side Property Line or Rear Property Line that is adjacent to a residential District.⁹²
- (j) No sign is allowed within a Corner Visibility Triangle if it blocks or interferes with a line of sight for pedestrians or drivers of vehicles, from any direction.

2.4 CALCULATION OF NUMBER OF SIGNS

Where any provision of this Schedule limits the number of signs in any circumstance, then for the purpose of determining the number of signs allowed:

- (a) a sign is considered to be a single display surface or display device containing elements organized, related and composed to form a unit;
- (b) a double-faced sign is counted as a single sign;

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- (c) where in the opinion of a Development Authority:
 - (i) sign content is displayed in a random manner without organized relationships or elements, or
 - (ii) relationships between elements of sign content are not cleareach element shall be considered to be a single sign.

2.5 CALCULATION OF SIGN HEIGHT

Where any provision of this Schedule limits the height of a sign, the height is calculated as the distance from surface grade to the highest point of the sign structure.

2.6 CALCULATION OF SIGN SEPARATION DISTANCES

Where any provision of this Schedule stipulates a separation distance between signs, the distance is calculated as the distance between the points where the sign structures are in closest proximity to each other.

2.7 CALCULATION OF SIGN AREA

Where any provision of this Schedule limits the two dimensional area of any sign in any circumstance, then for the purpose of determining the total area of a sign:

- (a) the area shall be calculated as the area of the smallest rectangle, triangle or circle which can totally contain the content of the sign; and
- (b) only one side of a double-faced sign is used for calculating sign area.

3. SIGN DEVELOPMENT REGULATIONS

3.1 FREESTANDING SIGNS

3.1.1 FREESTANDING SIGNS – PERMITTED USES

- (a) A Freestanding Sign having a two dimensional area not exceeding 6 m² and a height not exceeding 6 m is a Permitted Use, subject to all applicable Development Regulations, in the Neighbourhood Commercial District, the Community Service District and the Open space District.
- (b) A Freestanding Sign having a two dimensional area not exceeding 10 m² and a height not exceeding 9 m is a Permitted Use, subject to all applicable Development Regulations, in the Mixed Use District.
- (c) A Freestanding Sign having a two dimensional area not exceeding 10 m² and a height not exceeding 12 m is a Permitted Use, subject to all applicable Development Regulations, in the Regional Commercial District, the Highway Commercial District, the Business Industrial District, the Airport District and the Future Urban Development District.

- (d) A Freestanding Sign having a two dimensional area not exceeding 20 m² and a height not exceeding 12 m is a Permitted Use, subject to all applicable Development Regulations, in the General Industrial District and the Heavy Industrial District.

3.1.2 FREESTANDING SIGNS – DISCRETIONARY USES

A Freestanding Sign having a two dimensional area not exceeding 20 m² and a height not exceeding 12 m is a Discretionary Use, subject to all applicable Development Regulations, in the Regional Commercial District, the Highway Commercial District, the Business Industrial District, the Airport District, and the Future Urban Development District.

3.1.3 FREESTANDING SIGNS – DEVELOPMENT REGULATIONS

- (a) The Development Regulations set out in this subsection 3.1.3 are specific to Freestanding Signs and are in addition to Development Regulations set out elsewhere in this Bylaw that apply to signs generally.
- (b) Not more than one Freestanding Sign is allowed on a Site.
- (c) Despite subsection 3.1.3(b) of this Schedule, if a Site has more than one Frontage a Development Authority may issue Development Permits for more than one Freestanding Sign on that Site if the cumulative effect is to maintain at least 100 m of separation distance between all Freestanding Signs on that Site.
- (d) Despite subsection 3.1.3(b) of this Schedule if the Frontage of a Site is more than 100 m in length a Development Authority may issue Development Permits for more than one Freestanding Sign along that Frontage if the cumulative effect is to maintain at least 100 m of separation distance between all Freestanding Signs on that Site.
- (e) A Freestanding Sign having a two dimensional area greater than 10 m² must not be located closer than 150 m to a previously existing Freestanding Sign that has a two dimensional area greater than 10 m² and is not a non-conforming Building or a non-conforming Use, if any display side of the Freestanding Sign faces the same flow of traffic on a road as a display side of the previously existing Freestanding Sign.
- (f) A Freestanding Sign having a two dimensional area greater than 10 m² must not be located closer than 150 m to a Low Density Residential District or a Medium Density Residential District, if any display side of the Freestanding Sign faces the District.

3.1.4 FREESTANDING SIGNS – VARIANCES

- (a) A Development Authority may allow a Variance as a condition of a Development Permit for a Freestanding Sign, subject to the limitations set out in this subsection 3.1.4 and in subsection 3.2(v) of the main body of this Bylaw.
- (b) A Variance must not allow any Freestanding Sign to exceed 20 m² in two dimensional area or 12 m in height.

3.2 PROJECTING SIGNS

- (a) One Projecting Sign is allowed per Development on a Site;
- (b) A Projecting Sign is a Permitted Use in all Districts except the R-LD, R-MD and OS Districts, if it is not:
 - (i) more than 2.00 m² in area;
 - (ii) projecting more than 1.00 m from the façade of a Building;
 - (iii) placed at a height less than 2.40 m above grade;
 - (iv) projecting into a Corner Visibility Triangle;
 - (v) projecting above the roof or parapet of a Building;
 - (vi) allowed to swing freely on its supports.

3.3 FASCIA AND CANOPY SIGNS

- (a) Subject to clause 5.10(iv)(6) of the main body of this Bylaw, a Fascia Sign or Canopy Sign is a Permitted Use in all Districts other than the R-LD and R-MD Districts.
- (b) A Fascia Sign must not extend beyond the wall upon which it is placed except that it may be taller than the parapet of any Building by up to 0.5 m;
- (c) The maximum area of a Fascia Sign or Canopy Sign, per linear metre of Building facade is:
 - (i) 0.6 m² in the MU-D, C-N, C-S and OS Districts;
 - (ii) 0.90 m² in the MU District; and
 - (iii) 1.20 m² in all other Districts.

3.4 SANDWICH BOARDS

- (a) A Sandwich Board is a Permitted Use in all Districts except the R-LD and R-MD Districts.
- (b) A Sandwich Board must not
 - (i) exceed 1.00 m² in area on each face;
 - (ii) not obstruct pedestrian or vehicular access.

- (c) Only one Sandwich Board is allowed per commercial use on a Site.

3.5 PORTABLE SIGNS

- (a) A Portable Sign is a Permitted Use in all Districts except the residential Districts and the Downtown Mixed Use District, and is a Discretionary Use in the Downtown Mixed Use District.
- (b) The display area of a Portable Sign must not exceed 6.0 m².
- (c) The height of a Portable Sign must not exceed 2.5 m.
- (d) A Portable Sign must not be located closer than 40 metres to another Portable Sign regardless of whether the Portable Signs are on the same Site.

3.6 SPECIALIZED SIGNS

A Development Authority shall determine the requirements and conditions for each Specialized Sign on a case by case basis, including without limitation the dimensions, location, materials, and duration of the signage.

4. ELECTRONIC DISPLAY SURFACES

- (a) The purpose of this section is to regulate the use of Electronic Display surfaces in a manner that diminishes the impact on adjacent uses, and addresses concerns with distraction of drivers of vehicles.
- (b) The Electronic Display feature of a sign is a Discretionary Use and may be refused by a Development Authority, or allowed subject to conditions, regardless of whether the sign is otherwise a Permitted Use.
- (c) Only one sign featuring Electronic Display is allowed per Site.
- (d) Electronic Display may be used in lieu of static sign content provided it does not exceed a maximum area of:
 - (i) 2.00 m² for a Window Sign;
 - (ii) 6.00 m² for a Fascia Sign, Canopy Sign or Freestanding Sign.
- (e) A Development Authority may use a Variance to allow an Electronic Display Surface that does not conform to clause (d)(ii) of this section 4, only with respect to the Airport and Future Urban Development Districts, the industrial Districts and the commercial Districts except Neighbourhood Commercial; and no Variance shall allow an Electronic Display Surface greater than 20.00 m² in any circumstances.

5. ELECTRONIC DISPLAY SURFACES SPECIFICATIONS

- (a) Electronic Display content must remain in place unchanged for a minimum of 6.0 seconds before switching to new content.
- (b) The maximum transition time between each different Electronic Display on a sign is 0.25 seconds.
- (c) The transition between each Electronic Display must not involve any visible effects, including but not limited to action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.
- (d) Electronic Display content must not include full motion video, movies, Moving Picture Experts Group (MPEG) or any other non-static digital format and the content must not be displayed using any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.
- (e) A sign featuring Electronic Display must be equipped with a functioning ambient light sensor and must be set to operate so as not to exceed the following limits at all times when the Electronic Display feature is functioning, as measured from the sign face at its maximum brightness:
 - (i) A maximum of 7,500 nits from sunrise to sunset, as those times are established by the sunrise/sunset calculator of the National Research Council of Canada;
 - (ii) A maximum of 500 nits from sunset to sunrise as those times are established determined by the sunrise/sunset calculator of the National Research Council of Canada;
 - (iii) the light levels around the Electronic Display must not at any time exceed the ambient light level by more than 5.0 LUX.
- (f) If a Development Authority determines that the brightness or light level of an Electronic Display exceeds the limits set out in subsection 5(e) of this Schedule, the Development Authority may direct the Development Permit holder to change the settings in order to bring the Electronic Display into compliance with this Bylaw, and if that direction is not complied with the Development Authority may issue an order directing that the Electronic Display be forthwith discontinued.
- (g) If any component of an Electronic Display fails or malfunctions such that the Electronic Display is no longer operating in compliance with this Bylaw or with the conditions of a Development Permit, the Development Permit holder must ensure that the Electronic Display is turned off until all components are fixed and operating in compliance.

- (h) The Development Permit holder for a sign featuring an Electronic Display must ensure that a Development Authority is at all times in possession of the name and telephone contact information of a person(s) having access to the technology controls for the sign, who can be contacted 24 hours a day if the sign malfunctions.

6. REGULATION OF SIGN CONTENT

- (a) A Development Authority shall not attach any condition to a Development Permit for a sign that has the effect of regulating or restricting the content of a message or image displayed on the sign, nor shall a Development Authority attempt to control or regulate in any manner the content of a message or image displayed on a sign which does not require a Development Permit.
- (b) Despite subsection 6(a) of this Schedule no sign placed where there are no restrictions on who may view it, regardless of whether it requires a Development Permit, shall display any image or copy or message that appeals to, or is intended to appeal to, prurient interests or erotic desires of any person viewing the sign, or that would for any reason be inappropriate for viewing by children.

SCHEDULE “E”⁹³

AIRPORT VICINITY PROTECTION OVERLAY

1. DEFINITIONS

In this schedule, the following terms have the meanings set out below:

Airport means the City of Medicine Hat Regional Airport located within the Protection Area identified on Figure 1 – Airport Vicinity Protection Area, of this Schedule, and as defined in the AZRB.

Airport Manager means the City Employee responsible for the management and operation of the Airport or his or her designate.

Airport Vicinity Referral Area means the area shown on Figure 1 – Airport Vicinity Protection Area, of this Schedule; referred to as the Airport Vicinity Referral Area, where developments within this area may be referred to the Airport Manager for review and comment.

Airport Reference Point Elevation is equal to 716.00 metres above sea level, and is the elevation of the Airport Reference Point shown on Figure 4 – Airport Height Limitations (map 3), of this Schedule, and described in Part I, Appendix “A” of the AZRB. The Airport Reference Point Elevation is to be used to determine the height of proposed buildings and structures within the Protection Area.

Airport Vicinity Protection Area or **Protection Area** means the area shown on Figure 1 – Airport Vicinity Protection Area, of this Schedule.

Approach Surfaces means the imaginary inclined planes abutting each end of the Strip Surface described in Part II of Appendix “A” of the AZRB, and shown on Figures 2, 3, 4, 5 and 6, of this Schedule.

AZRB means the Airport Zoning Regulation Bylaw No. 4294, a bylaw of the City of Medicine Hat to regulate the use of lands adjacent to or in the vicinity of the Airport for the purpose of ensuring that development is not incompatible with the safe operation of the Airport.

Object of Natural Growth means natural vegetation including trees and shrubs.

Outer Surface means an imaginary circular-shaped surface located above and in the vicinity of the Airport with its center located at the Airport Reference Point. The Outer Surface is shown on Figures 3, 4 and 5, of this schedule, and is also described in Part III, Appendix “A” of the AZRB.

93 Amended by Bylaw 4377 – September 19, 2017

Strip Surface means a surface associated with an Airport runway, existing or future, that is prepared for the take-off and landing of aircraft in a particular direction. The Strip Surface is shown on Figure 4 – Height Limitations (map 3), of this schedule, and is also described in Part IV, Appendix “A” of the AZRB.

Transitional Surfaces means the imaginary inclined planes extending from the Strip Surface shown on Figure 4 – Height Limitations (map 3), of this Schedule, and also described in Part V, Appendix “A” of the AZRB.

2. **PURPOSE**

The purpose of the Airport Vicinity Protection Overlay is to prohibit or regulate and control the use and development of land and buildings adjacent to or in the vicinity of the Airport to ensure compatibility between Airport operations and development within the Airport Vicinity Protection Overlay boundary.

3. **ESTABLISHMENT OF PROTECTION AREA**

The area shown on Figure 1 – Airport Vicinity Protection Area, of this Schedule, is established as the Airport Vicinity Protection Area or Protection Area.

4. **AIRPORT VICINITY REFERRAL AREA**

- (a) The area shown on Figure 1 – Airport Vicinity Protection Area, of this Schedule, is also established as the Airport Vicinity Referral Area.
- (b) Any development proposed within the Airport Vicinity Referral Area may be referred to the Airport Manager for review and comment.

5. **AIRPORT ZONING REGULATION BYLAW NO. 4294**

- (a) The City has entered into an agreement with the Minister of Transportation, pursuant to section 5.81 of the Aeronautics Act, which allows the City to enact bylaws to prohibit or regulate and control the use and development of land and buildings adjacent to or in the vicinity of the Airport for the purposes of ensuring that the use and development are not incompatible with the safe operation of the Airport or aircraft.
- (b) In accordance with the agreement with the Minister of Transportation, the City adopted the AZRB.
- (c) Unless the context requires otherwise, words in this Schedule that are defined in the AZRB, but not defined in section 1 of this Schedule, shall be interpreted to have the meaning provided in the AZRB.
- (d) Additional information including legal descriptions, bearings, geodetic grid coordinates, elevations, dimensions and other information with regard to the

Airport Reference Point, Approach Surfaces, Outer Surface, Strip Surface, Transitional Surfaces, the Parameters of the Medicine Hat Regional Airport Zoning Regulation, and the Medicine Hat Regional Airport Zoning Plan are provided within the AZBR.

- (e) Where any provision of this Schedule is for any reason declared inconsistent with a provision from another part of this Bylaw, the provisions of this Schedule shall prevail.
- (f) Where any provision of this Schedule is for any reason declared inconsistent with the AZRB, the provisions of the AZRB shall prevail.

6. HEIGHT LIMITATIONS

- (a) Height limitations within the Protection Area are shown on Figures 2, 3, 4, 5 and 6 – Height Limitations (maps 1, 2, 3, 4 and 5), of this Schedule.
- (b) No person shall place, erect or construct, or permit the placement, erection or construction of any Building, Development, structure or object or any addition to an existing Building, Development, structure or object that exceeds the height limitations of the following surfaces shown on Figures 2, 3, 4, 5 and 6, of this Schedule:
 - i. Approach Surface;
 - ii. Outer Surface; or
 - iii. Transitional Surface.

7. OBJECTS OF NATURAL GROWTH

No person shall permit an Object of Natural Growth to exceed the height limitations of the following surfaces shown on Figures 2, 3, 4, 5 and 6 of this Schedule:

- (a) Approach Surface;
- (b) Outer Surface; or
- (c) Transitional Surface.

8. INTERFERENCE WITH COMMUNICATION

- (a) No person shall use or develop, or permit another person to use or develop land in a manner that causes interference with any signal or communication:
 - i. to or from an aircraft; or,
 - ii. to or from any facility used to provide services to aeronautics.
- (b) If a development permit application is made for a development located within the Protection Area, the Development Authority may request the applicant to

provide data and information, from a qualified company and/or individual, on the impact of the proposed development on any signal or communication:

- i. to or from an aircraft; or,
- ii. to or from any facility used to provide services to aeronautics.

9. POTENTIAL WILDLIFE HAZARDS

- (a) No person shall use or develop, or permit another person to use or develop lands in any way that may attract wildlife – particularly birds – that may create a hazard for aviation safety.
- (b) Notwithstanding section 9(a), and subject to any other applicable bylaws, federal or provincial legislation, regulations or any other requirement of any other permit, order or license, a person may use or develop, or permit another person to use or develop an open water storage reservoir provided that the water will drain in 48 hours or less.

10. NON-CONFORMING DEVELOPMENTS

- (a) Subject to section 10(c), if a Development permit or Building permit, or both, have been issued on or before the coming into force of this Bylaw, and this Bylaw would make the Development or Building for which the permit was issued non-conforming, the Development or Building may continue in spite of this Bylaw.
- (b) Subject to section 10(c), the following may continue as they exist as of the date this Bylaw comes into force provided that any required permits, licenses or other permissions were in place on or before the date this Bylaw comes into force:
 - i. Objects of Natural Growth that penetrate an Approach Surface, Outer Surface, Strip Surface or Transitional Surface;
 - ii. electronic interference that causes interference with a signal to or from an aircraft or to or from any facility used to provide services to aeronautics;
 - iii. a use or development of land that attracts wildlife and that may create a hazard for aviation safety.
- (c) Any non-conforming Development or Building, Object of Natural Growth referred to in section 10(b)(i), electronic interference referred to in section 10(b)(ii), or use or development of land that attracts wildlife and that may create a hazard for aviation safety referenced in section 10(b)(iii), shall be deemed non-conforming uses or non-conforming buildings, as the case may be, and may continue only in the manner and to the extent that non-conforming uses and non-conforming buildings are allowed by the Municipal Government Act.

11. EXEMPTION TO THE RULES OF THIS SCHEDULE

- (a) An exemption from the rules of this Schedule may be granted if the Chief Administrative Officer determines the exemption would not be incompatible with the safe operation of the Airport or an aircraft.
- (b) An aeronautical assessment commissioned by the proponent and undertaken according to approved industry standards, may, in the Chief Administrative Officer's discretion, be required to make a determination pursuant to section 11(a).

