



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:

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
 - (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) High Density Mixed Use District (MU-HD)
 - (6) Neighbourhood Commercial District (C-N)
 - (7) Regional Commercial District (C-R)
 - (8) Highway Commercial District (C-H)
 - (9) Business Industrial District (I-B)
 - (10) General Industrial District (I-G)
 - (11) Heavy Industrial District (I-H)
 - (12) Historic Clay District (HC)
 - (13) Community Services District (CS)
 - (14) Open Space District (OS)
 - (15) Utilities District (U)
 - (16) Future Urban Development District (FUD)
 - (17) Airport District (A)
 - (18) 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 Amended by Bylaw 4696 – June 7, 2022

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 ²
 - (3) DELETED ³
 - (4) Airport Vicinity Protection Overlay – Schedule E ⁴
 - (5) Cannabis Retail Store Overlay – Schedule F ⁵
 - (6) Riverside Overlay – Schedule G ⁶

- (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 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.

2 Amended by Bylaw 4376 – October 4, 2016

3 Amended by Bylaw 4273 – July 7, 2015

4 Amended by Bylaw 4377 – September 19, 2017

5 Amended by Bylaw 4487 – July 17, 2018

6 Amended by Bylaw 4503 – April 16, 2019

- (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 ⁷

- (i) At the discretion of the Development Authority, a Development listed in subsection (ii) is only exempt from the requirement to obtain a Development Permit if it:
 - (1) complies with the Development Regulations of this Bylaw;
 - (2) complies with all registered interests on the land title certificate(s) of the Site;
 - (3) is a Development that is exempt from the requirement to pay off-site levies on a Site where off-site levies are owing;
 - (4) does not impact a designated Historic Resource or a Site listed on the Heritage Resource Registry;
 - (5) is not located on Geophysical Risk Lands;
 - (6) is not located on a Site where there may be a potential for soil and/or groundwater contamination, or any other pre-existing contamination on or near the Site, and does not have the potential to create a health and safety risk;
 - (7) is not located on a Site where there may be a potential for soil and/or groundwater contamination, or any other pre-existing contamination on or near the Site, and does not have the potential to create an environmental risk;

⁷ Amended by Bylaw 4707 – September 7, 2022

- (8) has adequate:
 - (a) sewage collection, treatment and disposal,
 - (b) water supply, treatment and distribution,
 - (c) storm water collection and storage,
 - (d) electric power and natural gas servicing capacity,
 - (e) telecommunications services,
 - (f) road infrastructure capacity and access points, and
 - (g) Protective Services necessary to serve the Development;
 - (9) complies with the requirements of all affected public and private utility service providers;
 - (10) is not subject to any restrictions imposed by the *Subdivision and Development Regulation, AR 43/2002*, as amended; and
 - (11) complies with all relevant federal or provincial legislation, and municipal bylaws, approval processes, and licensing and permitting regimes.
- (ii) Subject to subsection 2.2(i), at the discretion of the Development Authority, the following Developments do not require a Development Permit: ⁸

DEVELOPMENT OR LAND USES	EXEMPTION CRITERIA * Descriptors below are listed for convenience purposes and may not account for all relevant considerations for Development Permit exemption
External and internal alteration, renovation, repair, or maintenance of a Building	<ul style="list-style-type: none"> ▪ where there is no increase to the Gross Floor Area; ▪ where there is no Change of Use of land or a Building; and ▪ where there is no increase in the intensity of a use of land or a Building.
Change of Tenancy of land or a Building	<ul style="list-style-type: none"> ▪ where the use of land or a Building is a Permitted Use in the District; and ▪ where the Change of Tenancy does not result in a Change of Use or an increase in the intensity of the use of land or a Building.

⁸ Amended by Bylaw 4724 – April 4, 2023

<p>Demolition of a Building or structure, or part of a Building or structure</p>	<ul style="list-style-type: none"> ▪ where a Development Permit has been issued for a new Development on the same site, and the demolition is allowed under the terms of the Development Permit; ▪ where the Site, Building or structure is not a designated Historic Resource; and ▪ where the Site, Building or structure is not listed on the Heritage Resource Registry.
<p>Driveway, walkway, stairs, or landing</p>	<ul style="list-style-type: none"> ▪ associated with a residential use; and ▪ where the Development Regulations of Part 6 are met.
<p>Shed or other accessory Building</p>	<ul style="list-style-type: none"> ▪ associated with a residential use; ▪ with a GFA no greater than 10 m²; and ▪ where the Development Regulations of subsection 6.1.1 are met.
<p>Accessory Building</p>	<ul style="list-style-type: none"> ▪ associated with a non-residential use; and ▪ with a GFA no greater than 10 m².
<p>Fence or gate</p>	<ul style="list-style-type: none"> ▪ associated with a residential use; and ▪ where the height regulations of subsection 6.1.2 are met.
<p>Retaining wall</p>	<ul style="list-style-type: none"> ▪ not more than 1.2 m in height measured from the lowest grade at any point adjacent to the retaining wall to the highest grade retained by the retaining wall; and ▪ where, in the opinion of the Development Authority, the resulting grade and surface drainage pattern does not negatively impact any adjacent Site.
<p>Gazebo, pergola, arbor, or other similar structure</p>	<ul style="list-style-type: none"> ▪ associated with a residential use; ▪ where the height of the structure does not exceed 4.6 m; and ▪ where the area of the structure does not exceed 35 m².
<p>Minor ancillary residential structures or equipment</p>	<ul style="list-style-type: none"> ▪ associated with a residential use; and ▪ where minor structures include, but are not limited to: trampolines, children’s play structures, treehouses, skateboard structures or ramps, basketball nets and other sports equipment, ice skating surfaces, yard storage bins, compost bins/piles, bird houses, pet enclosures, air conditioning units, yard and patio furniture, rain barrels, clothes lines, barbeques and associated enclosures, flag poles and fire pits.

Deck (uncovered, covered, and/or enclosed)	<ul style="list-style-type: none"> ▪ associated with a residential use; ▪ where the Development Regulations of subsections 6.1.3, 6.2.4.2, and 6.3.4.2 are met.
Patio (uncovered, covered, and/or enclosed)	<ul style="list-style-type: none"> ▪ associated with a residential use; ▪ where the Development Regulations of subsections 6.1.3, 6.2.4.2, and 6.3.4.2 are met.
Hot tub and its components and mechanical equipment	<ul style="list-style-type: none"> ▪ where the hot tub may be located indoor or outdoor; and ▪ where the Development Regulations of subsection 6.1.4 are met.
Outdoor Temporary/seasonal swimming pool and its components and mechanical equipment	<ul style="list-style-type: none"> ▪ where the Development Regulations of subsection 6.1.4 are met.
Satellite dish antenna	<ul style="list-style-type: none"> ▪ where the signal receiving surface area is less than 1.00 m².
Amateur/hobby radio antenna or weather station	<ul style="list-style-type: none"> ▪ where the height of the top of the antenna or weather station is not more than 4.6 m; ▪ where the antenna or weather station is located in a Rear Yard; and ▪ where the antenna or weather station is located a minimum of 2.0 m from any property line.
Solar panel	<ul style="list-style-type: none"> ▪ mounted to the roof of a Building
Temporary use of a Shipping Container	<ul style="list-style-type: none"> ▪ for a single period of not more than thirty (30) days in one (1) calendar year; and ▪ where the Shipping Container is setback 0.5 m from any Property Line.
Landscaping, gardens, and garden features	<ul style="list-style-type: none"> ▪ where, in the opinion of the Development Authority, the grade and surface drainage pattern does not negatively impact any adjacent Site.
Community Garden	<ul style="list-style-type: none"> ▪ where, in the opinion of the Development Authority, the grade and surface drainage pattern does not negatively impact any adjacent Site.
Temporary use of a Building or part of a Building in connection with an election, referendum, or census	<ul style="list-style-type: none"> ▪ for the purpose of a polling station, returning officer's headquarters, candidate's campaign office, or any other official temporary use.

<p>Temporary use of a Building as a construction office for a Development</p>	<ul style="list-style-type: none"> ▪ where the Building is placed on a Site for the sole purpose of serving as a construction office for a Development; and ▪ where the temporary Building is removed upon completion of construction of the Development.
<p>Temporary use of a Site for stockpiling</p>	<ul style="list-style-type: none"> ▪ where the same Site is undergoing excavation, grading, or stripping; and ▪ where the stockpiling is done in a manner that does not negatively impact any adjacent Site.
<p>Excavation, grading or stripping of a Site, or installation of Utilities</p>	<p>where the activities are approved as part of:</p> <ul style="list-style-type: none"> ▪ a Development for which a Development Permit has been issued, or ▪ a development agreement for the Site, or ▪ a letter of authorization from the Development Authority which specifies the excavation, grading, stripping or utility installation allowed on the Site.
<p>Development carried out pursuant to a Service Agreement</p>	
<p>Construction, renovation, repair or maintenance of any municipally owned infrastructure, roads, bridges, or utilities</p>	
<p>A sign</p>	<ul style="list-style-type: none"> ▪ that is identified in Schedule D as not requiring a Development Permit.
<p>A change in the content of a message or image displayed on an existing sign</p>	<ul style="list-style-type: none"> ▪ subject to all the relevant regulations set out in Schedule D.
<p>Temporary Development associated with a Special Event Permit</p>	<ul style="list-style-type: none"> ▪ where the temporary Development is approved through the City's Special Event Permit process.
<p>Artisan craft show, farmers market, flea market, trade show, or other similar temporary event</p>	<ul style="list-style-type: none"> ▪ where the temporary event is located in a non-residential district.
<p>Residential garage sale or yard sale, or other similar temporary event</p>	<ul style="list-style-type: none"> ▪ where the temporary event is located in a residential district.

Outdoor Boulevard Patio	<ul style="list-style-type: none"> ▪ where the Outdoor Boulevard Patio is located temporarily/seasonally within a parking stall(s) on a public road; ▪ where, if required, an application for Building Permit or other approval pursuant to the <i>Safety Codes Act and Regulations</i> has been received by the City; and ▪ where all other necessary approval from any other affected City Department has been received by the City.
Mobile Cooking Operation	<ul style="list-style-type: none"> ▪ where the Mobile Cooking Operation has received landowner consent to operate on the Site; ▪ where, if required, an application for Building Permit or other approval pursuant to the <i>Safety Codes Act and Regulations</i> has been received by the City; and ▪ where all other necessary approval from any other affected City Department has been received by the City.
Temporary Vendor	<ul style="list-style-type: none"> ▪ in any District where it is a Permitted Use.
Day Home	<ul style="list-style-type: none"> ▪ in any District where residential uses are allowed.
Remote Work	<ul style="list-style-type: none"> ▪ in any District where it is a Permitted Use.
Public art	<ul style="list-style-type: none"> ▪ where the public art is located on public property; and ▪ where the public art has been commissioned for, or approved by, the Council or affected City Department.
Telecommunication tower	<ul style="list-style-type: none"> ▪ where the tower is subject to federal regulations.
Airport Operations located at the Medicine Hat Regional Airport	<ul style="list-style-type: none"> ▪ subject to bylaw no. 4294; and ▪ subject to federal regulations.
Railway Operations located at the CP Rail Medicine Hat Yard	<ul style="list-style-type: none"> ▪ subject to federal regulations.
Development exempted under the Act	<ul style="list-style-type: none"> ▪ subject to section 618 of the Act, or similar legislation and regulations thereto.

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 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 soanother 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:⁹
- (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; and
 - (3) 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

⁹ Amended by Bylaw 4707 – September 7, 2022

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 land or Building that is not a Permitted Use, a Discretionary Use or a Similar Use in the District in question, provided that: ¹⁰
- (1) the Development is not inconsistent with the Purpose Statement for the District; and
 - (2) 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 land or Building that led to its designation as a Provincial Historic Resource, a Registered Historic Resource or a Municipal Historic Resource.

3.3 DELETED ¹¹

3.4 DELETED ¹²

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, or an amendment to this Bylaw, including: ¹³
 - (a) the supporting material required for an application,

10 Amended by Bylaw 4707 – September 7, 2022

11 Amended by Bylaw 4724 – April 4, 2023

12 Amended by Bylaw 4724 – April 4, 2023

13 Amended by Bylaw 4707 – September 7, 2022

- (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 ^{14 15 16 17 18}

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

Accessory Dwelling means a Dwelling that is accessory to and customarily associated with a Principal Dwelling. This includes Secondary Suites and Backyard Suites.

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.

Alberta Gaming, Liquor and Cannabis (AGLC) means the agent of the Province of Alberta responsible for regulating Cannabis retail and distribution activities.

Alberta Gaming, Liquor and Cannabis Regulation means the Gaming, Liquor and Cannabis Regulation, Alta Reg 143/1996, as amended, which regulates Cannabis retail and distribution activities.

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

14 Amended by Bylaw 4273 – July 7, 2015

15 Amended by Bylaw 4458 – January 9, 2018

16 Amended by Bylaw 4634 – September 9, 2020

17 Amended by Bylaw 4707 – September 7, 2022

18 Amended by Bylaw 4724 – April 4, 2023

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.

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

Building Permit means a permit issued under the provisions of the *Safety Codes Act and Regulations*.

Business means an activity or enterprise conducted for the gain, benefit, advantage, or livelihood of a person, and includes every trade, industry, occupation, employment, calling, and the offering or provision of goods and services.

Business License means a license issued under the provisions of Bylaw No. 2339, the *Licensing Bylaw*, as amended.

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*.

Cannabis means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not; any substance or mixture of substances that contains or has on it any part of such a plant; any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant; a mature stalk, without any leaf, flower, seed or branch, of such plant; fibre derived from a mature stalk; and the root or any part of the root of such a plant.

Change of Tenancy means a change in the owner or tenant of land or a Building:

- (i) where the Site has a valid Development Permit for an existing use;
- and

- (ii) where the change in the owner or tenant does not result in or is not likely to result in a Change of Use of land or a Building; or
- (iii) where the change in the owner or tenant does not result in or is not likely to result in a Change in Intensity of the existing use.

Change of Use means a change in the use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the use of the land or Building.

Change in Intensity means a change in the purpose or function of land or a Building in a manner that results in or is likely to result in a change in the intensity of the use of land or a Building.

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:

- (ii) 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,
- (iii) 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) 2.00 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 a Schedule of this Bylaw; and
- (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.

Discontinued Use means the status of the use of land or a Building when a use of land or a Building has been discontinued for six (6) consecutive months or more. Any subsequent Development or use of land or a Building with the status of Discontinued Use must obtain Development Permit approval.

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.

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.

Established Neighbourhood means an existing residential area or neighbourhood that exhibits an identifiable residential character due to any number of considerations including:

- (i) its age or historical context;
- (ii) the design of roadways, streetscapes, and other components of the public realm;
- (iii) a unique existing building stock or architectural themes; or

- (iv) any other neighbourhood characteristics deemed significant by the Development Authority.

An Established Neighbourhood may be of a traditional neighbourhood design or suburban neighbourhood design.

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.

Heritage Resource Registry means a list of properties, structures, Buildings and Sites with qualities or characteristics that contribute to the City's heritage. This list contains properties, structures, Buildings and Sites that are both designated Historic Resources and those that may have the potential to receive historic designations.

Historic Area, Municipal means an area that is designated as a 'Municipal Historical Area' pursuant to the *Historical Resources Act*, RSA 2000, C H-9, as amended (*Historical Resources Act*).

Historic Resource means an historic resource, as defined in the *Historical Resources Act*, which is designated as a Municipal Historic Resource, Provincial Historic Resource, Registered Historic Resource, National Historic Site, or is a property, structure, Building or Site listed on the Heritage Resource Registry.

Historic Resource, Municipal means an Historic Resource that is designated as a 'Municipal Historic Resource' pursuant to the *Historical Resources Act*, RSA 2000, C H-9, as amended (*Historical Resources Act*).

Historic Resource, Provincial means an Historic Resource that is designated as a 'Provincial Historic Resource' pursuant to the *Historical Resources Act*, RSA 2000, C H-9, as amended (*Historical Resources Act*).

Historic Resource, Registered means an Historic Resource that is designated as a 'Registered Historic Resource' pursuant to the *Historical Resources Act*, RSA 2000, C H-9, as amended (*Historical Resources Act*).

Home Business includes a Home Business, Minor and a Home Business, Major.

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.

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.

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

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

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

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.

Mobile Cooking Operation means a vehicle, including but not limited to a truck, trailer or cart; that when stationary is used to produce, cook, sell and/or distribute

food to the public or at private events. Typical uses include a food truck or food cart.

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”.

Non-Conforming Building means a Building:

- (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the Building or the land on which the Building is situated becomes effective; and
- (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use means a lawful specific use:

- (i) being made of land or a building or intended to be made of a Building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
- (ii) that on the date the land use bylaw becomes effective does not, or in the case of a Building under construction will not, comply with the land use bylaw.

Offence means an offence established under section 11.11.2 of this Bylaw.

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 Boulevard Patio means a structure used as an outdoor patio associated with a commercial use within a public road right-of-way that has obtained necessary approval from the City Assets Department, Safety Codes Services, and any other affected City department.

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.

Party Wall means a wall jointly owned and jointly used by 2 parties under agreement or by right in law, and erected at or upon a line separating 2 parcels of land each of which is, or is capable of being, a separate real-estate entity.

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.

Public Playground means an outdoor area, located on publicly owned land, used for play or recreation, especially by children, and often containing recreational equipment such as splash parks, slides, swings and play structures.

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.

School Reserve means land that is designated as municipal reserve or school reserve under the Act, for the future Development of a school site.

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.

Shipping Container means a seacan or any other form of container that was or could be used for transport of goods by means of rail, truck, or by sea. Shipping Containers are typically rectangular in shape, are generally made of metal and vary in dimensions.

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 the percentage of a Site that is covered by Principal Buildings, Accessory Buildings and other structures that have a roof such as verandas, porches, covered Decks, balconies, and patios. The following are excluded from Site Coverage:

- (i) Accessory Buildings and structures that are equal to or less than 10.0 m²;
- (ii) eaves, cornices, cantilevers, and similar projections;
- (iii) impermeable and semi-permeable surfaces including, Driveways, maneuvering aisles, surface parking areas, parking pads, walkways, uncovered Decks, patios, balconies, steps and stairways, above ground and below ground swimming pools;
- (iv) soft and hard Landscaping and landscaping features including decorative ponds and gardens; and
- (v) minor structures associated with a residential use including gazebos, pergolas, arbors, children's play structures, treehouses, sports equipment, 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.

Small Residential Site means a Site designated as low Density Residential District that does not meet the minimum requirements for Site Area and/or Site Width of the District. Small Residential Sites are primarily located within Established Neighbourhoods.

Special Event Permit means a City approval issued by the office of the City Clerk for a one time, annual, or infrequently occurring event on City of Medicine Hat property:

- (i) that may impact City operations, infrastructure, and/or services and could affect the public use of that infrastructure and/or service;
- (ii) that could include, but may not be limited to, festivals, parades, run/walks, exhibits, sporting events, concerts, and block parties;
- (iii) where normal traffic and pedestrian movement may be disrupted, road closures may be proposed, food and alcohol may be served, fireworks or pyrotechnics may be used, large crowds are in attendance including children, public safety may be impacted; and
- (iv) that may require the approval of outside regulatory agencies such as Alberta Gaming, Liquor and Cannabis, Alberta Health Services, or other authorities having jurisdiction.

Statutory Plan means an intermunicipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan adopted by the City under Part 17, Division 4 of the Act.

Storey means that portion of a building which 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 a floor and the ceiling above it. The floor of the first Storey is the first floor within 2 meters of Grade.

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.

Vehicle Visit means a visit by any person, by vehicle, to the location or approximate location of a Home Business or Remote Work use, where such visit is for any purpose connected with that use, but does not include:

- (i) a visit by a person employed by the City of Medicine Hat or any other government agency for the purpose of carrying out an inspection in the course of that person's assigned duties; and

- (ii) a visit, related to the Home Business or Remote Work, by the owner, agent, business supplies courier, or an employee thereof, provided that the frequency and nature of such visits do not, in the opinion of the Development Authority, conflict with or alter the residential character of the area of the District in which the use is located.

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.

Week means a seven (7) consecutive day period beginning on a Monday and terminating on the immediately following Sunday.

Xeriscaping means a style of Landscaping design which uses native and drought resistant plants and materials to make water efficient landscapes that require little or no irrigation or other maintenance.

4.5 USE DEFINITIONS 19 20 21 22 23 24 25

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

Addiction Treatment and Recovery Service means a Development where the Principal Use is to provide for substance addiction treatment and recovery services:

- (i) where clients live under the care or supervision of a professional health or counselling care provider; and
- (ii) where the use has at least one staff person at the facility at all times.

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:

19 Amended by Bylaw 4370 – December 20, 2016
20 Amended by Bylaw 4458 – January 9, 2018
21 Amended by Bylaw 4497 – February 20, 2019
22 Amended by Bylaw 4634 – September 9, 2020
23 Amended by Bylaw 4697 – June 7, 2022
24 Amended by Bylaw 4707 – September 7, 2022
25 Amended by Bylaw 4724 – April 4, 2023

- (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, but does not include an Animal Service or Cannabis Production and Distribution Facility or Cannabis Retail Store.

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.

Attached Housing means a Development where the Principal Use consists of a minimum of two (2) and a maximum of eight (8) Principal Dwellings contained within one (1) Principal Building:

- (i) where the Attached Housing is detached from any other Principal Building;
- (ii) where the Attached Housing is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit;
- (iii) where each Principal Dwelling has one (1) front façade oriented toward a front street;
- (iv) where each Principal Dwelling has separate, individual, and direct access to grade, to a front street;
- (v) where each Principal Dwelling is located on one (1) fee simple lot;

- (vi) where no Principal Dwelling is placed over another Principal Dwelling in whole or in part; and
- (vii) where no intervening Building is located between the front street and the street facing façades of the Dwellings.

Backyard Suite means a Development where an Accessory Dwelling is located in the Rear Yard of a Site containing a Principal Dwelling:

- (i) where the Backyard Suite is an Accessory Use to the Principal Dwelling(s);
- (ii) where the Backyard Suite is located in an Accessory Building detached from the Principal Building;
- (iii) where the Backyard Suite is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit; and
- (iv) where the Backyard Suite has cooking, food preparation, sleeping, and sanitary facilities which are physically separate from the Principal Dwelling.

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. This Use does not include Cannabis Retail Store, or Cannabis Lounge.

Business Support Services means a use 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, information technology, 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.

Cannabis Lounge means a development where the primary purpose of the facility is the sale of Cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution Facility, Cannabis Retail Store, or a Supervised Consumption Site.

Cannabis Production and Distribution Facility means a development used principally for the production, cultivation, and growth of Cannabis; the processing of raw cannabis materials; the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods and products; the storage or transshipping of cannabis materials, goods and products; or the distribution and sale of cannabis materials, goods and products to Cannabis Retail Stores or to individual customers. This Use does not include a Cannabis Retail Store or Cannabis Lounge.

Cannabis Retail Store means a development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include the retail sale of cannabis accessories as approved by the AGLC. This Use does not include Cannabis Production and Distribution Facility or Cannabis Lounge.

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. This Use does not include Cannabis Retail Store or Cannabis Lounge.

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 Food Service means a Development where the Principal Use is to provide services to address the insecurity, availability, accessibility, and adequacy of food for the community. Typical Accessory Uses may include, but are not limited to, food services, staff offices, indoor and outdoor storage areas, training and instruction in food preparation, nutrition, gardening, home economics, and other similar activities. This use includes but is not limited to a food bank.

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.

Community Shelter means a Development where the Principal Use is to provide temporary shelter for individuals in need of daytime respite and/or overnight sleeping accommodation:

- (i) where the use operates within a Building;
- (ii) where individuals may stay within separate living units;
- (iii) where individuals may share common kitchen, dining and seating areas, and washrooms; and
- (iv) where dwellings or separate living accommodations, office space, and other Accessory Uses may be required to accommodate staff and operate the use.

This use includes but is not limited to daytime or overnight emergency shelters.

Community Social Service means a Development where the Principal Use is to provide professional or non-profit social services on an outpatient basis only. This use includes, but is not limited to, social services related to immigration, employment and life skills, prenatal and family planning, youth outreach, addiction and harm reduction, mental health, disability, and other similar services. This use does not include Supervised Consumption Site or Addiction Treatment and Recovery Service.

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 Development where the Principal Use consists of two (2) Principal Dwellings contained within one (1) Principal Building:

- (i) where the Duplex is detached from any other Principal Building;
- (ii) where the Duplex is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit;
- (iii) where the Duplex is purpose-built to have separate, individual access for each Principal Dwelling either at grade, or to grade from an interior or exterior stairwell;
- (iv) where one (1) Principal Dwelling is placed over the other Principal Dwelling in whole or in part; and
- (v) where each Principal Dwelling is purpose-built to contain separate cooking, food preparation, sleeping and sanitary facilities.

This use does not include a Single Detached House with a Secondary Suite.

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.

Financial Institution means a Development where the Principal Use is to provide federally regulated financial and banking services. This use includes, but is not limited to, banks, credit unions, trust companies or companies that provide insurance, financial planning, loans, mortgages, and other similar services.

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.

Garden Centre means a use where gardening products, plants, seeds, shrubbery, trees and other gardening related products are sold to the public from a permanent building and may include temporary structures and outdoor areas for the planting, growing, storage, display and sale of plants and products but does not include a Cannabis Production and Distribution Facility or Cannabis Retail Store.

Government Service means a Development where the Principal Use is to provide municipal, provincial or federal government services. This use includes, but is not limited to, City Hall, a provincial building, a Courthouse, Service Canada centres, Canada Post offices and depots, or other municipal, provincial, and federal buildings and services not otherwise defined in this Bylaw.

Greenhouse means a use, constructed primarily of glass or other transparent materials, whose Principle Use is the growth and production of plants but does not include a Garden Centre or Cannabis Production and Distribution Facility or Cannabis Retail Store.

Health Care Office means a Development where the Principal Use is to provide medical and health care services on an outpatient basis only. This use includes, but is not limited to, doctor and dentist offices, health care clinics, health services laboratories, health diagnostics services, medical cannabis counselling services, chiropractic offices, massage therapy, physiotherapy, psychiatric and psychological counselling services, or other similar services. Typical Accessory Uses include, but are not limited, to the sale of pharmaceuticals, supplements, medical supplies, or other items related to the services provided by the use.

Home Business, Major means the use of a Dwelling, Garage, residential accessory Building or associated Site by one or more occupants thereof for the purpose of conducting a Business, in accordance with the following:

- (i) The Home Business, Major is owned by one or more of the occupants carrying on the Home Business, Major;
- (ii) the Home Business, Major is situated in a District that allows residential uses;
- (iii) no more than thirty-five (35) Vehicle Visits occur per Week on, about, or in the vicinity of, the Site where the Home Business, Major is located;
- (iv) no signage that is visible from the public realm or an adjacent Site is displayed in relation to the Home Business, Major on the Site where the Home Business, Major is located;
- (v) no goods are offered for sale or sold to any person attending on or about the Site where the Home Business, Major is located, unless such goods are incidental and related to the service(s) provided by the Home Business, Major; and
- (vi) each Vehicle Visit is by appointment only, which appointment shall be made in advance of such Vehicle Visit.

Home Business, Minor means the use of a Dwelling, Garage, residential accessory Building or associated Site by one or more occupants thereof for the purpose of conducting a Business, in accordance with the following:

- (i) the Home Business, Minor is owned by one or more of the occupants carrying on the Home Business, Minor;
- (i) the Home Business, Minor is situated in a District that allows residential uses;
- (ii) no more than five (5) Vehicle Visits occur per Week on, about, or in the vicinity of, the Site where the Home Business, Minor is located;
- (iii) no signage that is visible from the public realm or an adjacent Site is displayed in relation to the Home Business, Minor on the Site where the Home Business, Minor is located;
- (iv) no goods are offered for sale or sold to any person attending on or about the Site where the Home Business, Minor is located, unless

such goods are incidental and related to the service(s) provided by the Home Business, Minor; and

- (v) each Vehicle Visit is by appointment only, which appointment shall be made in advance of such Vehicle Visit.

Hospital means a Development where the Principal Use is to provide a facility designated by the Province of Alberta's Minister of Health as an approved hospital pursuant to the *Hospitals Act*, RSA 2000 C H-12, as amended (*Hospitals Act*). Typical Accessory Uses include, but are not limited to, Parking Facilities, food services and eating areas, lounges and waiting rooms, staff offices, or other accommodations for staff, patients and visitors.

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. This Use does not include Cannabis Production and Distribution Facility of Cannabis Retail Store.

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. This Use does not include Cannabis Production and Distribution Facility or Cannabis Retail Store.

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 where the Principal Use consists of three (3) or more Principal Dwellings contained within one (1) or more low rise Principal Building(s):

- (i) where a minimum of fifty (50) per cent of the Buildings contain three (3) or more Principal Dwellings;
- (ii) where the Multiple Unit Residential Development is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit;
- (iii) where each Principal Dwelling has separate, individual access either at grade, or to grade, from an interior or exterior stairwell or a common entrance and internal hallway system;
- (iv) where each Principal Dwelling is separate from any adjoining Principal Dwelling by a vertical and/or horizontal Party Wall (i.e. adjacent and/or stacked Dwellings); and
- (v) where the Multiple Unit Residential Development must not contain Secondary Suites or Backyard Suites.

Office means a Development where the Principal Use is to provide professional, management, administrative, information, or consulting services, with the exception of publicly funded or non-profit medical, health care and social services. This use includes, but is not limited to, the offices of lawyers, accountants, engineers, architects, real estate firms or travel agents; and related clerical, secretarial, administrative, human resource, and other similar services.

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.

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.

Public Library means a Development where the Principal Use is to provide a public facility for the collection of printed and other materials primarily for the purpose of lending to the public. Typical Accessory Uses include, but are not limited to, facilities for theatre, meetings, classrooms, study space, computers for public use, and other similar activities.

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.

Remote Work means the use of a Dwelling, Garage or residential accessory Building by one or more occupants thereof for the purpose of working for an off-Site employer on a temporary, intermittent or permanent basis, in accordance with the following:

- (i) the Remote Work is situated in a District that allows residential uses;
- (ii) no Vehicle Visits occur on, about, or in the vicinity of, the Site where the Remote Work is located;
- (iii) no signage that is visible from the public realm or an adjacent Site is displayed in relation to the Remote Work on the Site where the Remote Work is located; and
- (iv) no goods or services are offered for sale or sold to any person attending on or about the Site where the Remote Work is located.

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.

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.

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. This Use does not include Cannabis Lounge or Cannabis Retail Store.

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, dry-cleaning, and personal fitness services. This Use does not include Cannabis Production and Distribution Facility, Cannabis Retail Store, or Cannabis Lounge.

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

School means a Development where the Principal Use is to provide a structured learning environment at a public, private or other facility through which an education program is offered to students from kindergarten to grade 12; pursuant to the *Education Act*, SA 2012, Ce-0.3, as amended (*Education Act*). This use does not include home education as defined by the *Education Act*.

Secondary Suite means a Development where one (1) Accessory Dwelling is located within one (1) Principal Dwelling in the form of a Single Detached House or Attached Housing:

- (i) where the Secondary Suite is an Accessory Use to the Principal Dwelling;
- (ii) where the Secondary Suite is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit; and
- (iii) where the Secondary Suite has cooking, food preparation, sleeping and sanitary facilities which are physically separate from the Principal Dwelling.

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 Development where the Principal Use consists of one (1) Principal Dwelling contained within one (1) Principal Building:

- (i) where the Single Detached House is detached from any other Principal Building;

- (ii) where the Single Detached House is used for residential purposes only, except as otherwise allowed by a provision of this Bylaw or a Development Permit; and
- (iii) where the Single Detached House may contain one (1) Secondary Suite as an Accessory Use in a District where it is a listed use and conforms with this Bylaw.

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.

Supervised Consumption Site means a location that is exempted by the Federal Government for medical purposes under Section 56.1 of the Controlled Drugs and Substances Act, and is intended for persons to consume a controlled substance in a supervised and controlled environment on an out-patient basis.

Temporary Vendor means a Development where the Principal Use is to sell or offer for sale any meat, fish, agricultural produce, retail item or service of any kind:

- (i) on a temporary/seasonal basis from a Site;
- (ii) from a temporary Building or structure;
- (iii) where the use may require a Building Permit, a Business License, an approval from Alberta Health Services, or some other approval from an authority having jurisdiction;
- (iv) where the use is responsible for receiving landowner consent to operate on the Site where the use is located; and
- (v) where the use must not negatively impact public health and safety, traffic and pedestrian movement and visibility, or any other municipal concern.

This use does not include a Mobile Cooking Operation.

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.

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 ²⁶

5.2 DELETED ²⁷

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. ²⁸
- (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 ²⁹

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

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 4724 – April 4, 2023

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 an existing use, additional Off-Street Parking may be required, at the discretion of the Development Authority, whether or not there is an increase to the intensity of the Development.
- (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 will not result in a shortage of Off-Street Parking for the Site, or negatively impact any adjacent Site.
- (vi) A Development Authority may allow two or more Developments to enter into an agreement, to the satisfaction of the Development Authority, to share Off-Street Parking.

5.4.2 REQUIRED OFF-STREET PARKING ³⁰

- (i) In determining the required Off-Street Parking to be provided in connection with any Development in any District, it is the intent of the Development Authority:
 - (1) to achieve an economical and beneficial development pattern within a walkable and high quality physical environment;
 - (2) that the use of land and Buildings on a Site is optimized through increased Floor Area Ratio;
 - (3) that a proposed Development would not result in underutilized land; and

³⁰ Amended by Bylaw 4724 – April 4, 2023

- (4) that an adequate number of parking stalls is provided for the use or uses under consideration in terms of:
 - (a) the anticipated parking needs of a proposed use or uses;
 - (b) the design of a Site and the ability of a Site to accommodate Off-Street Parking; and
 - (c) the surrounding context of a Site and how its location may affect parking needs.

- (ii) Off-Street Parking shall be provided to the satisfaction of the Development Authority. The Development Authority shall establish the number of Off-Street Parking stalls required for any application for Development in any District and in doing so shall consider the following:
 - (1) the objectives and policies of any relevant Statutory Plan;
 - (2) a detailed description of the proposed Development as it relates to Off-Street Parking needs including but not limited to:
 - (a) in the case of a residential Development, the number of Dwellings and the number of bedrooms per Dwelling;
 - (b) in the case of a non-residential Development, the GFA of all Principal Buildings;
 - (c) accessible parking stalls;
 - (d) staff parking stalls;
 - (e) visitor/customer parking stalls;
 - (f) pick-up/drop-off parking stalls;
 - (g) bicycle storage area(s);
 - (h) electric vehicle charging stations;
 - (i) the amount of visitor/customer seating for the proposed Development;
 - (j) whether the proposed Development includes a waiting area for visitors/customers; and
 - (k) the number of visitors/customers that a proposed Development can accommodate at the same time.
 - (3) the provision of Site design components including but not limited to:
 - (a) safe and accessible pedestrian connections;
 - (b) motor vehicle access and egress;
 - (c) on-site motor vehicle maneuvering, queuing, and loading;
 - (d) fire lanes and other emergency access;

- (e) waste management; and
 - (f) stormwater management.
- (4) the context of a Site including but not limited to:
- (a) the location of the proposed Development;
 - (b) the intensity of the proposed land use;
 - (c) the proximity to public amenities and services;
 - (d) the proximity to public transit;
 - (e) the proximity to active transportation infrastructure;
 - (f) the proximity to, amount of, and potential impacts to adjacent public on-street parking; and
 - (g) any constraints to Development of the Site.
- (5) any shared parking agreements; and
- (6) any other planning considerations and principals relevant to the circumstances of a Development that is the subject of a Development Permit application.

5.4.3 OFF-STREET PARKING DESIGN REQUIREMENTS ³¹

- (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 an unobstructed pedestrian walkway that provides barrier-free path of travel 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) For residential uses:
 - (a) 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; and
 - (b) have a minimum depth of 6.00 m, or in the case of a parallel parking stall a minimum length of 7.00 m.

³¹ Amended by Bylaw 4724 – April 4, 2023

- (2) For non-residential uses:
 - (a) have a minimum width of 3.00 m; and
 - (b) have a minimum depth of 6.00 m, or in the case of a parallel parking stall a minimum length of 7.00 m.
- (3) For all uses:
 - (a) be set back a minimum of 2.00 m from a Building façade;
 - (b) have a minimum vertical clearance of 2.50 m;
 - (c) be clear of any obstructions; and
 - (d) 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 shall be developed in accordance with the *Alberta Safety Codes Act and Regulations*, except in accordance with the Development Regulations listed below.
- (vi) The number of barrier-free parking stalls required for a Development shall be determined at the discretion of the Development Authority having regard to the considerations within subsection 5.4.2 of this Bylaw.
- (vii) Barrier-free parking stalls must:
 - (1) be identified through the use of appropriate signage and ground surface demarcation;
 - (2) have a minimum width of 3.00 m;
 - (3) be developed with a barrier-free access aisle with a minimum width of 2.4 m where the access aisle abuts the stall and is demarcated to indicate no parking;
 - (4) be developed with a barrier-free path of travel with a minimum width of 2.4 m leading to the nearest barrier-free entrance; and
 - (5) be developed with a curb ramp or ramp, to the satisfaction of the Development Authority, with consideration of the following:
 - (a) a ramp may be required to be designed as part of an access aisle;
 - (b) a curb ramp width shall be a minimum of 1.5 m;
 - (c) a curb ramp depth shall be a minimum of 1.5 m;

- (d) a curb ramp slope shall be a maximum of 1/12; and
- (e) in the case of a parallel barrier-free parking stall, the access aisle and curb ramp shall be located in front of, or behind the stall and demarcated to indicate no parking.

5.4.4 DELETED ³²

5.5 MOTOR VEHICLE ACCESS

5.5.1 NON-RESIDENTIAL ³³

- (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.³⁴
- (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.
- (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;

32 Amended by Bylaw 4273 – July 7, 2015

33 Amended by Bylaw 4273 – July 7, 2015

34 Amended by Bylaw 4273 – July 7, 2015

- (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 ³⁵

5.5.3 DRIVE-THROUGH SERVICES ³⁶

- (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:
 - (a) a minimum of 5 inbound queuing spaces per ordering board or ordering window in the case of a Drive-Through Service associated with a Restaurant, or
 - (b) a minimum of 3 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, motor vehicle access, on-site vehicle maneuvering, or any parking space whether on the Site or elsewhere.
- (iii) Queuing spaces shall be a minimum of 7.00 m in length and 4.00 m in width.
- (iv) Drive-through services must:
 - (1) be set back a minimum of 30.0 m from any Dwelling; and
 - (2) be screened to the satisfaction of the Development Authority.

35 Amended by Bylaw 4273 – July 7, 2015

36 Amended by Bylaw 4724 – April 4, 2023

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 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 ³⁷

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.

³⁷ Amended by Bylaw 4273 – July 7, 2015

“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) DELETED ³⁸
- (iii) No Development is allowed in the Floodway that may in the opinion of a Development Authority adversely alter the Floodway hydraulics.

38 Amended by Bylaw 4707 – September 7, 2022

- (iv) Consistent with the Municipal Development Plan, and at the discretion of the Development Authority, a Development may be allowed in the Floodway: ³⁹
 - (1) where a Development or Site benefits from neighbourhood scale flood mitigation infrastructure; or
 - (2) where a Development or Site incorporates appropriate site-specific flood protection and mitigation measures,to the satisfaction of the Development Authority.
- (v) A Development in the Flood Fringe must provide for flood proofing to the satisfaction of a Development Authority.

5.10 DELETED ⁴⁰

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, 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 ⁴¹

5.11.3 GENERAL LANDSCAPING RULES

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

39 Amended by Bylaw 4707 – September 7, 2022

40 Amended by Bylaw 4273 – July 7, 2015

41 Amended by Bylaw 4273 – July 7, 2015

- (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. ⁴²
- (ii) When Landscaping is required adjacent to a Boulevard, the tree species chosen must complement the existing Boulevard trees. ⁴³
- (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. ⁴⁴
- (vii) DELETED ⁴⁵
- (viii) Landscaping shall be adequately irrigated to ensure the healthy growth of vegetation. ⁴⁶

5.11.4 REQUIRED LANDSCAPING IN NON-RESIDENTIAL DISTRICTS ⁴⁷

- (i) DELETED ⁴⁸
- (ii) The following Landscaping is required for Developments in all non-residential Districts except the I-G and I-H districts: ⁴⁹

42 Amended by Bylaw 4273 – July 7, 2015
 43 Amended by Bylaw 4273 – July 7, 2015
 44 Amended by Bylaw 4273 – July 7, 2015
 45 Amended by Bylaw 4273 – July 7, 2015
 46 Amended by Bylaw 4724 – April 4, 2023
 47 Amended by Bylaw 4273 – July 7, 2015
 48 Amended by Bylaw 4273 – July 7, 2015
 49 Amended by Bylaw 4273 – July 7, 2015

- (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: ⁵⁰
- (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 ⁵¹

- (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.
- (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:

⁵⁰ Amended by Bylaw 4273 – July 7, 2015

⁵¹ Amended by Bylaw 4273 – July 7, 2015

- (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 ⁵²

5.14 DELETED ⁵³

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;
- (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 Shipping Container may be allowed on a Site within any land use District, at the discretion of the Development Authority, where it does not materially interfere with or adversely impact the use, enjoyment or value of neighbouring parcels of land. ⁵⁴

52 Amended by Bylaw 4273 – July 7, 2015

53 Amended by Bylaw 4273 – July 7, 2015

54 Amended by Bylaw 4634 – September 9, 2020

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 ⁵⁵
- (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 ⁵⁶
- (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 ⁵⁷

5.19 DELETED ⁵⁸

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.
- (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.

55 Amended by Bylaw 4273 – July 7, 2015

56 Amended by Bylaw 4273 – July 7, 2015

57 Amended by Bylaw 4273 – July 7, 2015

58 Amended by Bylaw 4273 – July 7, 2015

5.21 SETBACK FROM ENERGY INFRASTRUCTURE ⁵⁹

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

- (i) 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;
- (ii) within the following radius of a shut-in or abandoned oil well or gas well:
 - (1) 5.00 m radius; or
 - (2) A radius in excess of 5.00 m, where such larger radius is deemed appropriate by the Development Authority.

5.22 DELETED ⁶⁰

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.

59 Amended by Bylaw 4707 – September 7, 2022

60 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.

5.24.4 BUILDING DESIGN, CHARACTER AND APPEARANCE ⁶¹

- (i) The Building design and the use of exterior Building materials shall be to the satisfaction of the Development Authority, to ensure, as far as practicable, that the overall design, character and appearance of a Development shall be compatible with, and complimentary to, surrounding Developments.
- (ii) The Development Authority may establish Development Regulations or allow Variances to Development Regulations specific to Building design, character and appearance as it relates to any application for Development in any District; and in doing so shall consider the following:
 - (1) the objectives and policies of any relevant Statutory Plan,
 - (2) the proximity of a Building to other Buildings or uses and the potential impacts,
 - (3) the context of a Site including but not limited to the existing design, character and appearance of adjacent Development and streetscapes; and the proximity of, and interface between, a Site or Building with a road, a Park or natural area,
 - (4) Site design including but not limited to the position of Buildings and other Development components in relation to the Site context; the potential impacts of shadows from a Development on adjacent Sites; and the potential impact to privacy or public views from a Development on adjacent Sites,
 - (5) Building massing including but not limited to the general shape, form, size, and height of a Building or structure in comparison to adjacent Sites; and the potential impact to adjacent Sites from Building massing including but not limited to aesthetics, privacy, views, or shadows,
 - (6) Building architecture including but not limited to the use of modern or traditional exterior finishing materials on a Building or structure that are of high quality and are consistent or complimentary to adjacent Sites; and the integration of architectural elements such as glazing, entrance features, arcades, awnings, courtyards, patios or canopies into the design of a Building, and
 - (7) any other planning, design, character and appearance considerations or principles relevant to the circumstances of a Site or Building or structure that is the subject of a Development Permit application.

61 Amended by Bylaw 4707 – September 7, 2022

5.24.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN ⁶²

- (i) The Development Authority may establish Development Regulations or allow Variances to Development Regulations specific to promoting public safety as it relates to any application for Development in any District; and in doing so shall consider the principals of Crime Prevention Through Environmental Design and the need for, and ability of, a Development or Site:
- (1) to provide for natural surveillance from the public realm,
 - (2) to ensure that Landscaping does not impact natural surveillance from the public realm,
 - (3) to ensure that the main public entrance to a Building is clearly marked and provides for natural surveillance,
 - (4) to provide security lighting in strategic locations,
 - (5) to provide security cameras and signage in strategic locations,
 - (6) to use pathways, signs, Landscaping, and hard surfacing elements to clearly identify property lines and areas of a Site that are designated as off-limits to the public,
 - (7) to maintain Landscaping and lighting, keeping Sites free of garbage and graffiti, and repairing damaged or unsafe Buildings and structures,
 - (8) to limit opportunities for loitering, and
 - (9) to address any other principals of Crime Prevention Through Environmental Design deemed by the Development Authority to be necessary or appropriate to address any other relevant public safety matters.

5.25 SIGNS

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

5.26 AIRPORT VICINITY PROTECTION OVERLAY ⁶³

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

62 Amended by Bylaw 4707 – September 7, 2022

63 Amended by Bylaw 4377 – September 19, 2017

5.27 CANNABIS RETAIL STORE OVERLAY ⁶⁴

The Development Regulations applicable to the Cannabis Retail Store Overlay are set out in Schedule F.

5.28 HOME BUSINESSES ⁶⁵

- (i) At the discretion of the Development Authority, the following Home Business conditions may be imposed in respect of a Site in a District that allows residential uses:
 - (1) not more than one (1) Home Business, Major is allowed and no (0) Home Business, Minor is allowed on the Site;
 - (2) not more than two (2) Home Business, Minors are allowed and no (0) Home Business, Major is allowed on the Site; or
 - (3) not more than one (1) Home Business, Major is allowed and not more than one (1) Home Business, Minor is allowed on the Site.
- (ii) At the discretion of the Development Authority, a Home Business may incorporate the following uses:
 - (1) Artist's Studio;
 - (2) Animal Service (i.e., a Business that provides: pet grooming, off-Site pet walking and exercising, off-Site pet waste clean-up or similar services and activities);
 - (3) Office (i.e., a Business that provides: administrative, consulting, financial, information, management, professional and technological services or similar services and activities); ⁶⁶
 - (4) Business Support Services (i.e., a Business that provides: small scale sign making, catering and food preparation, home and office cleaning, delivery and security services, information technology services, small item repair and service or similar services and activities);
 - (5) Education Institution (i.e., a Business that provides: individual and small group instruction and training in music, grade school and post-secondary school tutoring or similar services and activities);
 - (6) Health Care Office (i.e., a Business that provides: outpatient counselling, massage therapy, physio therapy or similar services and activities);

64 Amended by Bylaw 4487 – July 17, 2018

65 Amended by Bylaw 4697 – June 7, 2022

66 Amended by Bylaw 4707 – September 7, 2022

- (7) Industrial Support Services (i.e., a Business that provides: contractor's, trades and landscaper's office or similar services and activities);
 - (8) Retail and Consumer Service (i.e., a Business that provides: photography, salon, fitness, health and wellness services, small scale production and/or retail of clothing and accessories, crafts, woodworking, personal care items or similar services and activities); and
 - (9) any other use deemed by the Development Authority to be compatible in a District that allows residential uses.
- (iii) At the discretion of the Development Authority, a Home Business must not incorporate the following uses:
- (1) Adult Establishments;
 - (2) Businesses that are or should be licensed under the Escort Service Bylaw;
 - (3) Animal Service (i.e., a Business that provides: veterinary services, animal breeding, kennels, boarding, shelters, impoundment or similar services and activities);
 - (4) Hospital or similar services and activities;⁶⁷
 - (5) Recreation Vehicle, Motor Vehicle and Large Vehicle sales, modification, restoration, repair, servicing, painting, storage or similar services and activities;
 - (6) Industrial Operations (i.e., a Business that provides: on-Site recycling, metal work, welding or similar services and activities);
 - (7) Retail and Consumer Service (i.e., a Business that provides: retail of groceries, alcoholic beverages, building materials, confectionary, tobacco, pharmaceutical, dry cleaning or similar services and activities);
 - (8) Cannabis Production and Distribution Facility, Cannabis Retail Store, or Cannabis Lounge;
 - (9) Supervised Consumption Site; and
 - (10) any other use deemed by the Development Authority to be incompatible in a District that allows residential uses.
- (iv) At the discretion of the Development Authority, the following conditions may be imposed on a Development Permit for a Home Business:
- (1) conditions specifying, to the satisfaction of the Development Authority, that not more than two (2) vehicles and not more than

67 Amended by Bylaw 4707 – September 7, 2022

- one (1) trailer related to the Home Business may be parked on or about the Site where the use is located, provided that no (0) vehicle is a Large Vehicle;
- (2) conditions specifying, to the satisfaction of the Development Authority, any requirements for additional Off-Street Parking stalls related to the Home Business;
 - (3) conditions specifying, to the satisfaction of the Development Authority, the prohibition of, or requirements for, the outdoor storage of vehicles, trailers, materials, tools, products, equipment or any other thing related to the Home Business on or about the Site where the use is located;
 - (4) conditions specifying, to the satisfaction of the Development Authority, the prohibition of, or requirements for, the type, frequency and nature of outdoor activities related to the Home Business that are allowed to take place on or about the Site where the use is located;
 - (5) conditions specifying, to the satisfaction of the Development Authority, the prohibition of, or requirements for, the type, frequency and nature of any Business activities that are allowed to be performed by any off-Site employee(s) who attend the Site where the use is located;
 - (6) conditions specifying, to the satisfaction of the Development Authority, the type and scope of Screening required in respect of any outdoor Business activities that are allowed to take place on the Site where the use is located;
 - (7) conditions specifying, to the satisfaction of the Development Authority, the maximum Gross Floor Area that may be used in connection with the Home Business on the Site where the use is located;
 - (8) conditions specifying the duration of Development Permit approval;
 - (9) conditions specifying the maximum number of Vehicle Visits allowed to occur each day;
 - (10) conditions specifying the hours and days of the Week during which Vehicle Visits are allowed to occur; and
 - (11) any other conditions deemed by the Development Authority to be necessary or appropriate to address any other relevant land use planning matters or principles or to mitigate potential land use conflicts with adjacent Sites and land uses.
- (v) A Remote Work use or a Home Business use must:

- (1) not conflict with or alter the residential character of the area of the District in which it is located;
 - (2) be carried on in a manner that is subordinate to the Principal Use of the Site 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, nuisance, excessive noise, smoke, odours, grease laden vapours, dust, light or glare, electronic interference, on-street parking congestion, vehicular traffic or impacts to pedestrian safety.
- (vi) A Development Permit application for a Home Business may be refused if, in the opinion of the Development Authority, the cumulative impacts of existing and proposed Home Businesses in proximity to one another may result in nuisance, on-street parking congestion, excessive vehicle traffic, impacts to pedestrian safety or any other cumulative land use conflicts.
- (vii) A Development Permit application for a Home Business may be refused if, in the opinion of the Development Authority, the cumulative impacts of existing and proposed Development in proximity to the Site that is the subject of the Development Permit application for a Home Business may result in nuisance, on-street parking congestion, excessive vehicle traffic, impacts to pedestrian safety or any other cumulative land use conflicts.
- (viii) At the discretion of the Development Authority, a person engaged in Remote Work or a Home Business may, upon written request, be required to submit to the Development Authority such documentation as the Development Authority deems necessary for the purpose of monitoring compliance with or enforcing this Bylaw, or any conditions of a Development Permit approval.
- (ix) A Development Permit for a Home Business may be suspended or cancelled if, in the opinion of the Development Authority, the Home Business or any Business activity related to the Home Business is carried on in a manner that violates any condition of the Development Permit or any applicable provision of this Bylaw or any other enactment.

5.29 MUNICIPAL HISTORIC AREAS ⁶⁸

- (i) A Municipal Historic Area that is designated by bylaw in accordance with Section 27 of the *Historical Resources Act* is deemed to form part of this Bylaw.
- (ii) Development within a Municipal Historic Area is subject to any prohibition or regulation and control of the use and Development of land and the demolition, removal, construction, or reconstruction of Buildings within the Municipal Historic Area.
- (iii) The following Municipal Historic Areas are designated by bylaw in accordance with Section 27 of the *Historical Resources Act*:
 - (1) the First Street South Municipal Historic Area Designation Bylaw No. 4212, and
 - (2) the Saratoga Park Municipal Historic Area Designation Bylaw No. 4645.

5.30 REQUIREMENTS FOR INFRASTRUCTURE SERVICING ⁶⁹

- (i) The Development Authority shall require confirmation that a Development, or a Site that is the subject of a Development Permit application or subdivision application, shall be adequately serviced with:
 - (1) sanitary sewage collection, treatment, and disposal,
 - (2) water supply, treatment, and distribution,
 - (3) storm water collection and storage,
 - (4) electric power and natural gas servicing capacity,
 - (5) road infrastructure capacity and access points,
 - (6) telecommunications services, and
 - (7) Protective Services and fire suppression measures.
- (ii) The Development Authority may require such documentation as the Development Authority deems necessary for the purpose of confirming that a Development, or a Site that is the subject of a Development Permit application or subdivision application, shall be adequately serviced.

68 Amended by Bylaw 4707 – September 7, 2022

69 Amended by Bylaw 4707 – September 7, 2022

5.31 SECONDARY SUITES ⁷⁰

- (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) Where a District allows, one (1) Secondary Suite may be developed within a Principal Dwelling of Attached Housing:
 - (1) as an Accessory Dwelling in a District where it is a listed use and conforms with this Bylaw,
 - (2) in accordance with the *Safety Codes Act and Regulations* and any other enactment having jurisdiction; and
 - (3) where the Attached Housing is subdivided to create fee simple lots.
- (iii) A Secondary Suite must not be subject to separation from the Principal Dwelling through a condominium conversion or subdivision.
- (iv) A Secondary Suite must not contain more than two bedrooms.

5.32 BACKYARD SUITES ⁷¹

- (i) A Backyard Suite must:
 - (1) only be located on a Site where there is access to an Alley;
 - (2) be located within a Rear Yard;
 - (3) be located to provide a minimum Setback of 4 m between the Backyard Suite and the Principal Dwelling on the same Site; and
 - (4) have exterior finishing materials that are compatible with, and complimentary to, the Principal Dwelling and surrounding neighbourhood.
- (ii) A Backyard Suite must not exceed 85 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 Principal Dwelling on the same Site apply to a Backyard Suite, except the minimum Rear Setback.

70 Amended by Bylaw 4724 – April 4, 2023

71 Amended by Bylaw 4724 – April 4, 2023

- (v) The windows of a Backyard Suite must be strategically located to mitigate privacy impacts to neighbouring Dwellings and reduce direct line of sight to adjacent Sites.
- (vi) A Backyard Suite must not be subject to separation from the Principal Dwelling through a condominium conversion or subdivision.
- (vii) A Backyard Suite must not contain more than two bedrooms.

PART 6

RESIDENTIAL DISTRICTS ⁷²

6.1 GENERAL RULES FOR RESIDENTIAL DISTRICTS

6.1.1 GARAGES AND SHEDS ⁷³

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

DEVELOPMENT REGULATIONS	GARAGE	SHED
Maximum Building Height	5.5 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 on a Site is 15%.⁷⁴
- (v) A Garage must not be used as a Backyard Suite or for a Home Business unless that use is specifically allowed by a provision of this Bylaw or a Development Permit.⁷⁵
- (vi) A Garage or Shed must be finished in materials that are characteristic of a residential District.
- (vii) DELETED
- (viii) A detached Garage may contain attic or loft space used by the occupants of the Dwelling on the Site and may have windows provided they are strategically located to mitigate privacy impacts to neighbouring Dwellings and reduce direct line of sight to adjacent Sites.

72 Amended by Bylaw 4273 – July 7, 2015

73 Amended by Bylaw 4724 – April 4, 2023

74 Amended by Bylaw 4634 – September 9, 2020

75 Amended by Bylaw 4697 – June 7, 2022

- (ix) A Shipping Container may be allowed in a residential District, at the discretion of the Development Authority, subject to the following: ⁷⁶
 - (1) a Shipping Container must be finished in materials that are characteristic of a residential District, or screened from view, to the satisfaction of the Development Authority,
 - (2) the temporary use of a Shipping Container may be allowed for a single period of no more than 30 days in one calendar year,
 - (3) a Shipping Container allowed for temporary use for a single period of no more than 30 days in one calendar year is not required to be finished in materials that are characteristic of a residential District, or screened from view,
 - (4) a Shipping container allowed for temporary use of no more than 30 days in one calendar year must be setback 0.5 m from any Property Line.

6.1.2 FENCES AND RETAINING WALLS

- (i) The height of a fence above Grade at any point along a fence line must not exceed: ⁷⁷
 - (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.

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

⁷⁶ Amended by Bylaw 4634 – September 9, 2020

⁷⁷ Amended by Bylaw 4634 – September 9, 2020

- (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 DELETED ⁷⁸

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.

78 Amended by Bylaw 4697 – June 7, 2022

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) DELETED ⁷⁹
 - (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.

79 Amended by Bylaw 4634 – September 9, 2020

6.2 LOW DENSITY RESIDENTIAL DISTRICT (R-LD)

6.2.1 PURPOSE ⁸⁰

To allow for the Development and sensitive intensification of residential neighbourhoods with low rise built forms at low densities such as Single Detached Houses, Attached Housing, Duplexes, Secondary Suites, and Backyard Suites.

6.2.2 PERMITTED USES ⁸¹

- (i) Attached Housing (two Principal Dwellings)
- (ii) Remote Work
- (iii) Single Detached House

6.2.3 DISCRETIONARY USES ⁸²

- (i) Backyard Suite
- (ii) Cluster Housing
- (iii) Duplex
- (iv) Garages
- (v) Home Business, Major
- (vi) Home Business, Minor
- (vii) Secondary Suite
- (viii) Single Detached House on a Small Residential Site

6.2.4 DEVELOPMENT REGULATIONS

6.2.4.1 SITE WIDTH AND SITE AREA ⁸³

- (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
Single Detached House	10.0 m	325 m ²

80 Amended by Bylaw 4724 – April 4, 2023

81 Amended by Bylaw 4724 – April 4, 2023

82 Amended by Bylaw 4724 – April 4, 2023

83 Amended by Bylaw 4724 – April 4, 2023

Single Detached House with Secondary Suite	12.2 m	400 m ²
Single Detached House with Backyard Suite	15.2 m	500 m ²
Single Detached House on a Small Residential Site	7.6 m	250 m ²
Duplex	15.2 m	500 m ²
Attached Housing (external Dwelling)	6.5 m (per Dwelling)	211 m ² (per Dwelling)
Cluster Housing	N/A	1.5 ha

- (ii) Notwithstanding subsection (i), the minimum Site Width for a Single Detached House that contains a front attached triple garage is 14.0 m.
- (iii) Notwithstanding subsections (i) or (ii), on a corner Site the minimum Site Width is increased by 1.7 m and the minimum Site Area is increased by 55 m².

6.2.4.2 SITE COVERAGE ⁸⁴

The maximum Site Coverage is 45%.

6.2.4.3 DENSITY ⁸⁵

- (i) A maximum of two (2) Dwellings is allowed on a Site.
- (ii) A Site developed with a Single Detached House may, at the discretion of the Development Authority, be developed with one (1) Secondary Suite or one (1) Backyard Suite.
- (iii) A Small Residential Site developed with a Single Detached House may, at the discretion of the Development Authority, be developed with one (1) Secondary Suite.
- (iv) A Site containing a Duplex must not contain a Secondary Suite or a Backyard Suite.
- (v) A Site containing Attached Housing must not contain a Secondary Suite or a Backyard Suite.

84 Amended by Bylaw 4724 – April 4, 2023

85 Amended by Bylaw 4724 – April 4, 2023

- (vi) The density of a Site containing Cluster Housing must be between 10 and 25 UPH.

6.2.4.4 DEVELOPMENT SETBACKS ⁸⁶

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

LAND USE	FRONT SETBACK	EXTERIOR SIDE SETBACK	INTERIOR SIDE SETBACK	REAR SETBACK
Single Detached House	4.0 m	3.0 m	1.3 m	6.0 m
Single Detached House on Small Residential Site	4.0 m	1.3 m	1.3 m	6.0 m
Attached Housing	4.0 m	3.0 m	1.3 m	6.0 m
Duplex	4.0 m	3.0 m	3.0 m	6.0 m
Cluster Housing	6.0 m	6.0 m	6.0 m	6.0 m
Backyard Suite	-	3.0 m	1.3 m	1.5 m

- (ii) Notwithstanding subsection (i), for a Site containing Attached Housing there is no requirement for an Interior Side Setback from a property line with a Party Wall.
- (iii) Notwithstanding subsection (i), the minimum Front Setback or Exterior Side Setback for an attached garage is 6.0 m.

6.2.4.5 BUILDING HEIGHT ⁸⁷

- (i) The maximum Building Height is:
 - (1) 2 Storeys to a maximum of 8.0 m for a Backyard Suite; and,
 - (2) 3 Storeys to a maximum of 12.0 m for Cluster Housing, Attached Housing, a Duplex, or Single Detached House.

86 Amended by Bylaw 4724 – April 4, 2023

87 Amended by Bylaw 4724 – April 4, 2023

6.2.4.6 DWELLINGS MANUFACTURED OFF-SITE ⁸⁸

- (i) A Single Detached House, Cluster Housing, Attached 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:

⁸⁸ Amended by Bylaw 4724 – April 4, 2023

- (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) DELETED ⁸⁹
- (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.

⁸⁹ Amended by: Bylaw 4724 – April 4, 2023

6.2.4.10 DELETED ⁹⁰

6.2.4.11 DELETED ⁹¹

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: ⁹²
 - (1) DELETED ⁹³
 - (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) DELETED ⁹⁴
- (iii) Notwithstanding subsection (i)(3), no trees located within a Boulevard may be removed to accommodate a new Driveway or Off-Street Parking.

6.2.4.13 DELETED ⁹⁵

90 Amended by Bylaw 4724 – April 4, 2023

91 Amended by Bylaw 4724 – April 4, 2023

92 Amended by Bylaw 4634 – September 9, 2020

93 Amended by Bylaw 4634 – September 9, 2020

94 Amended by Bylaw 4707 – September 7, 2022

95 Amended by Bylaw 4724 – April 4, 2023

6.3 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-MD)

6.3.1 PURPOSE ⁹⁶

To allow for the Development and moderate intensification of residential neighbourhoods with low to mid-rise built forms at medium densities such as Multiple Unit Residential Developments, Attached Housing, and Apartments.

6.3.2 PERMITTED USES ⁹⁷

- (i) Attached Housing (minimum of four Dwellings)
- (ii) Multiple Unit Residential Development
- (iii) Remote Work
- (iv) Single Detached House provided it legally existed on a Site as of January 1st, 2015

6.3.3 DISCRETIONARY USES ⁹⁸

- (i) Apartments
- (ii) Attached Housing (two or three Dwellings)
- (iii) Backyard Suite
- (iv) Duplex
- (v) Garages
- (vi) Home Business, Major
- (vii) Home Business, Minor
- (viii) Secondary Suite

96 Amended by Bylaw 4634 – September 9, 2020

97 Amended by Bylaw 4724 – April 4, 2023

98 Amended by Bylaw 4724 – April 4, 2023

6.3.4 DEVELOPMENT REGULATIONS

6.3.4.1 SITE WIDTH AND SITE AREA ⁹⁹

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

LAND USE	SITE WIDTH	SITE AREA
Attached Housing (internal Dwelling)	5.2 m (per Dwelling)	169 m ² (per Dwelling)
Attached Housing (external Dwelling)	6.5 m (per Dwelling)	211 m ² (per Dwelling)
Multiple Unit Residential Development	20.0 m	180 m ² (per Dwelling)
Apartment	30.0 m	1000 m ²

- (ii) Notwithstanding subsection (i), on a corner Site the minimum Site Width is increased by 1.7 m and the minimum Site Area is increased by 55 m².

6.3.4.2 SITE COVERAGE ¹⁰⁰

The maximum Site Coverage is 65%.

6.3.4.3 DENSITY ¹⁰¹

- (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 75 UPH.
- (iii) The maximum density of a Site that is developed with Attached Housing is 100 UPH.
- (iv) The maximum density of a Site that is developed with Apartments is 150 UPH.

99 Amended by Bylaw 4724 – April 4, 2023

100 Amended by Bylaw 4724 – April 4, 2023

101 Amended by Bylaw 4724 – April 4, 2023

6.3.4.4 DEVELOPMENT SETBACKS ¹⁰²

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

LAND USE	FRONT SETBACK	EXTERIOR SIDE SETBACK	INTERIOR SIDE SETBACK	REAR SETBACK
Attached Housing	4.0 m	3.0 m	1.3 m	6.0 m
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 Attached Housing 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 m.

6.3.4.5 BUILDING HEIGHT ¹⁰³

- (i) The maximum Building Height is:
- (1) 3 Storeys to a maximum of 12.0 m for Attached Housing or Multiple Unit Residential Development; and,
 - (2) 5 Storeys to a maximum of 20.0 m for Apartments.

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.

102 Amended by Bylaw 4724 – April 4, 2023

103 Amended by Bylaw 4724 – April 4, 2023

- (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 SUITE ¹⁰⁴

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.

104 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 ¹⁰⁵

- (i) Financial Institutions
- (ii) Health Care Offices
- (iii) Offices
- (iv) Remote Work
- (v) Restaurants
- (vi) Retail and Consumer Services

7.1.3 DISCRETIONARY USES ^{106 107}

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Apartments
- (iv) Artist Studios
- (v) Attached Housing

105 Amended by Bylaw 4707 – September 7, 2022

106 Amended by Bylaw 4707 – September 7, 2022

107 Amended by Bylaw 4724 – April 4, 2023

- (vi) Backyard Suite
- (vii) Bars
- (viii) Business Support Services
- (ix) Clubs
- (x) Community Centres
- (xi) Community Food Service
- (xii) Community Shelter
- (xiii) Community Social Services
- (xiv) Cultural Facilities
- (xv) Day Care Facilities
- (xvi) Drive-Through Services
- (xvii) Duplex
- (xviii) Education Institutions
- (xix) Garages
- (xx) Garden Centres
- (xxi) Government Services
- (xxii) Home Business, Major
- (xxiii) Home Business, Minor
- (xxiv) Hotels
- (xxv) Motor Vehicle Gas Stations
- (xxvi) Motor Vehicle Service Stations provided they legally existed on a Site as of January 1, 2022
- (xxvii) Multiple Unit Residential Development
- (xxviii) Parking Facilities
- (xxix) Places of Amusement
- (xxx) Recreation Facilities
- (xxxi) Secondary Suite
- (xxxii) Single Detached House provided they legally existed on a Site as of

January 1, 2022

(xxxiii) Temporary Vendors

7.1.4 DEVELOPMENT REGULATIONS

7.1.4.1 SITE DIMENSIONS

- (i) The minimum Site Width is: ¹⁰⁸
 - (1) 30.0 m for Apartments;
 - (2) all other uses as required by the 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. ¹⁰⁹

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; ¹¹⁰

108 Amended by Bylaw 4697 – June 7, 2022

109 Amended by Bylaw 4273 – July 7, 2015

110 Amended by Bylaw 4273 – July 7, 2015

(2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing. ¹¹¹

(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.

7.1.4.6 DISCRETIONARY USES: BACKYARD SUITE, DUPLEX, SECONDARY SUITE AND SINGLE DETACHED HOUSE ¹¹²

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.

111 Amended by Bylaw 4273 – July 7, 2015

112 Amended by Bylaw 4352 – June 7, 2016

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 ¹¹³

- (i) Cultural Facilities
- (ii) Financial Institutions
- (iii) Health Care Offices
- (iv) Hotels
- (v) Offices
- (vi) Public Library
- (vii) Remote Work
- (viii) Restaurants
- (ix) Retail and Consumer Services

7.2.3 DISCRETIONARY USES ^{114 115}

- (i) Accessory Uses
- (ii) Apartments
- (iii) Artist Studios
- (iv) Attached Housing
- (v) Backyard Suite
- (vi) Bars
- (vii) Business Support Services
- (viii) Clubs

113 Amended by Bylaw 4707 – September 7, 2022

114 Amended by Bylaw 4707 – September 7, 2022

115 Amended by Bylaw 4724 – April 4, 2023

- (ix) Community Centres
- (x) Community Food Service
- (xi) Community Shelter
- (xii) Community Social Services
- (xiii) Day Care Facilities
- (xiv) Duplex
- (xv) Education Institutions
- (xvi) Garages
- (xvii) Garden Centres
- (xviii) Government Services
- (xix) Home Business, Major
- (xx) Home Business, Minor
- (xxi) Motor Vehicle Services Stations provided they legally existed on a Site as of January 1, 2022
- (xxii) Multiple Unit Residential Development
- (xxiii) Parking Facilities
- (xxiv) Places of Amusement
- (xxv) Places of Worship
- (xxvi) Recreation Facilities
- (xxvii) Secondary Suite
- (xxviii) Single Detached House provided they legally existed on a Site as of January 1, 2022
- (xxix) Supervised Consumption Site
- (xxx) Temporary Vendors

7.2.4 DEVELOPMENT REGULATIONS

7.2.4.1 DELETED ¹¹⁶

7.2.4.2 REQUIRED DEVELOPMENT SETBACKS

The Development Authority shall establish the minimum Front Setback, Interior Side Setback, Exterior Side Setback and Rear Setback with regard to any application for Development in the Mixed Use Downtown District, and in doing so shall consider the guidance provided in Section 5.24.4. ¹¹⁷

7.2.4.3 MAXIMUM BUILDING HEIGHT

The maximum Building Height is 6 Storeys. ¹¹⁸

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; ¹¹⁹
 - (2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing. ¹²⁰
- (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) DELETED ¹²¹

116 Amended by Bylaw 4707 – September 7, 2022

117 Amended by Bylaw 4707 – September 7, 2022

118 Amended by Bylaw 4707 – September 7, 2022

119 Amended by Bylaw 4273 – July 7, 2015

120 Amended by Bylaw 4273 – July 7, 2015

121 Amended by Bylaw 4707 – September 7, 2022

(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) DELETED ¹²²

122 Amended by Bylaw 4707 – September 7, 2022

7.3 HIGH DENSITY MIXED USE DISTRICT (MU-HD) ¹²³

7.3.1 PURPOSE

The High Density Mixed Use District is intended to:

- (i) support new high-density urban living opportunities through a mix of largescale residential and mixed-use developments;
- (ii) accommodate compatible commercial components within a primarily residential development that increase the services and amenities for the development and neighbourhood;
- (iii) recognize the unique context of each Site and encourage the highest and best use by establishing minimum Density, Building Height, and Floor Area Ratio requirements; and
- (iv) encourage high quality Site design, Building architecture and Landscaping.

7.3.2 PERMITTED USES ¹²⁴

- (i) Apartments
- (ii) Remote Work

7.3.3 DISCRETIONARY USES ¹²⁵

- (i) Accessory Uses
- (ii) Day Care Facilities
- (iii) Financial Institutions
- (iv) Government Services
- (v) Health Care Office
- (vi) Home Business, Major
- (vii) Home Business, Minor
- (viii) Hotels
- (ix) Multiple Unit Residential Development

123 Amended by Bylaw 4696 – June 7, 2022

124 Amended by Bylaw 4697 – June 7, 2022

125 Amended by Bylaw 4707 – September 7, 2022

- (x) Office
- (xi) Restaurants
- (xii) Retail and Consumer Services

7.3.4 DEVELOPMENT REGULATIONS

7.3.4.1 LAND USE ¹²⁶

- (i) All non-residential land uses, except Home Businesses and Hotel, shall be located on only the 1st or 2nd storey of the building.

7.3.4.2 SITE CONTEXT AND CONSTRAINTS

- (i) The Development Authority shall establish Development Regulations specific to each Site in this District with regard to any application for Development, and in doing so shall consider the following:
 - (1) the objectives and policies of any relevant Statutory Plan;
 - (2) the proximity of the Site to other Districts or uses and the potential impacts to the area;
 - (3) the shape and land area of the Site;
 - (4) the ability of the Site to accommodate, where necessary, integral Site design components including, but not limited to motor vehicle access, egress, on-site maneuvering and queuing; fire lanes and other emergency access; waste management; and stormwater management;
 - (5) related public servicing infrastructure capacity;
 - (6) transportation infrastructure and services, including transit and pedestrian connectivity and accessibility;
 - (7) constraints to Development of the Site including, but not limited to gas wells and utility infrastructure, flooding and flood mitigation measures, geotechnical characteristics, environmental contamination and sensitive environmental areas, or any other constraints; and
 - (8) any other land use planning considerations or principles relevant to the circumstances of the Site and adjacent area.

126 Amended by Bylaw 4724 – April 4, 2023

7.3.4.3 DENSITY, FLOOR AREA RATIO AND BUILDING HEIGHT

- (i) The Density, Floor Area Ratio, and Building Height requirements of a Site in this District shall be determined by the Development Authority unless listed in subsection (ii).
- (ii) The minimum Density, Floor Area Ratio and Building Height for Sites listed in the following table is as follows:

SITE	MINIMUM DENSITY (UPH)	MINIMUM FLOOR AREA RATIO	MINIMUM BUILDING HEIGHT (STOREYS)
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7.3.4.4 ARCHITECTURAL AND URBAN DESIGN

- (i) The Development Authority shall establish Development Regulations specific to each Site in this District with regard to any application for Development, and in doing so shall consider the following:
 - (1) the context of a Site including but not limited to:
 - (a) the existing built form of nearby developments;
 - (b) the design and character of adjacent streetscapes;
 - (c) proximity of a Development and its components to a road, a Park or natural area;
 - (d) public and private views and vistas;
 - (e) the interface between, and connections to, a Development and the public realm (roads, lanes, sidewalks, trails, parks, open space, public transit, public amenity areas, etc.); and
 - (f) opportunities to make enhancements to the existing Site context through connections to the public realm or the interface of Buildings and other Development components on a Site and the public realm.
 - (2) Site design including but not limited to:
 - (a) the position of Buildings and other Development components in relation to the Site context;
 - (b) the potential impact of shadows from a Development on adjacent Sites;

- (c) the potential impact to privacy or public views from a Development on adjacent Sites;
 - (d) the integration of compatible and complimentary uses on a Site and with adjacent Sites;
 - (e) the integration of pedestrian paths, trails, courtyards, plazas, patios, gathering areas and other pedestrian connections and amenity areas; and
 - (f) the integration of principles of Crime Prevention Through Environmental Design.
- (3) Site Landscaping including but not limited to:
- (a) the location of soft landscaping features (trees, shrubs, etc.);
 - (b) the location of hard landscaping features (concrete, pavers, etc.);
 - (c) opportunities for xeriscaping;
 - (d) the use of Landscaping as screening or as a buffer between adjacent Sites; and
 - (e) the integration of Landscaping into pedestrian connections and amenity areas.
- (4) Parking areas including but not limited to:
- (a) where parking occurs on a Site and its relation to Site context and design;
 - (b) the number of Off-Street Parking stalls including but not limited to accessible parking stalls, visitor parking stalls, and staff parking stalls as appropriate;
 - (c) bicycle storage areas;
 - (d) loading areas;
 - (e) the Screening or buffering of parking areas from adjacent Sites;
 - (f) the integration of landscaping in a parking area;
 - (g) accessible pedestrian connections to and from parking areas and their associated Developments;
 - (h) opportunities for parking to be located below grade or enclosed within a Building; and
 - (i) opportunities for supporting multiple modes of active transportation;

- (5) Building massing including but not limited to:
 - (a) the general shape, form, size, and height of a Building or structure in comparison to adjacent Sites; and
 - (b) the potential impact to adjacent Sites from Building massing including but not limited to aesthetics, privacy, views or shadows.
- (6) Building architecture including but not limited to:
 - (a) the use of modern or traditional exterior finishing materials on a Building or structure that are of high quality and are consistent or complimentary to adjacent Sites; and
 - (b) the integration of architectural elements such as glazing, entrance features, arcades, awnings, courtyards, patios
 - (a) or canopies into the design of a Building.

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 ¹²⁷

- (i) Financial Institutions
- (ii) Health Care Offices
- (iii) Offices
- (iv) Remote Work
- (v) Restaurants
- (vi) Retail and Consumer Services

8.1.3 DISCRETIONARY USES ^{128 129}

- (i) Accessory Uses
- (ii) Animal Services (grooming, veterinarian, and other similar low impact services for domestic pets)
- (iii) Apartments
- (iv) Artist Studios
- (v) Bars
- (vi) Business Support Services
- (vii) Clubs

127 Amended by Bylaw 4707 – September 7, 2022

128 Amended by Bylaw 4707 – September 7, 2022

129 Amended by Bylaw 4724 – April 4, 2023

- (viii) Community Centres
- (ix) Community Social Services
- (x) Cultural Facilities
- (xi) Day Care Facilities
- (xii) Government Services
- (xiii) Home Business, Major
- (xiv) Home Business, Minor
- (xv) Motor Vehicle Gas Stations provided they legally existed on a Site as of January 1, 2022
- (xvi) Motor Vehicle Service Stations provided they legally existed on a Site as of January 1, 2022
- (xvii) Places of Amusement
- (xviii) Recreation Facilities

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. ¹³⁰

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.

¹³⁰ Amended by Bylaw 4273 – July 7, 2015

- (iii) A non-residential use must:
 - (1) not be located above or on the same Storey as a Dwelling in the same Building; and ¹³¹
 - (2) have a separate entrance from any Dwelling in the same Building, either from the outside or from a common indoor landing. ¹³²

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.

131 Amended by Bylaw 4273 – July 7, 2015

132 Amended by Bylaw 4273 – July 7, 2015

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 ¹³³

- (i) Financial Institutions
- (ii) Health Care Offices
- (iii) Offices
- (iv) Restaurants
- (v) Retail and Consumer Services
- (vi) Temporary Vendors

8.2.3 DISCRETIONARY USES ¹³⁴

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Artist Studios
- (iv) Bars
- (v) Business Support Services
- (vi) Clubs
- (vii) Community Centres
- (viii) Community Social Services
- (ix) Cultural Facilities
- (x) Day Care Facilities
- (xi) Drive-Through Services
- (xii) Education Institutions
- (xiii) Gaming Establishments

133 Amended by Bylaw 4707 – September 7, 2022

134 Amended by Bylaw 4707 – September 7, 2022

- (xiv) Garden Centres
- (xv) Hotels
- (xvi) Motor Vehicle and RV Sales
- (xvii) Motor Vehicle Gas Stations
- (xviii) Motor Vehicle Service Stations
- (xix) Parking Facilities
- (xx) Places of Amusement
- (xxi) Recreation Facilities

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. ¹³⁵

8.2.4.3 BUILDING HEIGHT

The maximum Building Height is 6 Storeys.

135 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 ¹³⁶

- (i) Financial Institutions
- (ii) Health Care Offices
- (iii) Hotels
- (iv) Motor Vehicle Gas Stations
- (v) Offices
- (vi) Restaurants
- (vii) Retail and Consumer Services
- (viii) Temporary Vendors

8.3.3 DISCRETIONARY USES ¹³⁷

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Artist studios
- (iv) Bars
- (v) Business Support Services
- (vi) Clubs
- (vii) Community Centres
- (viii) Community Social Services
- (ix) Cultural Facilities
- (x) Drive-Through Services

136 Amended by Bylaw 4707 – September 7, 2022

137 Amended by Bylaw 4707 – September 7, 2022

- (xi) Education Institutions
- (xii) Funeral Establishments
- (xiii) Gaming Establishments
- (xiv) Garden Centres
- (xv) Government Services
- (xvi) Motels
- (xvii) Motor Vehicle and RV Sales
- (xviii) Motor Vehicle Service Stations
- (xix) Parking Facilities
- (xx) Places of Amusement
- (xxi) Places of Worship
- (xxii) Recreation Facilities

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 ¹³⁸

- (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.

8.3.4.3 BUILDING HEIGHT

The maximum Building Height is 4 Storeys.

138 Amended by Bylaw 4724 – April 4, 2023

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 ¹³⁹

- (i) Business Support Services
- (ii) Industrial Support Services
- (iii) Retail and Consumer Services
- (iv) Temporary Vendors

9.1.3 DISCRETIONARY USES ¹⁴⁰

- (i) Accessory Uses
- (ii) Animal Services
- (iii) Artist Studios
- (iv) Bars
- (v) Clubs
- (vi) Drive-Through Services
- (vii) Education Institutions
- (viii) Funeral Establishments
- (ix) Gaming Establishments
- (x) Garden Centres

¹³⁹ Amended by Bylaw 4707 – September 7, 2022

¹⁴⁰ Amended by Bylaw 4707 – September 7, 2022

- (xi) Government Services
- (xii) Greenhouses
- (xiii) Health Care Offices
- (xiv) Industrial Operations
- (xv) Motor Vehicle and RV Sales
- (xvi) Motor Vehicle Gas Stations
- (xvii) Motor Vehicle Service Stations
- (xviii) Offices
- (xix) Parking Facilities
- (xx) Places of Amusement
- (xxi) Recreation Facilities
- (xxii) Restaurants
- (xxiii) Self-Storage Facilities

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 ¹⁴¹

- (i) Industrial Support Services
- (ii) Motor Vehicle and R.V. Sales
- (iii) Motor Vehicle Gas Stations
- (iv) Motor Vehicle Service Stations
- (v) Self-Storage Facilities

9.2.3 DISCRETIONARY USES ¹⁴²

- (i) Accessory Uses
- (ii) Adult Establishments
- (iii) Animal Services
- (iv) Business Support Services
- (v) Education Institutions
- (vi) Funeral Establishments
- (vii) Garden Centres
- (viii) Government Services
- (ix) Greenhouses
- (x) Industrial Operations
- (xi) Parking Facilities

141 Amended by Bylaw 4707 – September 7, 2022

142 Amended by Bylaw 4707 – September 7, 2022

- (xii) Places of Amusement
- (xiii) Recreation Facilities
- (xiv) Renewable Energy
- (xv) Restaurants
- (xvi) Retail and Consumer Services
- (xvii) Temporary Vendors

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 DELETED ¹⁴³

9.3.3 DISCRETIONARY USES ¹⁴⁴

- (i) Accessory Uses
- (ii) Industrial Operations
- (iii) Industrial Support Services
- (iv) Renewable Energy
- (v) Resource Extraction
- (vi) Salvage Facilities
- (vii) 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.

143 Amended by Bylaw 4707 – September 7, 2022

144 Amended by Bylaw 4707 – September 7, 2022

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) DELETED ¹⁴⁵

10.1.2 PERMITTED USES ¹⁴⁶

- (i) Artist Studios
- (ii) Cultural Facilities
- (iii) Remote Work

10.1.3 DISCRETIONARY USES ¹⁴⁷

- (i) Accessory Uses
- (ii) Clubs
- (iii) Community Centres
- (iv) Day Care Facilities
- (v) Education Institutions
- (vi) Garden Centres
- (vii) Greenhouses

¹⁴⁵ Amended by Bylaw 4707 – September 7, 2022

¹⁴⁶ Amended by Bylaw 4707 – September 7, 2022

¹⁴⁷ Amended by Bylaw 4707 – September 7, 2022

- (viii) Industrial Operations (clay and ceramics only)
- (ix) Places of Amusement
- (x) Restaurants
- (xi) Retail and Consumer Services
- (xii) Temporary Vendors

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 ¹⁴⁸

To provide for the development of social, non-profit, educational, governmental, religious, and other public and private institutional services.

10.2.2 PERMITTED USES ¹⁴⁹

- (i) Clubs
- (ii) Community Centres
- (iii) Cultural Facilities
- (iv) Hospital
- (v) Schools
- (vi) Government Services
- (vii) Places of Worship
- (viii) Public Library

10.2.3 DISCRETIONARY USES ¹⁵⁰

- (i) Accessory Uses
- (ii) Addiction Treatment and Recovery Services
- (iii) Artist Studios
- (iv) Community Food Service
- (v) Community Shelter
- (vi) Community Social Services
- (vii) Day Care Facilities
- (viii) Education Institutions
- (ix) Health Care Offices
- (x) Offices
- (xi) Recreation Facilities

148 Amended by Bylaw 4724 – April 4, 2023
 149 Amended by Bylaw 4707 – September 7, 2022
 150 Amended by Bylaw 4707 – September 7, 2022

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 ¹⁵¹

- (i) Community Centres
- (ii) Cultural Facilities
- (iii) Recreation Facilities

10.3.3 DISCRETIONARY USES ¹⁵²

- (i) Accessory Uses
- (ii) Artist Studios
- (iii) Campgrounds
- (iv) Cemeteries
- (v) Clubs
- (vi) Day Care Facilities
- (vii) Government Services
- (viii) Places of Amusement
- (ix) Temporary Vendors

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.

151 Amended by Bylaw 4707 – September 7, 2022
 152 Amended by Bylaw 4707 – September 7, 2022

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 ^{153 154}

The purpose and intent of this District is to ensure the development of a high quality gateway to the airport lands. This gateway is to be attractive and developments must be complimentary to and support the success of the airport, while ensuring the integrity and safety of the airport operations.

10.5.2 PERMITTED USES ¹⁵⁵

- (i) Airport hangars
- (ii) Airport operation and facilities
- (iii) Parking Facilities
- (iv) Protective Service

10.5.3 DISCRETIONARY USES ¹⁵⁶

- (i) Accessory Uses
- (ii) Aviation-related research, testing, or manufacturing
- (iii) Business Support Services
- (iv) Clubs (aviation-related only)
- (v) Drive-Through Services
- (vi) Education Institutions (aviation-related and may include residential facilities)
- (vii) Government Services
- (viii) Hotels
- (ix) Industrial Operations (relating to storage or shipping of materials, goods or equipment only)
- (x) Motor Vehicle Gas Stations
- (xi) Motor Vehicle rental services
- (xii) Offices

153 Amended by Bylaw 4377 – September 19, 2017

154 Amended by Bylaw 4596 – October 8, 2019

155 Amended by Bylaw 4707 – September 7, 2022

156 Amended by Bylaw 4707 – September 7, 2022

- (xiii) Restaurant
- (xiv) Retail and Consumer Services

10.5.4 DEVELOPMENT REGULATIONS ¹⁵⁷

- (i) The minimum Front Setback is 15.00 m.
- (ii) The minimum Exterior Side Setback, Interior Side Setback and Rear Setback is 6.00 m.
- (iii) All Side Yards and Rear Yards that abut Gershaw Drive SW shall be landscaped to the satisfaction of the Development Authority to provide a high quality visual appearance and enhance the aesthetics of the airport.
- (iv) At the discretion of the Development Authority, land uses responsible for supporting the operation of the airport may be allowed to have airside access.
- (v) Excepting the parking of aircraft or any outdoor storage related to the operations of the airport, outdoor storage of goods, materials, or equipment is not permitted within the Airport District.
- (vi) The design, character, and appearance of buildings shall be to the satisfaction of the Development Authority and must present an attractive and high quality design, which creates visual interest when viewed from the entrance to the airport lands, the airport terminal, or from Gershaw Drive SW.
- (vii) All Development shall not conflict with the safe operations of the airport.
- (viii) All Development must conform to Schedule “E”, the Airport Vicinity Protection Overlay.
- (ix) Any Development, which would cause excessive or unsafe discharge of toxic, noxious, dust, smoke, or other particulate matter into the atmosphere; radiation or interference by the use of electric or electronic equipment; fire and explosive hazards; excessively bright or unsafe lighting or use of electronic display surfaces; and accumulation of any material or waste edible by, or attractive to birds, shall not be approved.
- (x) A Development Authority may establish Development Regulations specific to this District that are not inconsistent with 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

157 Amended by Bylaw 4596 – October 8, 2019

- (xi) Signs in this district shall be regulated in accordance with Schedule “D” of the Land Use Bylaw.

10.5.5 DELETED ¹⁵⁸

158 Amended by Bylaw 4596 – October 8, 2019

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

- (i) 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 ¹⁵⁹
- (ii) Remote Work ¹⁶⁰

10.6.3 DISCRETIONARY USES ¹⁶¹

- (i) Accessory Uses
- (ii) Agricultural Uses
- (iii) Animal Services
- (iv) Backyard Suites
- (v) Garages
- (vi) Garden Centres
- (vii) Greenhouses
- (viii) DELETED ¹⁶²
- (ix) Home Business, Major ¹⁶³
- (x) Home Business, Minor ¹⁶⁴
- (xi) Renewable Energy
- (xii) Resource Extraction

159 Amended by Bylaw 4273 – July 7, 2015
 160 Amended by Bylaw 4697 – June 7, 2022
 161 Amended by Bylaw 4634 – September 9, 2020
 162 Amended by Bylaw 4697 – June 7, 2022
 163 Amended by Bylaw 4697 – June 7, 2022
 164 Amended by Bylaw 4697 – June 7, 2022

- (xiii) Secondary Suites
- (xiv) Self-Storage Facilities

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 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 proposed
 and 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 10.¹⁶⁵

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.

¹⁶⁵ 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 DELETED ¹⁶⁶

11.9 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS ¹⁶⁷

- (i) If a Development Permit has been issued on or before the day on which this Bylaw, or a land use amendment bylaw comes into force and the bylaw would make the Development in respect of which the Development Permit was issued a Non-Conforming Use or Non-Conforming Building, the Development Permit continues in effect in spite of the coming into force of the bylaw.
- (ii) A Non-Conforming Use of land or a Building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or Building must conform with this Bylaw.
- (iii) A Non-Conforming Use of part of a Building may be extended throughout the Building; but the Building, whether or not it is a Non-Conforming Building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (iv) A Non-Conforming Use of part of a Site may not be extended or transferred in whole or in part to any other part of the Site and no additional Buildings may be constructed on the Site while the Non-Conforming Use continues.
- (v) A Non-Conforming Building may continue to be used but the Building may not be enlarged, added to, rebuilt or structurally altered except:
 - (1) to make it a conforming Building, or

166 Amended by Bylaw 4707 – September 7, 2022
 167 Amended by Bylaw 4707 – September 7, 2022

- (2) for routine maintenance of the Building, if the Development Authority considers it necessary.
- (vi) Notwithstanding Subsection (v), and in accordance with section 643(5)(c) of the Act, a Development Authority may issue a Variance permitting a Non-Conforming Building to be enlarged, added to, rebuilt or structurally altered where, in the opinion of the Development Authority:
 - (1) the proposed Development is consistent with the purpose and intent of the applicable Land Use District,
 - (2) the proposed Development will not result in any additional non-compliance with the requirements of the Land Use District or other Development Regulations of this Bylaw,
 - (3) there is no significant change to the use of the Site or an increase in intensity of the use, and
 - (4) the proposed Development meets the requirements of Section 640(6) of the Act, where:
 - (a) the proposed Development would not unduly interfere with the amenities of the neighbourhood, or
 - (b) the proposed Development would not materially interfere with or affect the use, enjoyment or value of neighbouring Sites.
- (vii) If a non-conforming Building is damaged or destroyed to the extent of more than seventy-five (75) per cent of the value of the Building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (viii) The use of land or a Building is not affected by a change of ownership or tenancy of the land or Building.

11.10 NON-CONFORMING SITES ¹⁶⁸

- (i) Where an existing Site does not conform to the minimum Site Frontage requirement or minimum Site Area requirement of the District in which the Site is located, a Development Permit in respect of the Site may be issued if:
 - (1) the proposed Development complies with all other applicable Development Regulations of this Bylaw,
 - (2) the proposed use of the Development is a listed use within the District in which the Site is located, and

168 Amended by Bylaw 4707 – September 7, 2022

- (3) in the opinion of the Development Authority, the proposed Development meets the requirements of Section 640(6) of the Act, where:
 - (a) the proposed Development would not unduly interfere with the amenities of the neighbourhood, or
 - (b) the proposed Development would not materially interfere with or affect the use, enjoyment, or value of neighbouring Sites.

11.11 ENFORCEMENT ¹⁶⁹

Pursuant to the Act and the *Provincial Offences Procedure Act* R.S.A. 2000 c P-34, this Bylaw establishes the following enforcement measures.

11.11.1 INSPECTIONS

- (i) 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.
- (ii) If the owner or occupier of land, a Building, 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.

11.11.2 OFFENCES

- (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);

169 Amended by Bylaw 4724 – April 4, 2023

- (4) fails to comply, or causes or allows a failure to comply, with a stop order issued by the Development Authority pursuant to subsection 645(2) of the Act;
- (5) uses, or causes or allows to be used, land or a Building in a manner contrary to the provisions of this Bylaw; or
- (6) contravenes, or causes or allows to be contravened, any other provision of this Bylaw.

11.11.3 PENALTIES

(i) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has committed an Offence, the Bylaw Enforcement Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act* R.S.A. 2000 c P-34.

(ii) Specified penalties for Offences are established as follows:

OFFENCE	BYLAW SECTION	SPECIFIED PENALTY first Offence	SPECIFIED PENALTY additional Offences
Development without a Development Permit	2.1	\$1000	\$2,500
Failure to comply with a condition of a Development Permit	3.2	\$1000	\$2,500
Failure to comply with any requirement under section 3.5(i) of this Bylaw	3.5	\$1000	\$2,500
Contravention of a Stop Order issued by a Development Authority	11.11.2	\$1000	\$2,500
Use of land or a Building in contravention of this Bylaw	Parts 6 -10	\$1000	\$2,500
Contravention of any other provision of this Bylaw	-	\$500	\$1,500

(iii) Pursuant to the *Provincial Offences Procedure Act* R.S.A. 2000 c P-34, if the summons issued by the Bylaw Enforcement Officer under subsection (i) so provides, the person named in the summons may make a voluntary

payment in the specified amount set out in the table in subsection (ii) above, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

- (iv) A person who commits an Offence is liable upon summary conviction to pay a fine of not less than the specified penalty set out in subsection (ii) and not more than Ten Thousand Dollars (\$10,000) or in default of payment to imprisonment for a period of not more than one year.
- (v) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the necessity of paying any fees, charges or costs for which that person is liable under the provisions of this Bylaw, any other Bylaw or other enactment.
- (vi) Nothing in this Bylaw diminishes or in any way affects the rights of the City pursuant to the Act, or at common law to seek an entry order, stop order, order for compliance, injunction, or any other order to obtain compliance with this Bylaw.

11.11.4 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.

11.12 CANCELLATION / SUSPENSION OF DEVELOPMENT PERMIT ¹⁷⁰

- (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.

170 Amended by Bylaw 4724 – April 4, 2023

- (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.

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.

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: ¹⁷¹
- (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; ¹⁷²
 - (vi) it must where practical and feasible incorporate wood architectural accents and sandblasting of exposed concrete.

171 Amended by Bylaw 4273 – July 7, 2015

172 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. ¹⁷³
- (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.

173 Amended by Bylaw 4273 – July 7, 2015

**SCHEDULE “B”
SOUTHLANDS OVERLAY
DELETED ¹⁷⁴**

174 Amended by Bylaw 4376 – October 4, 2016

**SCHEDULE “C”
MANUFACTURED HOME OVERLAY
DELETED ¹⁷⁵**

175 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; ¹⁷⁶
- (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; ¹⁷⁷
- (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; ¹⁷⁸
- (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

176 Amended by Bylaw 4273 – July 7, 2015

177 Amended by Bylaw 4273 – July 7, 2015

178 Amended by Bylaw 4273 – July 7, 2015

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.¹⁷⁹
- (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;

¹⁷⁹ Amended by Bylaw 4273 – July 7, 2015

- (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” ¹⁸⁰

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.

180 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 show 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

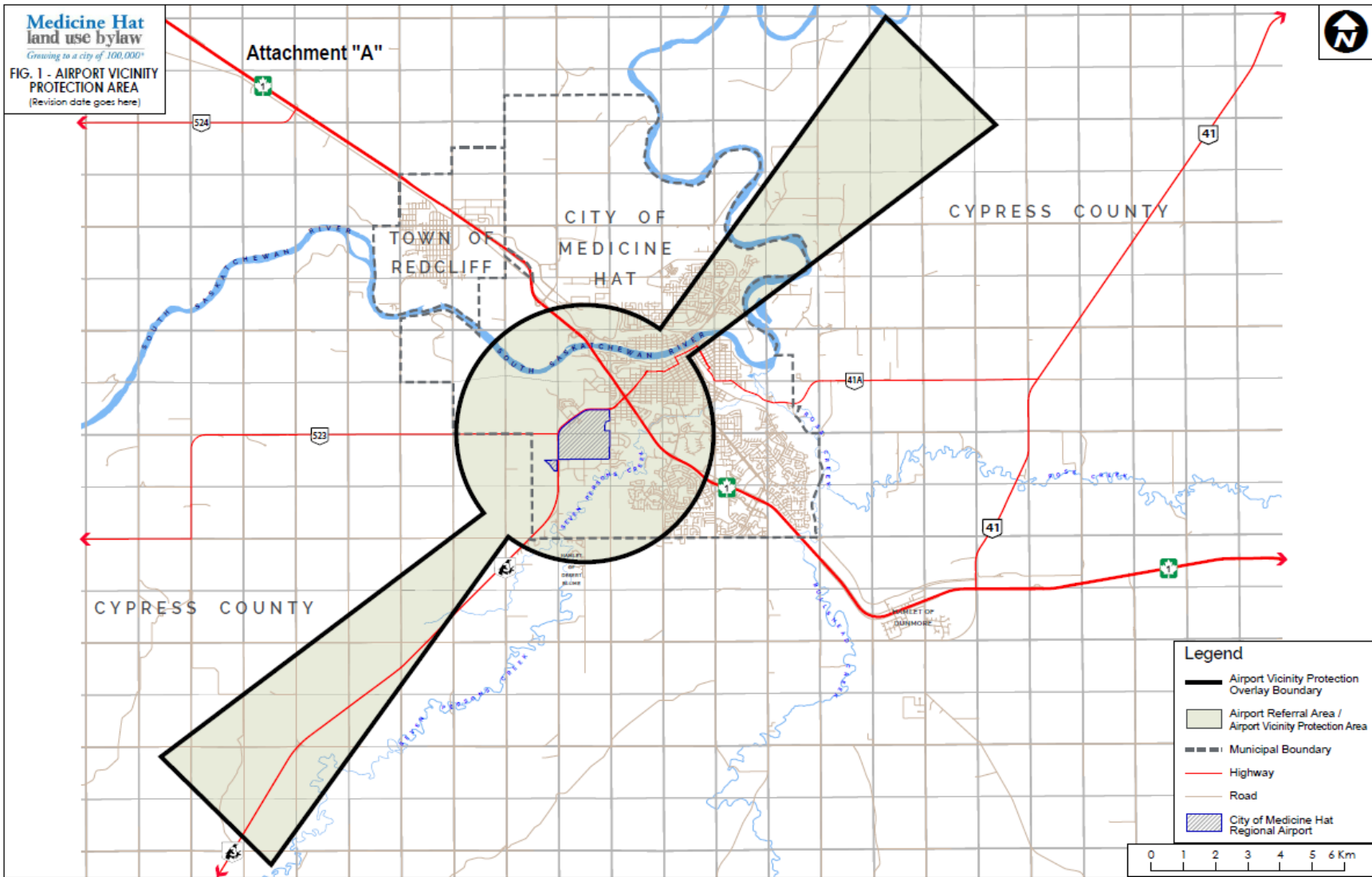
- (a) No person shall use or develop, or permit another person to use or develop lands in any way that may attract wildlife – particularly birds – that may create a hazard for aviation safety.
- (b) Notwithstanding section 9(a), and subject to any other applicable bylaws, federal or provincial legislation, 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.

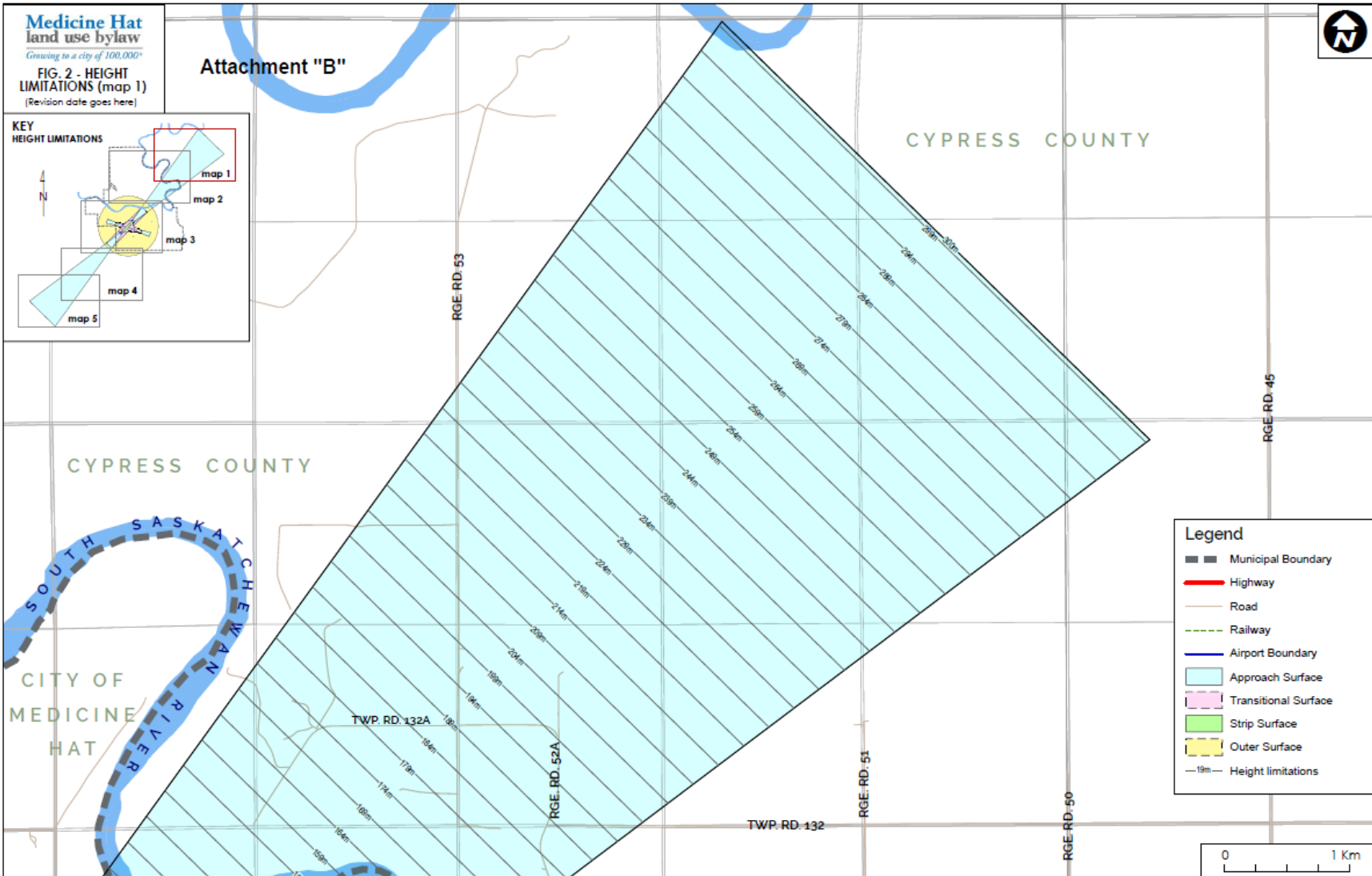
10. NON-CONFORMING DEVELOPMENTS

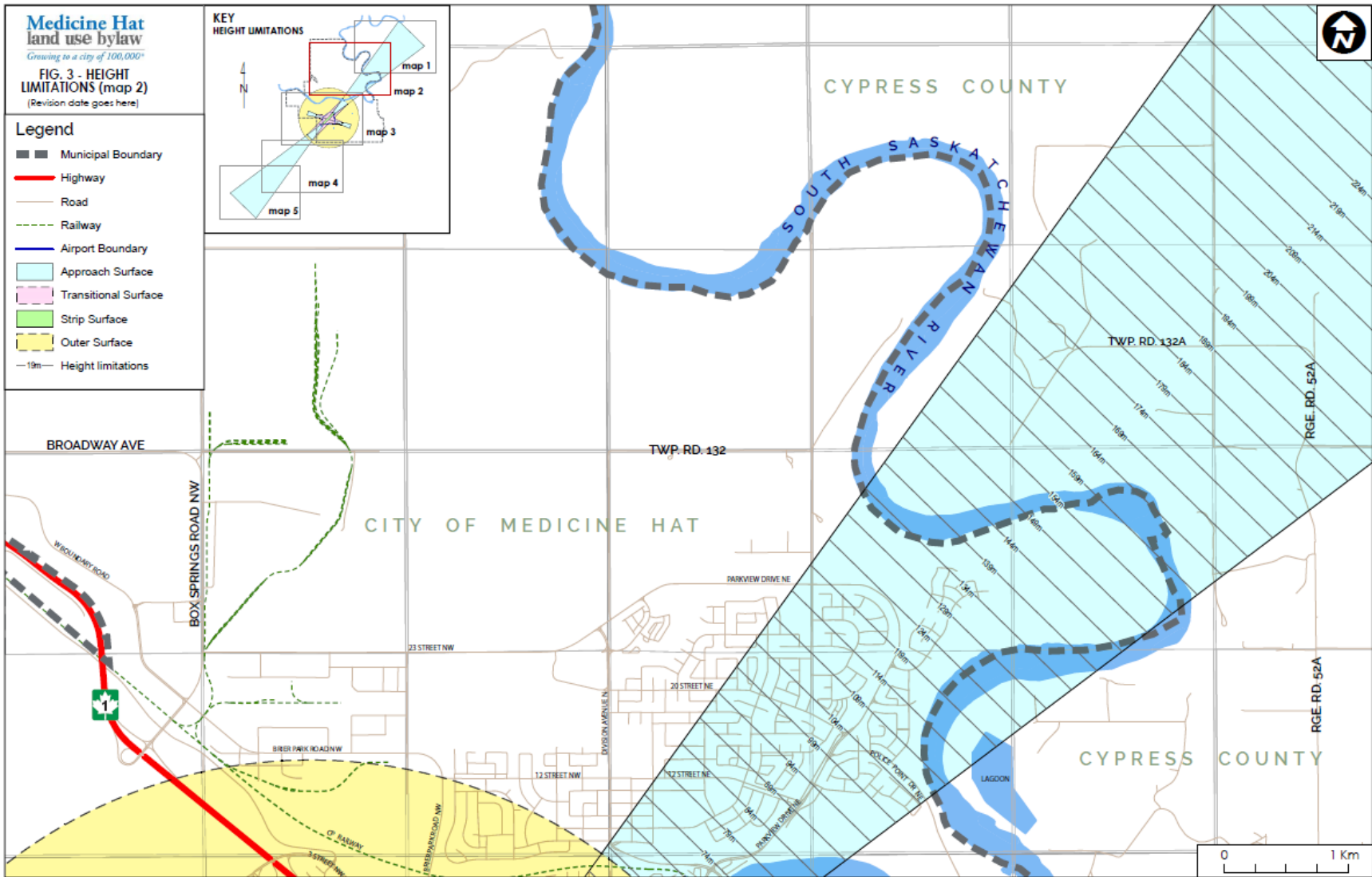
- (a) Subject to section 10(c), if a Development permit or Building permit, or both, have been issued on or before the coming into force of this Bylaw, and this Bylaw would make the Development or Building for which the permit was issued non-conforming, the Development or Building may continue in spite 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.

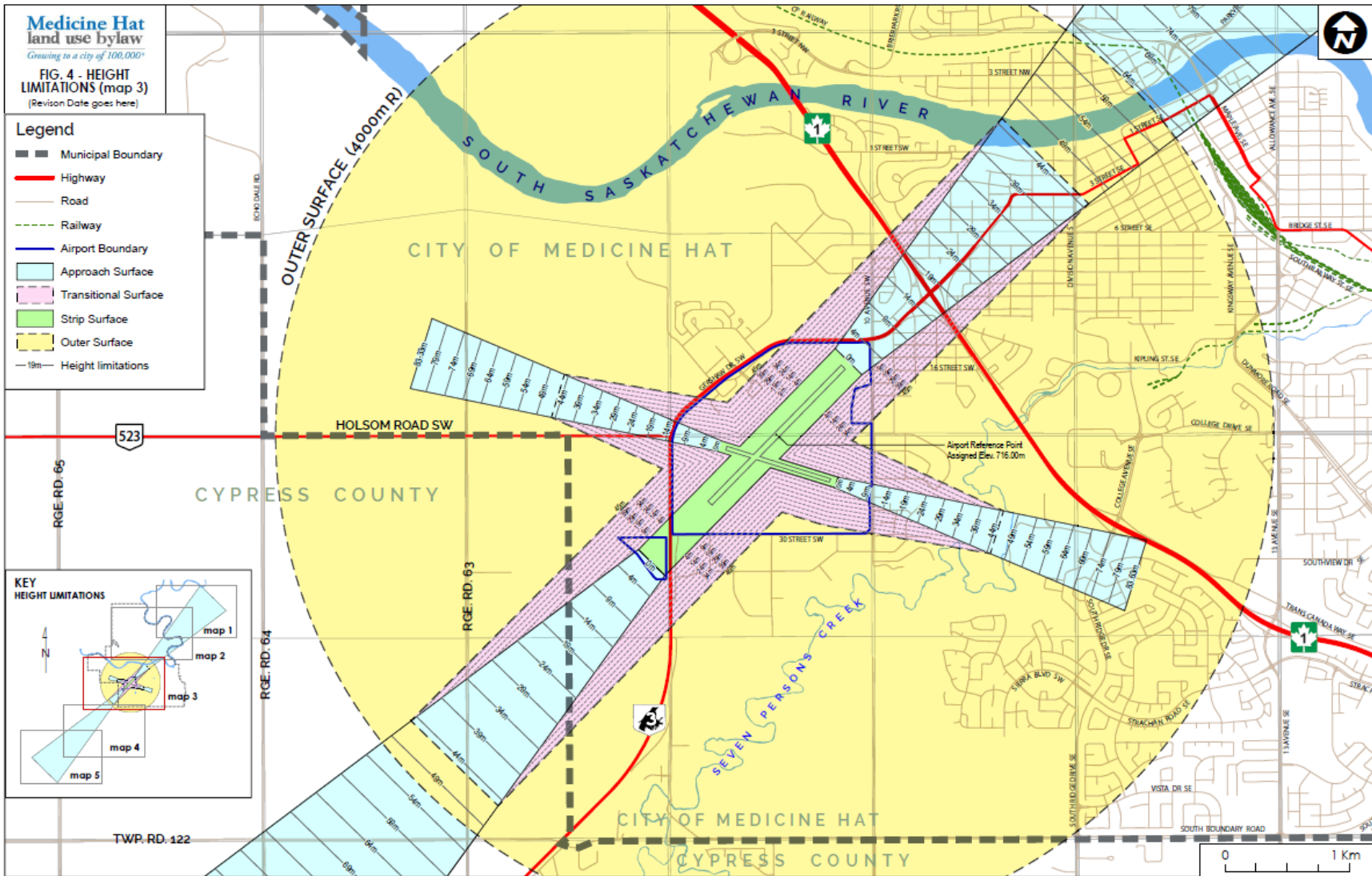
11. EXEMPTION TO THE RULES OF THIS SCHEDULE

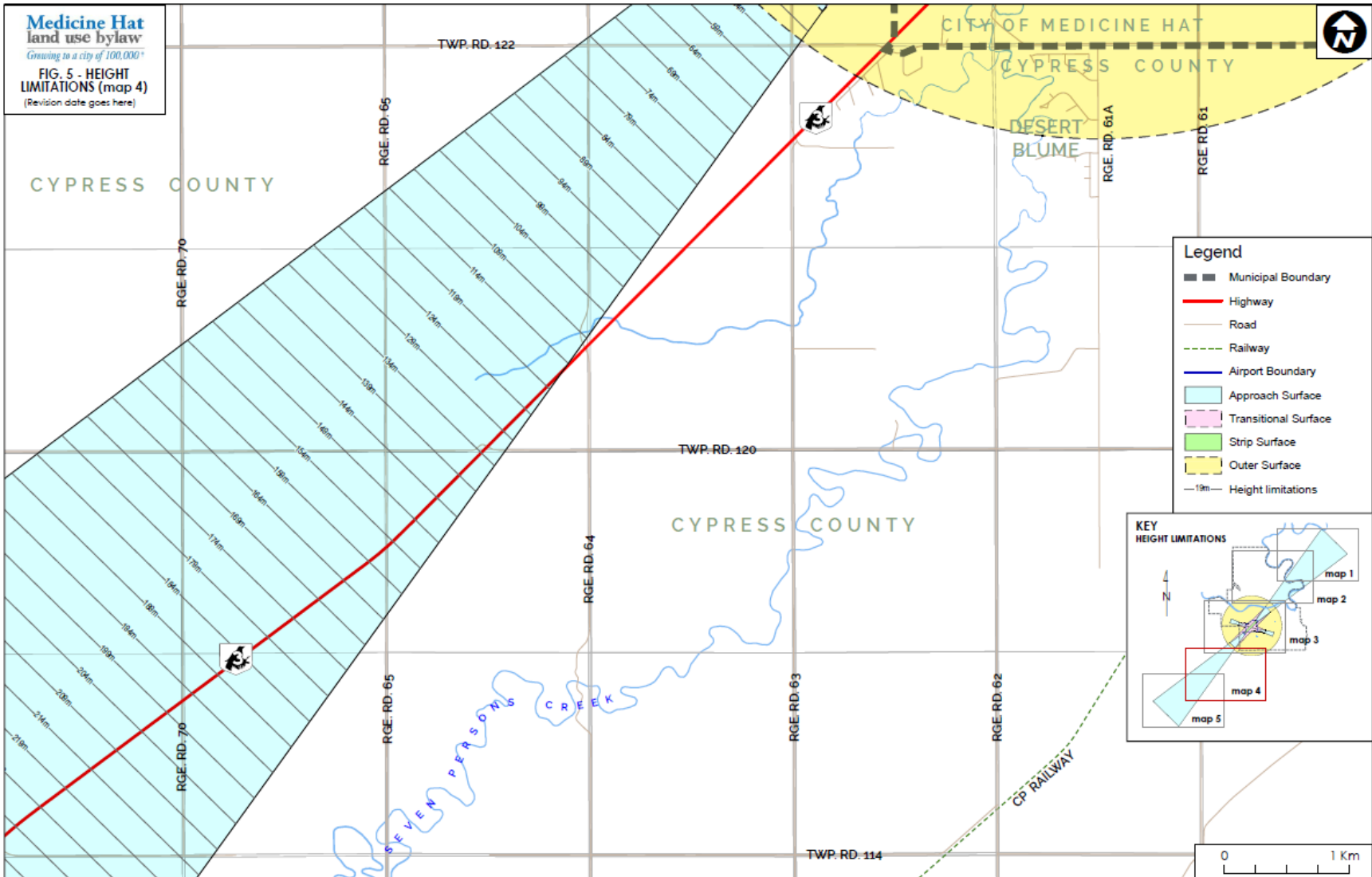
- (a) An exemption from the rules of this Schedule may be granted if the Chief Administrative Officer determines the exemption would not be incompatible with the safe operation of the Airport or an aircraft.
- (b) An aeronautical assessment commissioned by the proponent and undertaken according to approved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

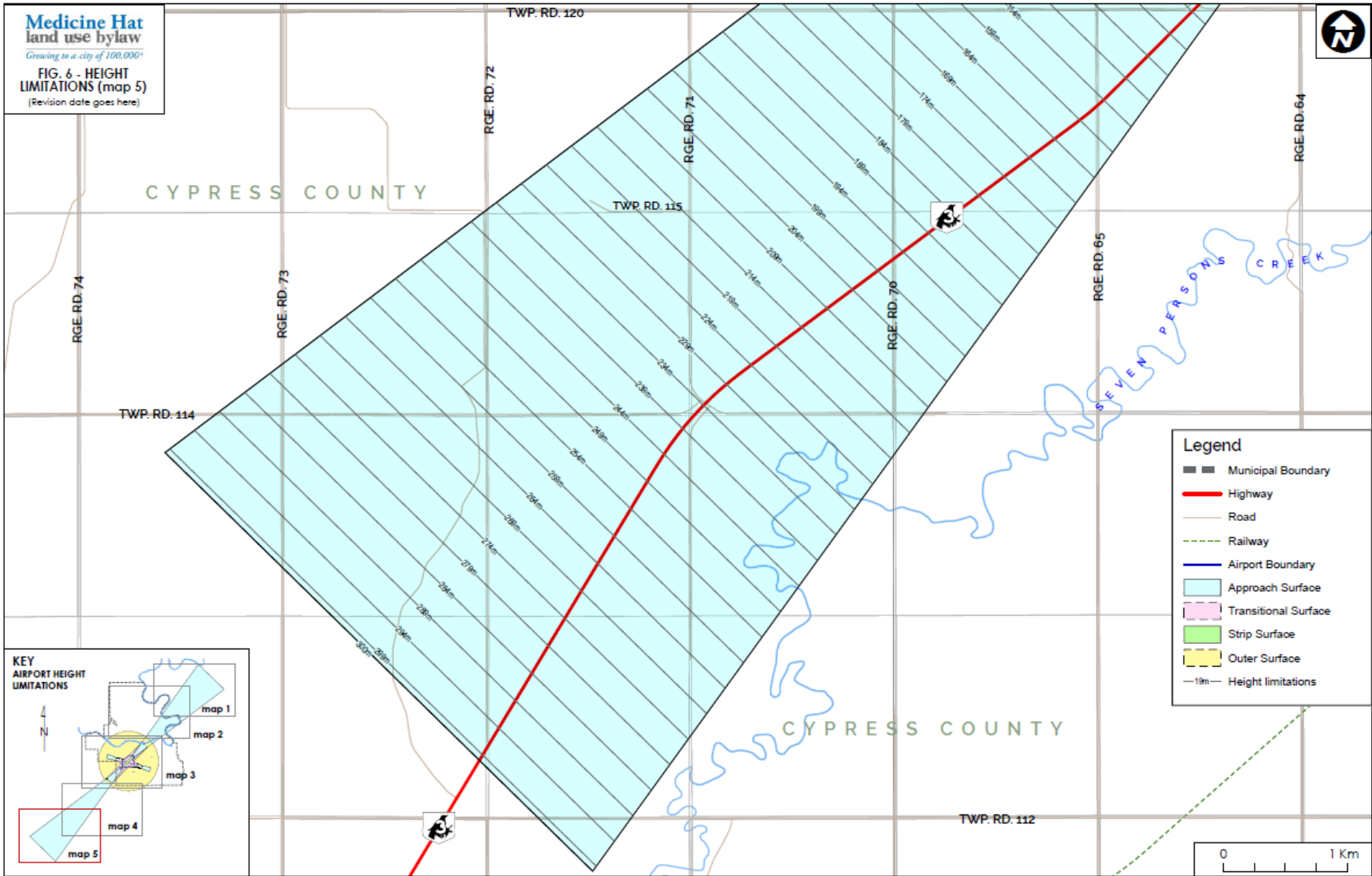












SCHEDULE “F”¹⁸¹

CANNABIS RETAIL STORE OVERLAY

1. DELETED¹⁸²

2. PURPOSE

- (a) The purpose of this Cannabis Retail Store Overlay is to prohibit or regulate and control the development of Cannabis Retail Stores.
- (b) This Overlay Schedule establishes 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 this Overlay specifically or by necessary implication supersedes, replaces or varies another Development Regulation.
- (c) Where any provision of this Overlay Schedule is for any reason inconsistent with a provision from another part of Bylaw No. 4168, the provisions of this Overlay Schedule shall prevail.

3. ESTABLISHMENT OF CANNABIS RETAIL STORE OVERLAY

The areas shown on Figure 1 – Cannabis Retail Store Overlay Boundary, and the areas shown on Figures 2, 3 and 4, of this Overlay Schedule, are established as the Cannabis Retail Store Overlay.

4. DISCRETIONARY USE

- (a) A Cannabis Retail Store shall be considered to be a Discretionary Use in all land use districts located within the Cannabis Retail Store Overlay boundary.
- (b) At the discretion of the Development Authority, a Development Permit application for a Cannabis Retail Store may be referred to the Commission, acting as a Development Authority, for review and decision on the Development Permit application.

5. REQUIREMENT FOR DEVELOPMENT PERMIT

No person shall commence, continue or carry on a Development, or cause or allow a Development of a Cannabis Retail Store to be commenced, continued or carried on, unless a Development Permit authorizing the Development has been issued and remains

181 Amended by Bylaw 4487 – July 17, 2018

182 Amended by Bylaw 4707 – September 7, 2022

in force and effect. In accordance with the agreement with the Minister of Transportation, the City adopted the AZRB.

6. COMPLIANCE WITH OTHER LEGISLATION

- (a) Compliance with the provisions of this Overlay Schedule shall not in any way relieve an Applicant from the responsibility of complying with the provisions of any other Bylaw of the City of Medicine Hat, any superior federal or provincial legislation, or any encumbrance, instrument, covenant or agreement affecting the Development of a Cannabis Retail Store.
- (b) Where any provision of this Overlay Schedule is for any reason inconsistent with superior federal or provincial legislation affecting Cannabis Retail Stores, the provisions of the superior federal or provincial legislation shall prevail.

7. DEVELOPMENT PERMIT FOR A CANNABIS RETAIL STORE

- (a) A Development Permit application for a Cannabis Retail Store shall be accompanied by:
 - i. Proof of ownership or consent from the land owner to apply for a Development Permit for the Site where the Cannabis Retail Store is being proposed;
 - ii. Proof that the Applicant has made application for a licence from the AGLC to operate a Cannabis Retail Store and has been deemed eligible by the AGLC for issuance of a licence to operate a Cannabis Retail Store;
 - iii. Information on potential odour production resulting from the Cannabis Retail Store and the details of the installation of any equipment designed and intended to remove odours from the air where it is discharged from the Cannabis Retail Store as part of a ventilation system;
 - iv. A map that shows all surrounding Uses, and their business names, located within 100m of the Site of the proposed Cannabis Retail Store;
 - v. Plans and drawings that show:
 - 1. point-of-sale area;
 - 2. shipping and receiving area;
 - 3. secure storage area;
 - 4. secure product display area;
 - 5. entrances and exits from building(s);
 - 6. proposed lighting and signage;

- 7. locations of physical security components as required by the AGLC; and,
 - vi. Other plans, drawings, maps, documentation or information that is required by a Development Authority to perform a proper review of the application.
- (b) A Development Authority may waive any of the requirements set out in subsections 7(a)(i) through (vi) of this Overlay Schedule.
- (c) At the discretion of a Development Authority, the issuance of a Development Permit for a Cannabis Retail Store may impose conditions of approval, including but not limited to the following:
- i. that a Cannabis Retail Store shall not commence until authorized by and compliant with all superior federal and provincial legislation;
 - ii. that a Development Permit for a Cannabis Retail Store be approved for a specified time period;
 - iii. that the Development of a Cannabis Retail Store includes equipment designed and intended to remove odours from the air where it is discharged from the Cannabis Retail Store as part of a ventilation system; and
 - iv. that the Development of a Cannabis Retail Store incorporates the principles of Crime Prevention Through Environmental Design as set out in Section 11 of this Overlay Schedule.

8. GENERAL REGULATIONS FOR CANNABIS RETAIL STORES

- (a) A Cannabis Retail Store:
- i. must be licenced by the AGLC;
 - ii. must sell Cannabis for consumption off of the Site of the Cannabis Retail Store;
 - iii. must only sell Cannabis from a federally approved and licenced producer;
 - iv. may offer retail sale of Cannabis accessories as approved by the AGLC;
 - v. may offer counselling on Cannabis by persons who are not medical professionals;
 - vi. must not allow for visibility into the Cannabis Retail Store from the outside;
 - vii. must not include a Drive Through Service;
 - viii. must meet the physical security requirements set out by the AGLC; and,
 - ix. must not be combined with any other Use.
- (b) Parking requirements of a Cannabis Retail Store shall be equal to the requirements of the land use district in which it is located.

9. LOCATION OF A CANNABIS RETAIL STORE

1. (a) The Site of a Cannabis Retail Store shall not be located less than 100 m from the Site of: ¹⁸³
 - i. a Hospital,
 - ii. a School,
 - iii. a Public Library,
 - iv. a Recreation Facility; or,
 - v. a Site that is designated as School Reserve or Municipal Reserve under the Act and has been planned for use as a School under the *Education Act*.
- (b) The 100 m separation distance shall be measured from the closest point of the Site of the Cannabis Retail Store to the closest point of another Site boundary.
- (c) The Development Authority shall not grant a variance to reduce the separation distance by more than 10%.
2. (a) The Site of a Cannabis Retail Store shall not be located less than 25 m from the Site of: ¹⁸⁴
 - i. a Community Shelter,
 - ii. an Addiction Treatment and Recovery Service,
 - iii. a Community Social Service,
 - iv. a Day Care Facility; or,
 - i. a Public Playground.
- (b) The 25 m separation distance shall be measured from the closest point of the Site of the Cannabis Retail Store to the closest point of another Site boundary.
- (c) The Development Authority shall not grant a variance to reduce the separation distance by more than 20%.

183 Amended by Bylaw 4707 – September 7, 2022

184 Amended by Bylaw 4707 – September 7, 2022

10. SETBACKS FROM A CANNABIS RETAIL STORE

1. (a) The following Uses shall not be located less than 100 m from the Site of a Cannabis Retail Store: ¹⁸⁵
 - i. a Hospital,
 - ii. a School,
 - iii. a Public Library,
 - iv. a Recreation Facility; or,
 - v. a Site that is designated as School Reserve or Municipal Reserve under the Act and has been planned for use as a School under the *Education Act*.
- (b) The 100 m separation distance shall be measured from the closest point of the Site of the Cannabis Retail Store to the closest point of another Site boundary.
- (c) The Development Authority shall not grant a variance to reduce the separation distance by more than 10%.
2. (a) The following Uses shall not be located less than 25 m from the Site of a Cannabis Retail Store: ¹⁸⁶
 - i. a Community Shelter,
 - ii. an Addiction Treatment and Recovery Service,
 - iii. a Community Social Service,
 - iv. a Day Care Facility; or,
 - v. a Public Playground.
- (b) The 25 m separation distance shall be measured from the closest point of the Site of the Cannabis Retail Store to the closest point of another Site boundary.
- (c) The Development Authority shall not grant a variance to reduce the separation distance by more than 20%.

11. DELETED ¹⁸⁷

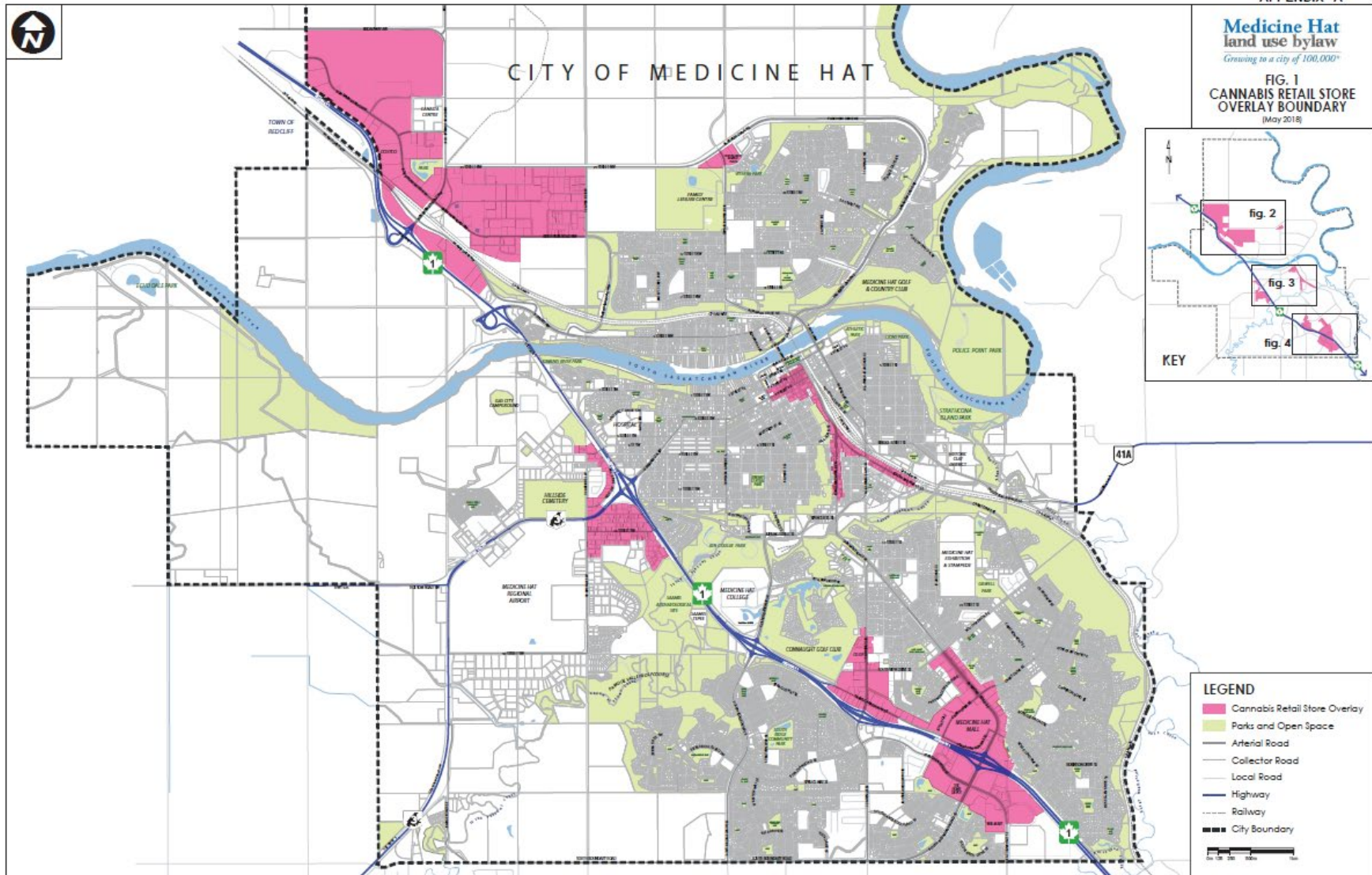
185 Amended by Bylaw 4707 – September 7, 2022

186 Amended by Bylaw 4707 – September 7, 2022

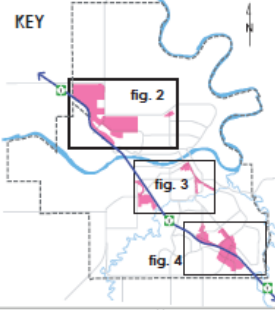
187 Amended by Bylaw 4707 – September 7, 2022

Medicine Hat
land use bylaw
*Growing to a city of 100,000**

FIG. 1
CANNABIS RETAIL STORE
OVERLAY BOUNDARY
(May 2018)



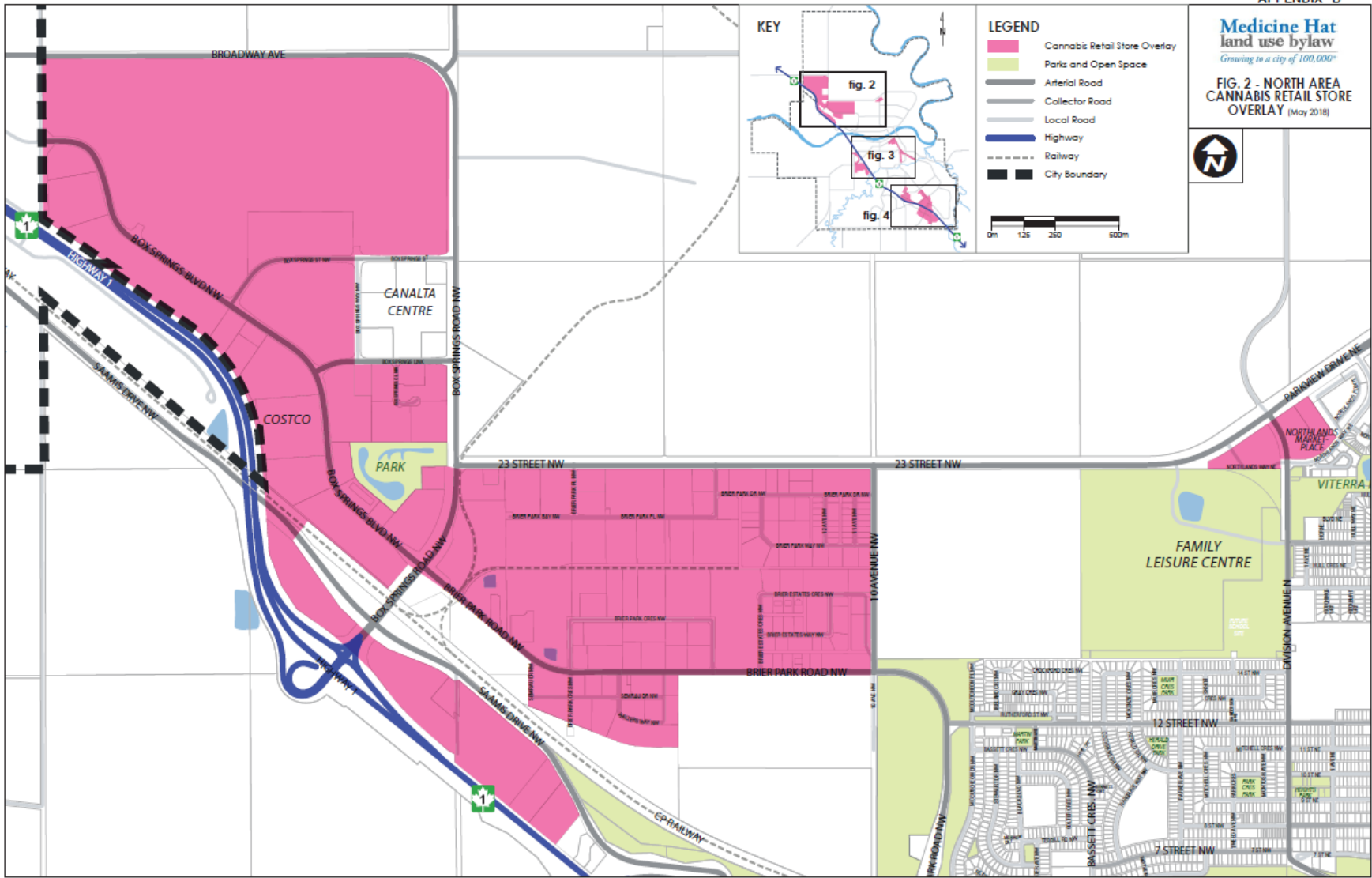
Medicine Hat
land use bylaw
*Growing to a city of 100,000**
FIG. 2 - NORTH AREA
CANNABIS RETAIL STORE
OVERLAY (May 2018)



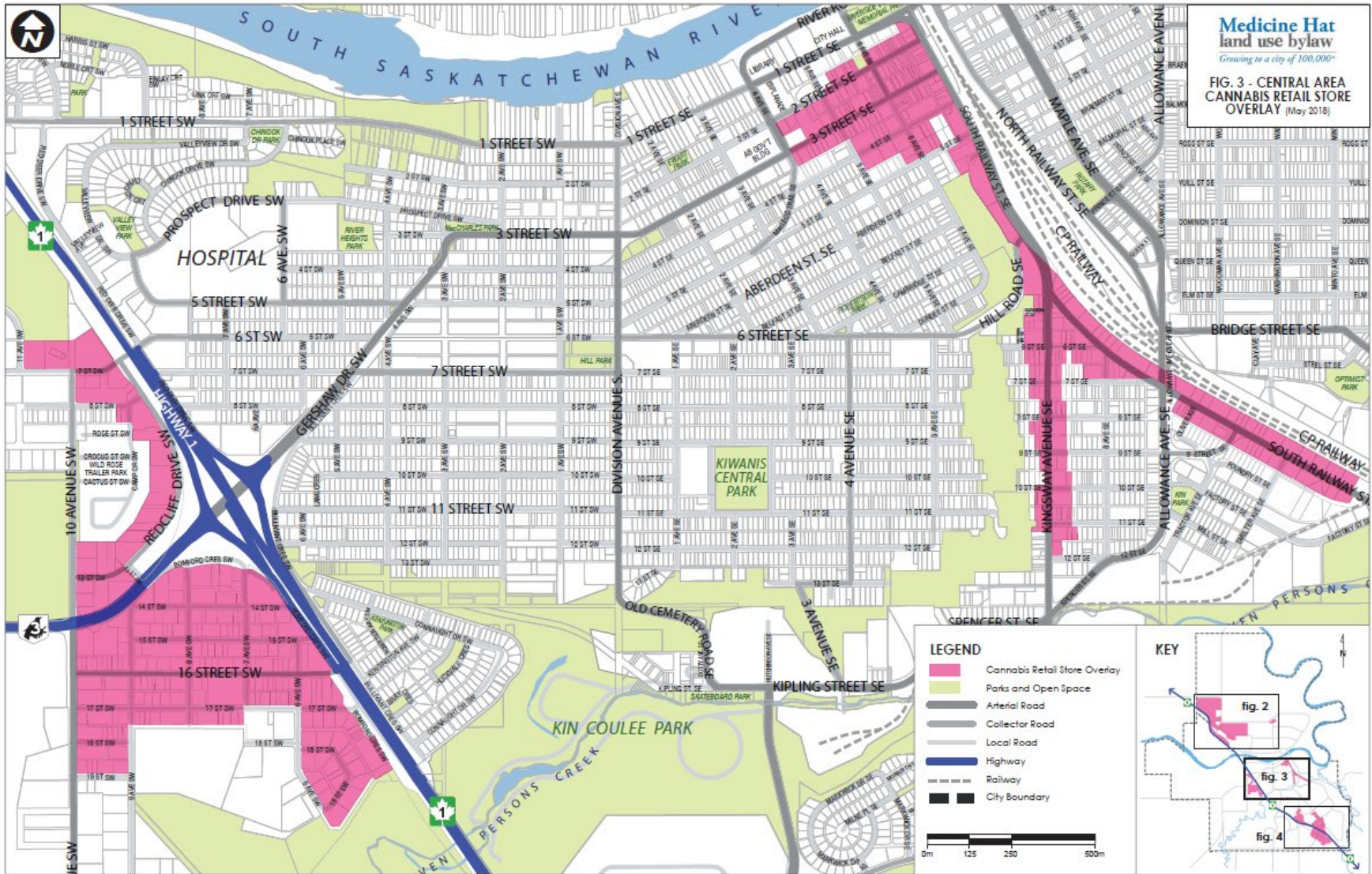
LEGEND

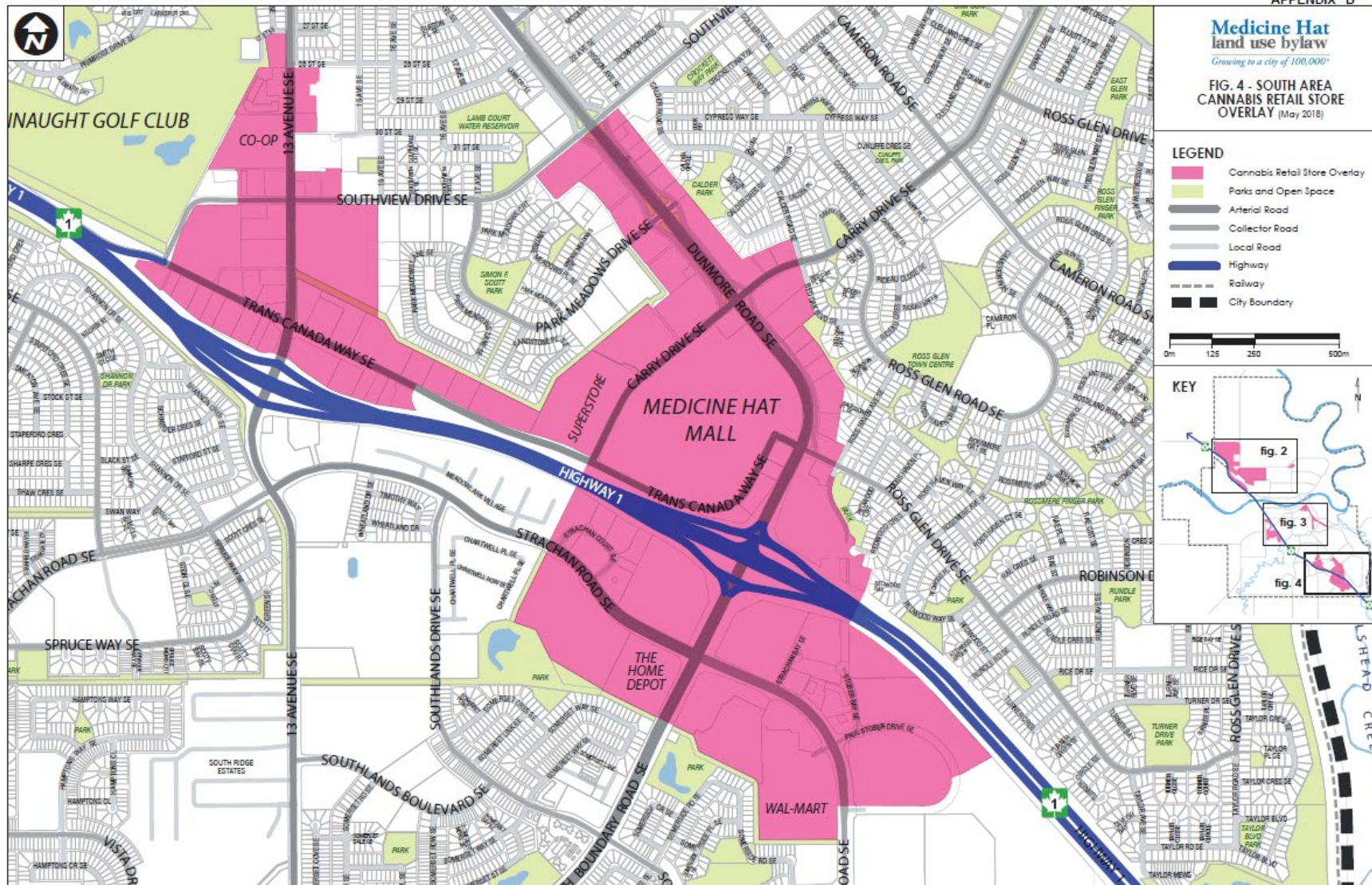
- Cannabis Retail Store Overlay
- Parks and Open Space
- Arterial Road
- Collector Road
- Local Road
- Highway
- Railway
- City Boundary

0m 125 250 500m



Medicine Hat
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*Growing to a city of 100,000**
FIG. 3 - CENTRAL AREA
CANNABIS RETAIL STORE
OVERLAY (May 2018)





SCHEDULE “G”¹⁸⁸

RIVERSIDE OVERLAY

1. DEFINITIONS

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

Infill Development means:

- (a) Building a new residential or non-residential development where a building previously existed;
- (b) Development of a vacant site; or
- (c) A major addition to an existing building, including but not limited to, an increase in floor area of the building by more than 65 square meters; the addition of an attached garage; adding an additional story; or a new secondary suite or backyard suite.

2. PURPOSE

The purpose of this Overlay is to ensure that Infill Developments in the Riverside community:

- (a) are compatible with existing Development;
- (b) are sensitive in scale to existing Development;
- (c) maintain the traditional character and pedestrian-friendly design of the streetscape;
- (d) do not infringe on the privacy of adjacent properties; and
- (e) do not unduly block sunlight on adjacent properties.

3. ESTABLISHMENT OF RIVERSIDE OVERLAY

This overlay applies to any Development that meets the definition of Infill Developments on Sites located within the area shown on the Riverside Overlay Boundary.

4. DISCRETIONARY USE

An Infill Development shall be considered to be a Discretionary Use in all Land Use Districts located within the Riverside Neighbourhood Overlay boundary.

188 Amended by Bylaw 4503 – April 16, 2019

5. DEVELOPMENT REGULATIONS

For Infill Developments under this overlay, the following development regulations shall replace all development regulations as identified in section 6.2.4, section 6.3.4, Part 7, Part 8, Part 9, and Part 10.

- (a) A Development Authority will establish Development Regulations specific to each Site with regard to an application for an Infill Development, and in doing so shall consider the following:
 - (i) *Building massing* – which refers to the general shape, form and size of a building;
 - (ii) *Building architecture* – which refers to the detailed design elements and materials of a building;
 - (iii) *Site design* – which refers to the position of the building and any other improvements on the lot and the overall shape of the lot;
 - (iv) *Site landscaping* – which refers to the use of features of both soft landscaping (trees, shrubs, etc.), and hard landscaping (concrete, pavers, etc.);
 - (v) *Parking* – which refers to where vehicle parking occurs on site and whether it is enclosed or surface parking; and
 - (vi) *Context* – which refers to the existing built form of nearby developments and the public realm.

