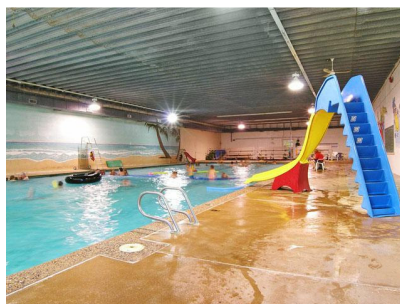


Land Use Bylaw



The Town of
Killam



Adopted February 16, 2012



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ONE: Enactment and Administration

Section 1: Title

This Bylaw is entitled the Town of Killam Land Use Bylaw.

Section 2: Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings in the Town of Killam pursuant to Part 17 of the Municipal Government Act.

Section 3: Application

The provisions of this Bylaw apply to all lands and buildings within the boundaries of the Town, pursuant to Part 17 of the Municipal Government Act.

No person shall commence any development within the Town except in compliance with this Bylaw.

Section 4: Effective Date

This Bylaw comes into force and takes effect upon the date of its third reading.

Land Use Bylaw No. 736 as amended is hereby repealed.

Section 5: Other Legislative Requirements

Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any statutory plan.

Nothing in this Bylaw exempts a person to obtain a development permit as required by this Bylaw or to obtain any other permit, license or other authorization required by this or any other Bylaw.

In addition to the requirements of this Bylaw, a person is required to comply with all federal, provincial and other municipal legislation.

Section 6: Transition

An application submitted and accepted prior to the approval of this Bylaw shall be considered under the provisions of Land Use Bylaw No. 283, as amended.



TWO: Interpretation

Section 7: Units of Measurement

All measurements in this Bylaw are metric.

Section 8: Rules of Interpretation

Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not.

The words *shall* and *must* require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw.

Words, phrases, and terms not defined in this part may be given their definition in existing legislation and regulations, such as the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.

Where a regulation involves two or more conditions or provisions connected by the conjunction *and* means all the connected items shall apply in combination; *or* indicates that the connected items may apply singly or in combination; and *and/or* indicates the items shall apply singly or in combination.

Metric Conversions to be utilized by the reader are as follows:

- ◆ 1.0 metre = 3.281 feet
- ◆ 1.0 square metre = 10.8 square feet
- ◆ 1 hectare = 2.47 acres
- ◆ 1.0 kilogram = 2.2 lbs.
- ◆ 1.0 cubic metre = 220 gallons

Imperial conversions are provided for the convenience of the reader. For interpretation of the Bylaw, the metric values indicated in the Bylaw shall prevail.



Section 9: Definitions

The following definitions shall be used in this Land Use Bylaw:

“ABATTOIR” means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products.

“ACCESSORY BUILDING” means a building or structure, which, in the opinion of the Development Authority, is incidental, subordinate and exclusively devoted to the principal use or building and is located on the same parcel. Examples include, but are not limited to, garages, decks, sheds and carports. An accessory building or structure does not include extensions that are physically attached to the principal building.

“ACCESSORY USE” means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.

“ACT” means the Municipal Government Act, 2000, and amendments thereto and its successors.

“ADJACENT” means land that is contiguous to the lot that is the subject of an application for subdivision, re-designation or development and includes land or a portion of land that would be contiguous if not for a public road, railway, reserve land, utility right-of-way, river or stream.

“AGGREGATE STOCKPILING” means the use of land for the storage of processed aggregates or other raw materials for future sale.

“APARTMENT” means a building with five or more dwelling units and which share a common entrance, and which does not conform to the definition of any other residential use. All

dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“ASSISTED LIVING FACILITY” means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or home making services or for persons generally requiring specialized care. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“AUCTION MART” means a development used for the auctioning and related temporary storage of goods, except livestock.

“AUTOBODY AND REPAIR SHOP” means a use where the primary activity is the repairing and maintaining of vehicles, including auto body repair.

“AUTOMOBILE AND RECREATION VEHICLE SALES AND RENTAL” means a development used for the retail sale or rental of new or used automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. It includes automobile dealerships, car and truck rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of manufactured homes, trucks, or heavy equipment with a gross vehicle weighting greater than 4,000 kg. See “Heavy Equipment Sales, Service, Storage and Rentals” for dealerships of vehicles and equipment over 4,000 kg.



“AUTOMOBILE REPAIR GARAGE” means and establishment for the repair or replacement of parts in a motor vehicle but does not offer vehicle fuels for retail sale. This definition does not include an auto body shop, an automotive service station, or a gas bar. For the purposes of this definition, vehicles may include motorized construction equipment and tractor trailers. This includes a “Tire Shop”.

“AUTOMOBILE SERVICE STATION” means a use, building, or part of a building, where vehicle fuels, lubricants, and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles excluding body work.

“AUTOMOBILE SUPPLY STORE” means a use, building, or part of a building where equipment and parts used to repair, service, or customize motor vehicles are available for retail sale. This does not include any installations or repairs.

“BALCONY” means a platform, attached to and projecting from the face of a building above the first storey, normally surrounded by a railing and used as an outdoor porch or sundeck with access only from within the building.

“BANK/FINANCIAL INSTITUTION” means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank and credit union or Province of Alberta Treasury Branch.

“BASEMENT” means a storey or storeys of a building located below the first storey

“BASEMENT SUITE” – means a basement developed as a dwelling and approved by the Development Authority. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“BED AND BREAKFAST FACILITY” means a dwelling unit in which the occupant rents or leases a room or a suite of rooms on a temporary basis to vacationers or tourists, and which may include the provision of meals as part of and in addition to the rental paid for the room or a suite of rooms. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.

“BERM” means a landscaped mound of earth.

“BOARD” means the Town’s Subdivision and Development Appeal Board.

“BOTTLED GAS, SALES AND STORAGE” means a facility where compressed gas is stored in pressurized portable tanks.

“BUFFER” means an area where development is restricted to a row of trees, shrubs, fencing, or other similar means to provide visual screening and separation between sites, incompatible land uses, roadways or districts.

“BUILDING” includes anything constructed or placed on, in, over or under land but does not include a highway or a public roadway or a bridge forming part of a highway or public roadway.

“BUILDING DEMOLITION” – means the pulling down, tearing down or razing of a building.

“BUILDING GRADE” means a ground elevation established for regulating the number of storeys and the height of a building. The building grade shall mean the lowest level of finished ground elevation adjoining a building at any exterior wall.



“BUILDING HEIGHT” means the vertical distance between the grade and the highest point of a building; excluding an elevator housing, a mechanical skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building.

“BUILDING SEPARATION” means the minimum distance between two buildings as regulated by the Alberta Building Code.

“BULK FUEL STATION” means a development for handling petroleum products in bulk quantities, and includes supplementary tanker vehicle storage. Key-lock and card-lock pumps and retail fuel sales may be incorporated as an accessory use. This includes “Bulk Fuel Distributor”.

“CAMPGROUND” means any land or part thereof, which may levy fees for the locating of tents or recreational vehicles and shall include any facilities or amenities secondary to the primary use, and may also include a Recreation Vehicle Park and Public Campground. Temporary or seasonal storage of recreation vehicles may be permitted as an accessory use, at the discretion of the Development Authority.

“CARETAKER’S RESIDENCE” means a dwelling unit that is secondary or accessory to the principal industrial, commercial or recreational use on the same parcel and is used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use on that parcel.

“CARPORT” means a roofed structure used for storing or parking of not more than two private vehicles, which has not less than 40% of its total perimeter open and unobstructed.

“CATERER” means an establishment in which food and beverages are prepared for the

consumption off premises, and are not served to customers on the premises or for take out. This is not a food and/or beverage service facility.

“CEMETERY” means a parcel of land used as a burial ground and is licensed by the appropriate provincial government departments, and may include accessory facilities such as crematories, cinerarium, columbarium, mausoleums, memorial parks and gardens of remembrance.

“CLINIC” means a building or part of a building intended for use by any or all of the following: physicians, dentist, drugless practitioners, opticians, optometrists, chiropractors, their staff and patients, for the purpose of consultation, diagnosis and office treatment.

“CLUB” means a development used for the assembly of members of charitable, social service, athletic, business or fraternal organizations, and may incorporate eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses.

“COMMUNICATION TOWER” means a structure that is used to convey communication, radio, or television signals and may include other structures necessary for carrying out this function.

“COMMUNITY HALL” means the use of land and building for community activities and generally not used for commercial purposes, and the control of which is vested in the Town of Killam, a local board or agent thereof.

“CONCRETE MANUFACTURING / PLANT”

means an operation that produces concrete or concrete products use in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premise, and the storage of the materials and equipment required to manufacture concrete. It may also include the manufacture and storage of concrete products and supplies and maintenance of required equipment. It does not include the retail sale of finished concrete.

“CONDOMINIUM UNIT” means:

- i. In the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, wall and ceilings in a building,
- ii. In the case other than that of a building, land that is situated within a lot described as a unit of condominium plan by reference to boundaries governed by monuments pursuant to the provisions of the Surveys Act respecting subdivision surveys.

“CONSTRUCT” means to build, reconstruct or relocate, and without limiting the generality of the word, also includes:

- i. Any preliminary operation such as excavation, filling or draining;
- ii. Altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- iii. Any work which requires a Building Permit.

“CONTRACTING SERVICES, MAJOR”

means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road

construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be necessary to the principal general contractor use.

“CONTRACTING SERVICES, MINOR”

means a development used for the provision of electrical, plumbing, heating, painting, catering other contractor services and the accessory sales of goods normally associated with contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment.

“CONVENIENCE FOOD STORE” means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

“COUNCIL” means the Council of the Town of Killam.

“CROWN LAND” means land of the Crown in right of Alberta that includes the bed and shores of all permanent and naturally occurring water bodies and watercourses.

“DAY CARE FACILITY” means a development licensed by the Province to provide personal care, maintenance, supervision or education, for seven or more children at one time for more than three but less than 24 hours in a day. This includes day care centers, nurseries, kindergartens, nursery schools, play schools, and other similar uses.

“DECK” means an unenclosed amenity area or platform that may be attached to a dwelling and is intended for the purpose of outdoor dining, lounging and other similar accessory residential use.



“DEVELOPMENT” means any development as defined in the Act.

“DEVELOPMENT AUTHORITY” means a development authority established pursuant to the Act and may include one or more of the following: a Designated Officer, a municipal planning commission, an inter-municipal planning commission, or any other person or organization that has been authorized to exercise development powers on behalf of the municipality.

“DEVELOPMENT OFFICER” means a person appointed as Development Officer pursuant to the Land Use Bylaw.

“DEVELOPMENT PERMIT” means a document pursuant to this Land Use Bylaw.

“DISCRETIONARY USE” means the use of land or a building that is listed in the columns captioned “Discretionary Uses” in all districts of this Bylaw, and for which, subject to the provisions of this Bylaw, a development permit MAY be issued.

“DISTRICT” means Land Use District.

“DRIVEWAY” means a vehicle access route on the parcel which provides access to the driving surface.

“DRY CLEANING AND LAUNDRY

DEPOT/PLANT means a building where the cleaning of clothing is carried on and/or used for the purpose of receiving articles of clothing to the cleaned elsewhere.

“DWELLING” means a complete building or self contained portion of a building used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the

outside of the building or through a common area inside the building.

“DWELLING, DUPLEX” means a building containing two dwelling units, either one above the other or side by side, each of which has an independent entrance, either directly from outside the building or through a common vestibule. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“DWELLING, FOURPLEX” means a building containing four dwelling units each with direct access to the outside grade, but not all the units are required to have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. This shall not mean row housing dwelling or duplex dwelling. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“DWELLING, ROW HOUSING” means a building on a lot or lots that consist of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean “apartment” or “four-plex”. Units are attached at the side walls, each having frontage onto a public or private condominium road. A row house dwelling unit may be located on a separate lot if the lot is registered after construction of the row house dwelling.



“DWELLING, SINGLE DETACHED” means a residential building containing one dwelling unit intended as a permanent residence. Single detached dwellings must be of new construction and feature the following criteria:

- i. shall include single detached dwellings constructed off-site;
- ii. All exterior walls of the floor area must be dimensioned at less than or equal to 3:1 length to width ratio; and
- iii. All roof pitches must be a minimum of 3:12 ratio (3 feet of elevation for 12 feet of width).

All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“DWELLING, TRIPLEX” means a building containing three dwelling units each with direct access to the outside grade, but not all the units have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“EAVELINE” means the horizontal line that marks farthest projection of the roof overhang beyond the wall of the building.

“ENVIRONMENTAL AUDIT” means a comprehensive site analysis to determine:

- i. If there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife and/or vegetation;
- ii. If there are any breaches of federal, provincial, and/or municipal environmental standards;
- iii. The level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation; and
- iv. What remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

“ENVIRONMENTAL IMPACT ASSESSMENT” means a comprehensive site analysis to determine:

- i. The potential impact of the proposed development on the site;
- ii. The potential environmental impact of the proposed development upon adjacent properties or land uses; and
- iii. The potential environmental impact of the proposed development upon the future land use potential of the property.

“FAÇADE” means the principal face of the building on the shortest side of the lot abutting the street or avenue.

“FARMING” means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a “Confined Feeding Operation as defined by the Natural Resources Conservation Board.

“FARM SUPPLY STORE” means establishments which sell their products to the farm industry.

“FEED MILLS AND GRAIN ELEVATORS” mean buildings in which animal feeds and grain are stored during shipment to or from farms and in which agricultural products may be prepared or sold.

“FENCE” means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or to provide sound abatement.

“FLOODPLAIN” means the land adjacent to a lake, river or stream inundated by a one in one hundred year return flood as determined by Alberta Environment.

“FLOODPROOFING” means the rendering safe from damage arising from a one in one hundred year return flood, as determined by Alberta Environment, through all or any of the following means;

- i. The raising of the level of land to a minimum of 0.3 metres (0.984 ft.) above the flood level; or
- ii. The construction and use of buildings with the lowest water entry point 0.3 (0.984 ft.) metres above that flood level; or
- iii. Any other such means as may be considered appropriate by the Development Authority in consultation with Alberta Environment.

“FLOOR AREA” means the total floor area of every room and passageway contained in a building but not including the floor areas of basements, attached garages, open porches, patios, open decks, verandas or breezeways.

“FLORIST SHOP” means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.

“FOOD AND/OR BEVERAGE SERVICE FACILITY” means a building or portion thereof, in which food and/or beverages are prepared to be sold for consumption on the premises or for take-out, and without limiting the generality of the foregoing, may include such facilities as restaurants, drive-in food establishments, taverns, bars cocktail lounges and catering services.

“GAMING OR GAMBLING ESTABLISHMENT” means a building or structure, or any portion thereof, which is used or intended for use for the purpose of dealing, operating, maintaining or conducting any game played with cards, dice, or any mechanical device for money, property or item of value.

“GARAGE” means an ancillary building or portion of a main building, including a carport, used or intended to be used in conjunction with

a dwelling unit principally for the private parking or storage of motor vehicles for personal transportation. A garage is not a “Dwelling”.

“GARAGE SUITE ABOVE GRADE” means a self-contained secondary dwelling unit located above a rear or side detached garage.

“GARDEN SUITE” means a portable, self-contained dwelling without a basement. It shall include a “Park Model” which meets the size requirements of this land use bylaw.

“GAS BAR” means a retail outlet that is limited to the sale of gasoline and related automotive products, and may include a “Convenience Food Store”.

“GROUP CARE FACILITY” means a facility which provides residential accommodation for up to six persons, most or all of which are handicapped, aged, disabled, or in need of adult assistance and who are provided service or supervision, excluding foster homes. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“HANDICRAFT BUSINESS” means the production and selling of handicrafts on a commercial basis.

“HOME OCCUPATION” means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.

“HOTEL” means a building designed for the accommodation of the traveling and vacationing public containing guestrooms served by a common entrance as well as general kitchen and dining or other public rooms.

“INDUSTRY/MANUFACTURING – SMALL SCALE” means an industry engaged in the assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of various materials into a new product. The industry may exhibit most or all of the following characteristics:

- i. Can be developed on smaller parcels of land;
- ii. Is suitable for industrial parks;
- iii. Most of the activities are confined to the building;
- iv. Does not require large areas for outdoor storage; and
- v. Does not produce emissions which are obnoxious or hazardous-

“INSTITUTIONAL USE” means a place of worship, hospital, private school, post secondary education facility, park, playground, cemetery, community hall, library or tourist information facility.

“INTERNAL SUBDIVISION ROAD” means a public roadway, excluding a primary highway, secondary highway, or municipal road, constructed solely for access, egress, and internal circulation within a commercial, industrial or residential development.

“LABORATORY” means the use of a building, or part of a building, used for scientific, medical and/or dental testing, experimentation and/or research.

“LAGOON” means any pond, natural or artificial, receiving raw or partially treated sewage or waste, in which stabilization occurs due to sunlight, air and micro-organisms.

“LANDSCAPED AREA” means an open area of land, which is:

- i. Unoccupied by any building or structure;
- ii. Situated on ground level on a lot;
- iii. Used or intended to be used for the growth and maintenance of grass, flowers,

shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not restricted to, planting strips, facilities for outdoor recreation, ornamental ponds, play areas, surfaced walks, and patios; but

- iv. Does not include any part of a driveway or parking area, regardless, of surface composition, or any roof-top terrace, balcony, or space enclosed within a building.

“LANDSCAPING” means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, ornamental ponds, fencing, walks, driveways, or other structure and materials as used in landscape architecture.

“LANE” means a public right-of-way not exceeding 10.0 metres (32.8 feet) in width which provides secondary access to a lot and which is registered at the Land Titles Office.

“LAUNDROMAT” means a self-serve clothes-washing establishment containing one or more washing and drying, ironing, finishing or other incidental equipment.

“LEGAL 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.



“LEGAL NON CONFORMING USE” means a lawful specific use:

- i. Being made of land or building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building become 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.

“LIGHT EQUIPMENT REPAIR/RENTAL” means a development, use or building for the rental and/or repair of tools, appliances, recreational craft, office machines, furniture, home appliances, or similar items, but does not include the rental or repair of motor vehicles or industrial equipment.

“LIVESTOCK AUCTION MART” means a facility where agricultural related items including livestock are brought.

“LOT” as defined under Part 17 of the Municipal Government Act, means:

- i. A quarter section;
- ii. A river lot shown on an official plan, as defined in the Surveys Act that is filed or lodged in a land titles office;
- iii. A settlement lot shown on an official plan, as defined in the Surveys Act that is filed or lodged in a land titles office;
- iv. A part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; and
- v. Part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.

“LOT AREA” means the area contained within the boundaries of a lot shown on a plan of

subdivision or described in the Certificate of Title.

“LOT – CORNER” means a lot at the intersection of two public roadways.

“LOT COVERAGE” means that percentage of lot area which is covered by all buildings on that lot, including a porch, veranda, covered deck and accessory buildings, but excluding patios.

“LOT DEPTH” means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, lot depth shall be measured from the middle of the front lot line to the intersection of the two other lot lines.

“LOT LINE” means a legally defined limit of any lot.

“MINIMUM STANDARDS” means those minimum standards relating to lot area, floor area, yards, landscaping design, character and appearance of buildings, etc. for the permitted uses of land or buildings or the discretionary uses of land or buildings, or both, listed in this Bylaw and, where these are not specified, as determined by the Municipal Planning Commission.



“MOBILE HOME” means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A mobile home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Mobile Homes shall feature the following criteria:

- i. minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches); and
- ii. a minimum floor area length to width ratio of 3:1.

A mobile home does not include a single detached dwelling.

“MOBILE HOME COURT” means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of mobile homes on either a short or a long-term basis.

“MOBILE HOME SUBDIVISION” means privately owned parcels of land for the purpose of locating mobile homes on a permanent basis.

“MOTEL” means a building or a group of buildings designed for the accommodation of the traveling or vacationing public containing guestrooms.

“MUNICIPALITY” means the Town of Killam.

“MUNICIPAL ROAD” means a public roadway subject to the direction, control and management of the Town but not including an internal subdivision road.

“MUNICIPAL SHOP AND STORAGE YARD” means a facility used by the municipality for the storage of materials used in fulfilling its various

functions and the housing and repair of its equipment,

“MUSEUM” means a use of a building, or part of a building for the preservation and presentation of works of art, or cultural, historical, or scientific objects and information and open to the recreation and education of the public.

“NURSING HOME” means an institution or a distinct part of an institution which is licensed and approved to provide health care and social support for 24 or more consecutive hours for 2 or more patients who require such care on a daily basis and who are not related to the governing authority or its members by marriage, blood or adoption.

“OFFICE BUILDING” means a facility providing for the administration of business or government, or the provision of professional services.

“OILFIELD SUPPORT SERVICES” means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage of shipping of such materials, goods and equipment, including petrochemical products and supplies, providing such storage does not exceed 5,000 cubic metres (1,100,000 imperial gallons) for all organic or inorganic chemicals and 10,000 cubic metres (2,200,000 imperial gallons) for all petroleum products and that such storage is in accordance with all applicable provincial and federal statutes. This definition applies to oil and gas industry support operations and includes, but is not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.



“OPEN OR OUTDOOR STORAGE AREA”

means an area of land used for outdoor storage purposes.

“OTHER RELATED IMPROVEMENTS”

means utilities (power, gas, well or septic system) and/or mature shelterbelts.

“OUTDOOR DISPLAY” means land that is used to show, exhibit or make visible products, good, or equipment for the purpose of sale or promotion.

“PARCEL” means the aggregate of one or more areas of land described in a title or described in a certificate of title by reference to a plan filed in a land titles office.

“PARCEL COVERAGE” means the area covered by buildings, and without limiting the foregoing, includes carports, covered patios and covered sundecks.

“PARK” means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails, landscaped buffers, playgrounds and water features.

“PARKING LOT” means an area of land providing for the parking of motor vehicles. When identified as a specific use in a land use district, this use is contemplated as an exclusive use of a land parcel. Otherwise, parking lots are to be developed in association with other permitted and discretionary uses and

in accordance with the regulations found in Section 3 of this Bylaw.

“PARKING STALL” means that portion of a parking lot that accommodates a parked vehicle.

“PERMITTED USE” means the use of land or of a building that is listed in the column captioned “Permitted Uses” in Land Use Districts appearing in this Bylaw.

“PERSONAL SERVICE SHOP” means a use of a building or part of a building in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes a barber shop, hairdressing establishment, beautician, beauty parlor, shoe repair and shoe shining shop, formal rental shop, tailor shop, bake shops, depots for collection and delivery of dry cleaning and laundry, self-serve laundry establishments and pet grooming facilities. The sale of merchandise shall be permitted as an accessory use to the personal service provided.

“PHARMACY” means a retail store that dispenses prescription drugs and sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

“PLANTING STRIP” means a landscaped area located immediately adjacent to a lot line or portion thereof, on which is situated one or more of the following screening devices:

- i. A continuous row of trees;
- ii. A continuous hedgerow of evergreens or shrubs;
- iii. A berm;
- iv. A wall;
- v. An opaque fence; and
- vi. Arranged in a way as to form a dense or opaque screen.



“POINT OF SALE ADVERTISING” means material, which relates to the name of the occupier or firm, the nature of the business conducted and/or goods produced, and/or the main product sold on the premises to which an advertisement is attached.

“PRIMARY HIGHWAY” means a highway or proposed highway designated as a primary highway under the Public Highways Development Act.

“PROPANE TRANSFER FACILITY” means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50,000 litres and from which not retail sale of propane fuel to the public is or may be affected.

“PUBLIC ASSEMBLY” means the use of a building or land for religious organizations.

“PUBLIC ROADWAY” means a highway, local road, service road, street, avenue or lane which is registered as a public right-of-way in a land titles office.

“PUBLIC USE” means a building, structure or lot used for public services by the Town except sanitary landfill sites and sewage lagoons, or by any local board or agency of the Town, or by any department, commission or agency of the Province of Alberta or Government of Canada.

“REAL PROPERTY REPORT” means a legal document prepared by an Alberta Land Surveyor that illustrates the location of all relevant visible public and private improvements relative to property boundaries. It is in the form of a plan or illustration of the various physical features of the property including a written statement detailing the surveyors opinions or concerns. It is relied upon by the municipality as an accurate

representation of the improvements to property.

“RECREATIONAL AMUSEMENT PARK” means a commercial recreation facility with or without permanent buildings or structures where rides, games of chance, entertainment, exhibitions, and the sale of food, beverages, toys and souvenirs constitute the main use.

“RECREATION FACILITY” means development that provides facilities for sports and active recreation. Typical facilities would include athletic clubs, bicycle/pedestrian trails, billiard or pool halls, bowling alleys, campsites, driving ranges, golf courses, health and fitness clubs, curling, indoor golf facilities, indoor soccer facilities, roller-skating and hockey rinks, rifle and pistol ranges, sports fields, tennis courts and swimming pools. The intended application is for both private and public facilities.

“RECREATION VEHICLE” means a portable structure designed and built to be carried on a vehicle or to be transported on its own wheels and which is intended to provide temporary living accommodation for travel and recreation purposes. It does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license, and without limiting the generality of the foregoing, includes such vehicles as a motor home, a camper, a travel trailer or a tent trailer. It does not include a portable industrial trailer, mobile home, manufactured home, or any vehicle or trailer over eight feet in width while being transported.

“RECYCLING DEPOT” means a building or land in which is used material separated and processed prior to shipment for repeated use or to others who will use those materials to manufacture new products, and may include the handling of hazardous materials.



“REGISTERED OWNER” means

- i. In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- ii. In the case of other land,
- iii. The purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title or
- iv. In the absence of a person described above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

“RESEARCH FACILITY” means a building or portion thereof, or group of buildings in which facilities for scientific research, investigation, and testing are located.

“RESTAURANT” means a food establishment where food is sold or distributed in state ready for immediate consumption and that has: seating or standing room designed for food consumption by patrons; or parking space under the control of the owner provided so that a patron may consume food in a vehicle, and includes a canteen, cafeteria, dining room or similar facility provided for employees, staff or students.

“RESTAURANT – DRIVETHRU” means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking up food.

“RESTAURANT – TAKEOUT/DELIVERY” means an establishment primarily engaged in primarily specialty foods in bulk and in providing customers with a takeout and/or

delivery service, which may or may not be consumed on or off the premises.

“RETAIL STORE” means a development used for the retail sale of consumer goods, from within an enclosed building.

“RETIREMENT HOME” means a place of residence for persons in or entering retirement where an independent lifestyle is maintained with little to no assistance required and that may include additional services such as but not limited to entertainment rooms, kitchens, libraries, and administrative offices.

“SCHOOL” means a development that is publicly supported and involves public assembly for education, training, or instruction of students.

“SEED CLEANING PLANT” means a building used for the storage and preparation of seed used in agriculture.

“SERVICED” means that approved development uses municipal water and sewer services, including treatment, where such services have been installed and are operating in accordance with municipal requirements.

“SETBACK” means the shortest horizontal distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot.

“SHOPPING CENTRE” means one or more buildings, or part thereof, containing a group of separate permitted (or approved discretionary) commercial uses which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership.



“SIGHT TRIANGLE” means an area at the intersection of roadways or roadways and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than one (1) metre (3.28 feet) in height above the average elevation of the road/lane/rail, in order that vehicle operators may see approaching vehicles in time to avoid collision.

“SIGN” means an object, structure or device used for the purpose of identification or advertising or to call attention to any person, matter, thing or event or to give direction.

“SIGN – AWNING” means a sign attached to a non-retractable structure completely enclosed overhead, which is intended to be used for business identification and protection against the weather and which is not supported independently of any other building structure.

“SIGN – BILLBOARD” means a sign structure designed and intended to provide a leaseable advertising copy area of 18.0 square metres (194.4 square ft.) where the copy can be periodically replaced, typically by the use of pre-printed copy pasted or otherwise mounted onto the copy area.

“SIGN – FASCIA” means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (0.984 ft.) from the building.

“SIGN – FREESTANDING” means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.

“SIGN – PORTABLE” means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs, temporary signs, inflatable

signs, or devices or banners, whether tethered to a building or no, vehicles placed in a location for advertising purposes, but does not include an A-Board or real estate sign or signage permanently attached and forming part of motor vehicles use in the day to day conduct of business.

“SIGN – PROJECTING” means a sign which projects from a structure or a building face.

“SITE” means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a development.

“STORAGE – INDOOR” means a self-contained building or group of buildings available for the storage of goods. This use includes mini-storage, private storage facilities, and warehouse.

“STORAGE – OUTDOOR” means a site or a portion of a site designed for the storage of goods, materials and/or equipment, or the display and sale of goods and materials, including vehicles for hire and sale, located outside permanent buildings or structures on the site. This use includes lumber storage and lumber yard.

“STRUCTURE” means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground not including pavement, curbs, walks, open air surfaces and movable vehicles.

“SUBDIVISION” means the division of a parcel of land into one or more smaller parcels by a plan of subdivision or other instrument.

“SUBDIVISION AUTHORITY”, as established pursuant the Act, means that person(s) or body defined by the Subdivision Authority Bylaw of the Town of Killam.



“TANKER TRUCK WASHING FACILITY” means a commercial building for cleaning and inspecting the tanks of tanker trucks.

“TAXI/BUS DEPOT” means a use, site or building used as a dispatch office for taxis, limousines or buses and may include an area, site or location intended for the parking of taxis, limousines or buses or for loading and unloading of passengers.

“TEMPORARY” means such time limit as set by the Development Authority.

“TEMPORARY MOBILE COMMERCIAL SALES” means the sale of goods from a vehicle or stand for a period not exceeding 180 days per year in the Central Commercial and Light Industrial Business Districts.

“TEMPORARY STRUCTURE” means a structure without any foundation or footings and which is removed when the designated time, activity or use for which the temporary structure was erected has ceased.

“THEATRE” means a building, or part thereof, used for the presentation of performing arts.

“THEATRE – MOVIE” means a building, or part thereof, used for the showing or viewing of motion pictures for a fee.

“TOP SOIL” means that depth of soil containing the major portion of organic matter, generally the depth that the land is tilled.

“TRADE/COMMERCIAL SCHOOL” means a building, structure or land that provides for technical instruction to students for profit.

“TRANSPORT/TRUCK OPERATION” means a development involving the storing, parking, servicing and dispatching of trucks. This use may also involve the transfer of goods primarily

involving loading and unloading of freight carrying trucks.

“TRUCK DEPOT” means any building, or land or portion thereof, in which or upon a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles and/or transport trailers is conducted or rendered. This includes the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

“TRUCK AND MOBILE HOME SALES AND RENTAL” means a development used for the retail sale or rental of new or used trucks exceeding 4,000 kg (8,800 lbs.), motor homes, and mobile homes together with incidental maintenance services and the sale of parts and accessories.

“TRUCK STOP” means a use that combines a “CONVENIENCE FOOD STORE”, “EATING ESTABLISHMENT”, “GAS BAR”, “TRUCK DEPOT”, and “AUTOMOTIVE SERVICE STATION” in order to cater both to the traveling public and commercial truck traffic.

“UNDERGROUND WASTE STORAGE TANKS” means tanks used for the temporary storage of wastewater, sludge and solids.

“UNDERSIZED LOT” means a lot that does not meet the minimum length, width or area requirements of the district in which it is located.

“URBAN RESERVE” means lands presently within the Town, which are intended for future development in order to accommodate the Town’s long-term industrial or residential land requirements.

“USE” means a building or an area of land and the function and activities therein or thereon.



“UTILITIES” means the right of way and/or use of the land or buildings for one or more of the following:

- i. Telecommunication systems;
- ii. Waterworks systems;
- iii. Irrigation systems;
- iv. Systems for the distribution of gas;
- v. Systems for the distribution of electric power;
- vi. Storm water management systems;
- vii. Heating systems; and
- viii. Sewage systems.

“UTILITY BUILDING” or “UTILITY USE”

means a building or land, or portion thereof, as defined in the Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with any public utility building.

“VEHICLE WASH” means a use, building or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

“VETERINARY CLINIC” means the use of land and building for the medical care and treatment of animals.

“WATER BODY” means:

- i. The bed and shore of a lake, lagoon, swamp, marsh, or any other natural body of water; or
- ii. Reservoir or other man-made surface feature, whether it contains water continuously or intermittently.

“WATERCOURSE” means:

- i. The bed and shore of a river, stream, creek or other natural body of water, or
- ii. A canal ditch or other man-made surface feature whether it contains water continuously or intermittently.

“YARD” means a part of a lot upon or over which no building or structure other than a boundary fence is erected, except for specifically permitted accessory buildings.

“YARD – FRONT” means a yard extending across the full width of a lot and situated between the front lot line and the nearest exterior wall of the principal building. The minimum front yard depth is the shortest horizontal distance permitted between the front lot line of such lot and the nearest part of the principal building.

“YARD – INTERIOR SIDE” means a side yard other than an exterior side yard.

“YARD – REAR” means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building. The minimum rear yard is the shortest horizontal distance permitted between the rear lot line of such lot and the nearest part of the principal building.

“YARD – SIDE” means the yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building. The minimum side yard is the shortest horizontal distance permitted between the side lot line of such lot and the nearest part of the principal building.

“ZERO LOT LINE PLACEMENT” means the placement of a building on a lot in such a manner that the building abuts one or more of the lot lines of the lot.



THREE: Development Authority

Section 10: Designated Officer

- 10.1 The office of designated officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- 10.2 The Designated Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development and subsequent decisions.
- 10.3 For the purposes of this Bylaw the Designated Officer serving as the Development Authority shall be titled as "Development Officer".

Section 11: Municipal Planning Commission

- 11.1 The Municipal Planning Commission established by Bylaw shall perform such duties as specified in Part 4 of this Bylaw as well as the Municipal Government Act, Subdivision and Development Regulation.

Section 12: Subdivision and Development Appeal Board

- 12.1 The Subdivision and Development Appeal Board (SDAB) established by Council shall perform such duties as are specified in the Act.
- 12.2 At the appeal hearing the SDAB shall hear all those persons that it is required to hear under the Act.
- 12.3 At the hearing of the appeal, should the SDAB desire legal or technical opinions, it may adjourn the hearing pending receipt of such information, opinions or other assistance the Subdivision and Development Appeal Board as established by this Bylaw.
- 12.4 The Chairperson shall be responsible with respect to all things required to be carried out by the Board under the Act to see that they are carried out in accordance with the provisions of the Act, and;
 - 12.4.1 Is empowered to rule that evidence presented is irrelevant to the matter in issue and to direct the members to disregard the evidence;
 - 12.4.2 May limit a submission if he determines it repetitious; and
 - 12.4.3 When a hearing is adjourned, but the time and place for the continuation of the hearing is not fixed, shall announce that notice of continuation of the meeting will be sent to those persons leaving their name and address with the Secretary. Thereafter, only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.



- 12.5 After hearing all submissions, the SDAB may deliberate and reach its decision in private. In arriving at its decision the majority vote of those members present shall constitute the decision of the SDAB. If the vote results in a tie, the appeal is lost.
- 12.6 The Secretary or Chairperson may make a verbal announcement of the SDAB's decision at the conclusion of the hearing of an appeal, but the verbal decision is neither final or binding on the SDAB, and no rights are conferred upon any party by the SDAB's verbal decision until written notice of the decision has been given in accordance with the Act.
- 12.7 The SDAB shall give its decision and reasons in accordance with the Act to the applicant, the appellant, and those affected persons who gave their name and address to the Secretary during the hearing.
- 12.8 The Secretary shall, under the direction of the SDAB:
 - 12.8.1 Notify members of the meetings of the SDAB;
 - 12.8.2 Keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the Act, including the application for the development permit or subdivision, and the appeal therefore, or the order of a Development Officer under Section 645 of the Act, as the case may be;
 - 12.8.3 Make and keep a written record of the proceedings of the SDAB which shall include: a summary of the evidence presented at the hearing; the decision of the development approving authority; the notice of Appeal and Hearing of the Appeal; the SDAB's decision, including reasons, for each appeal.
 - 12.8.4 Keep a list of names and addresses of persons who leave their names and addresses with the Secretary; and
 - 12.8.5 Keep a record of all business coming before the SDAB and after the adoption of the minutes of each meeting of the SDAB, transmit a copy of the minutes to Council.



FOUR: Development Permits

Section 13: Control of Development

- 13.1 No development other than that designated in Section 15 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

Section 14: Fees

- 14.1 The fees to be charged by the Town on all applications and other matters arising under this Bylaw are set forth in Schedule B. Council may at anytime by resolution revise any fee shown in Schedule B or specify a fee for any other matter arising under this Bylaw.

Section 15: When a Development Permit is Not Required

- 15.1 A Development Permit is not required for the following developments provided that the proposed development complies with all applicable regulations of this Bylaw:
- 15.1.1 Altering, maintaining or repairing any building, provided that the work does not include structural alterations or does not result in an increase in the number of dwelling units;
 - 15.1.2 The completion of any development which has lawfully commenced before the passage of the Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it has commenced within 12 months of the date of approval;
 - 15.1.3 The use of any such development as is referred to in subsection (b) for the purpose for which the development was commenced;
 - 15.1.4 The construction or maintenance of gates, fences, walls or other means of enclosure less than 2.0 m (6.6 ft.) in height in side and rear yards;
 - 15.1.5 The temporary erection, installation or use of machinery, structures or buildings such as a construction trailer, that is incidental to the erection or alteration of a permanent development for which a permit has been issued under this Bylaw. This does not include a real estate sales office, show home or similar facility;
 - 15.1.6 The temporary use of a parcel not exceeding six months per year for the sole purpose of mobile commercial sales, providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
 - 15.1.7 The maintenance and repair of public works, services or utilities carried out by or on behalf of federal, provincial or municipal authorities;



- 15.1.8 Development specified in Section 618 of the Municipal Government Act;
- 15.1.9 Any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- 15.1.10 The construction or installation of an accessory building that does not exceed 9.5 m² (102.6 ft²) in area and 2.5 m (8.2 ft.) in height, provided that the structure is portable and not fixed on a permanent foundation or concrete pad.
- 15.1.11 Any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- 15.1.12 The erection of an on-site sign offering for sale, lease or rent any land or building pursuant to the regulations contained in this Bylaw;
- 15.1.13 The erection of one unilluminated sign for non-residential uses of the following nature and size for use within a building or on a parcel, provided such signs do not resemble traffic signs: a fascia sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.2 ft²); a fascia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.2 ft²); and a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1.0 m² (10.8 ft²);
- 15.1.14 Erection of towers, flagpoles and other poles not exceeding 4.5 m (14.8 ft.) in height from grade in any Residential District;
- 15.1.15 Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a Development Permit allows for such landscaping; and
- 15.1.16 Stripping, site grading or excavation that is part of a development for which a Development Permit has been issued.

Section 16: Non-Conforming Buildings and Uses

- 16.1 Developments which are considered to be a non-conforming building or use shall be dealt with as provided for under the Municipal Government Act.

Section 17: Application for Development Permit

- 17.1 A Development Permit application shall be made to the Development Officer on the prescribed form and shall be signed by the applicant or his agent.
- 17.2 Each application for a development permit shall be accompanied by a fee as established by Section 14 of this Bylaw.
- 17.3 In addition to the completed application form, the following are required:



- 17.3.1 Duplicate site plans at a scale of 1:100, unless otherwise acceptable to the Development Officer, showing:
- (a) North arrow;
 - (b) Scale of plan;
 - (c) Legal description of property;
 - (d) Municipal address;
 - (e) Lot lines shown with dimensions;
 - (f) Proposed front, side and rear yards shown with dimensions;
 - (g) Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, parking spaces, fences, driveways, paved areas, exterior lighting and major landscaped areas including buffering and screening areas where provided;
 - (h) The grades of adjacent streets, lanes and sewers servicing the property;
 - (i) Development density, site coverage calculations, height by metres and number of storeys according to the definitions of this Bylaw
 - (j) Dimension layout of existing and proposed parking areas, entrances and exits abutting roads shown and labelled;
 - (k) Site topography, drainage patterns, grades and special conditions; and
 - (l) Location of all registered utility easements and rights-of-way.

17.3.2 A copy of the Certificate of Title indicating ownership.

17.4 In addition, the Development Officer may require any of the following:

17.4.1 Photographic prints or slides showing the site in its existing state;

17.4.2 A Plan of Survey prepared by an Alberta Land Surveyor showing the site to be developed;

17.4.3 A geotechnical or floodplain study prepared by a qualified engineer recognized by APEGGA if in the opinion of the Development Officer the site is potentially hazardous or unstable;

17.4.4 A reclamation plan for aggregate extraction or other major surface disturbance;



- 17.4.5 A Phase 1 Environmental Site Assessment, conducted according to Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation;
 - 17.4.6 An Environmental Impact Review prepared by a qualified professional if the proposed development may, in the opinion of the Development Officer, result in potentially significant environmental effects;
 - 17.4.7 Detailed studies regarding the potential impact and approach to dealing with traffic, utilities and storm drainage prepared by a qualified engineer or engineering technologist recognized by APEGGA;
 - 17.4.8 Elevations of any signs proposed for the development;
 - 17.4.9 A letter of security and/or performance bond or certified cheque of up to \$5,000 to ensure completion of the development; and
 - 17.4.10 Such other information that is deemed necessary by the Development Officer and/or Municipal Planning Commission.
- 17.5 The Development Officer may deal with an application without all of the required information if, in the opinion of the Development Officer, a decision can be properly made on the application without that information.

Section 18: Decision

- 18.1 The Development Officer and/or Municipal Planning Commission may issue a development permit with any condition deemed necessary to ensure that the development complies with the Municipal Government Act, this bylaw and any or all statutory plans.
- 18.2 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:
 - 18.2.1 Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw; and
 - 18.2.2 May require security from the applicant to secure performance of any of the conditions of a development permit; and
 - 18.2.3 May require as a condition of issuing the development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favour of the Town; or



- 18.2.4 Refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses, but which in the opinion of the Development Officer, should be directed to the Municipal Planning Commission; or
- 18.2.5 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 18.3 In making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission:
- 18.3.1 May approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or,
- 18.3.2 May refuse the application even though it meets the requirements of this Bylaw; or,
- 18.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 18.4 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall consider:
- 18.4.1 The circumstances and merits of the application, including but not limited to:
- (a) The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise;
 - (b) The design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties; and,
 - (c) The servicing requirements for the proposed development.
 - (d) The purpose and intent of any statutory plan adopted by the Town; and,
 - (e) The purpose and intent of any non-statutory plan or pertinent policy adopted by the Town.
- 18.5 Notwithstanding any provisions or requirements of this Bylaw, the Municipal Planning Commission may establish a more stringent standard for a Discretionary Use when the Municipal Planning Commission deems it necessary to do so.
- 18.6 The Municipal Planning Commission shall refuse a development permit for a use or development that is not listed as a Permitted or Discretionary Use.
- 18.7 Only one development permit application shall be allowed for any one use on a site at any one time.
- 18.8 An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt of the application by the Development Officer, unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Officer and/or Municipal Planning Commission.



Section 19: Temporary Permits

- 19.1 A development permit may be issued on a temporary basis and the Development Officer and/or Municipal Planning Commission may specify the length of time that the permit remains in effect.
- 19.2 Where a temporary permit is issued, the Development Officer and/or Municipal Planning Commission shall:
 - 19.2.1 Require that the use be stopped or the temporary development removed once the permit expires;
 - 19.2.2 Impose a condition that the Town is not liable for any costs incurred in removing the development;
 - 19.2.3 The Development Officer and/or Municipal Planning Commission may require that the applicant enter into an agreement with the Town guaranteeing the removal of the temporary development when the intended use is changed or discontinued. The agreement may require the applicant to post a security guaranteeing the removal of the development;
 - 19.2.4 Upon expiry of a temporary development permit, a new application is required. Such application shall be considered as a first application and the Development Officer and/or Municipal Planning Commission is not obliged to approve it on the basis that a previous permit was issued.

Section 20: Variance Authority

- 20.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not unduly affect the neighbourhood which includes variances for non-conforming buildings.
- 20.2 In considering a variance the Municipal Planning Commission shall have regard to the purpose and intent of the district and the nature of developments on adjacent properties.
- 20.3 If a variance is granted, the Municipal Planning Commission shall specify its nature in the development permit approval.

Section 21: Notice of a Proposed Development

- 21.1 The Development Officer may refer a development permit application to any external agency for comment and advice.
- 21.2 On receipt of a complete application for a development permit for a development listed as a Discretionary Use or a development permit that requires a variance, the Development Officer may send a written notice to adjacent property owners indicating the location and nature of the proposed development, and ask for comment.



- 21.3 After 30 days from the date of referral to any external agency, the Development Officer and/or Municipal Planning Commission may deal with the application whether or not comments have been provided.

Section 22: Notice and Validity of Decision

- 22.1 A decision of the Development Officer and/or Municipal Planning Commission on an application for a development permit shall be given in writing and sent by regular mail to the applicant.
- 22.2 Where a development permit application is refused, the reason(s) for the refusal shall be stated in the decision letter.
- 22.3 When a development permit is approved, the Development Officer shall publicize a notice of decision in any or all of the forms as described as follows:
- 22.3.1 Mail a notice of the decision to all persons whose use, enjoyment or value of the property may, in the opinion of the Development Officer, be affected; and/or
- 22.3.2 Post a notice of the decision conspicuously on the property for which the application has been made; and/or
- 22.3.3 Publish in a newspaper circulating in the municipality a notice of the decision.
- 22.4 A permit does not come into effect until 14 days after the date the approval is posted or published in the newspaper. If an appeal is lodged with the SDAB, no development shall be commenced until the appeal is finally determined and the issuance of the development permit is upheld.
- 22.5 When a development permit is approved after granting a variance, the Development Officer shall send a notice by regular mail to adjacent landowners advising them of the variance and the right of appeal.
- 22.6 A development permit issued is not valid until all the conditions of the permit, except those of a continuing nature, have been met and no notice of appeal has been filed with the Subdivision and Development Appeal Board within the appeal period.
- 22.7 If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development authority. The maximum extension period shall be one year.
- 22.8 If an application for a development permit has been refused, by the Development Officer, Municipal Planning Commission or by a decision of the Subdivision and Development Appeal Board, another application for a permit may not be submitted on the same property, for the same or similar use of the land, by the same or any other applicant, for six (6) months after the date of the previous refusal or appeal decision.



Section 23: Cancellation

- 23.1 The Municipal Planning Commission and/or Development Officer may cancel a development permit if: the permit was issued in error; or the permit was issued on the basis of incorrect information.

Section 24: Appealing a Decision

- 24.1 The applicant for a development permit may appeal to the Board if the Development Officer and/or Municipal Planning Commission:
- 24.1.1 Refuses or fails to make a decision on a development permit within 40 days of receipt of a completed application; or
 - 24.1.2 Issues a development permit subject to conditions.
- 24.2 In addition to the applicant, any person affected by a development permit or the decision on it, may appeal to the Board.
- 24.3 Notwithstanding 24.1 and 24.2 there is no appeal in respect of the issuance of a development permit for a Permitted Use unless the provisions of this Bylaw are relaxed, varied, or misinterpreted.
- 24.4 An appeal by an applicant must be commenced within 14 days of the notification of the decision or when the 40 day period or any time extension expires. An appeal by any other affected person must be made within 14 days of the notice of the issuance of the permit was given.
- 24.5 A decision on a development application within a Direct Control District may be appealed only if the Development Officer and/or Municipal Planning Commission did not follow the directions of Council. If the Board finds that the Development Officer and/or Municipal Planning Commission did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Officer and/or Municipal Planning Commission.

Section 25: The Appeal Process

- 25.1 The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to the provisions of the Municipal Government Act.
- 25.2 If a notice of appeal of a decision on a development permit application is served on the Secretary of the Subdivision and Development Appeal Board, the permit shall not be effective until:
- 25.2.1 The decision to approve the permit is upheld by the Subdivision and Development Appeal Board; or,
 - 25.2.2 The Secretary of the Subdivision and Development Appeal Board receives written notice from the appellant withdrawing the appeal.



- 25.3 If a decision to approve a development permit is reversed by the Board, the development permit shall be null and void.
- 25.4 If a decision to refuse a development permit application is reversed by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with its decision.
- 25.5 If a decision to approve a development permit application is varied by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with its decision.
- 25.6 The decision of the Board is binding except on a question of jurisdiction or law, in which case the appellant may appeal to the Court of Appeal as provided in the Act.



FIVE: Amending the Bylaw

Section 26: Bylaw Amendments

- 26.1 Town Council may amend this Bylaw pursuant to the provisions of the Municipal Government Act.
- 26.2 Any person may apply to amend this Bylaw pursuant to the provisions of the Municipal Government Act and the requirements of the Land Use Bylaw.

Section 27: Contents of an Amendment Application

- 27.1 An application to amend this Bylaw shall be made to the Town on the prescribed form, and shall be signed by the applicant or his agent authorized in writing. The following information and documents will accompany the application:
- 27.2 A written statement of the reason for the request to amend the Bylaw including a statement describing the implications of the amendment;
 - 27.2.1 The required application fee.
 - 27.2.2 If the amendment involves the rezoning of land to a different land use district, the following is also required:
 - (a) A copy of the current Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Authority verifying that the applicant has a legal interest in the land;
 - (b) If the applicant is an agent of the landowner, a letter from the landowner verifying the agent's authority to make the application;
 - (c) Permission for right of entry by the Development Officer or a designated officer of the Town; and
 - (d) A properly dimensioned map indicating the affected site and its relationship to existing land uses on adjacent properties;
 - 27.2.3 Such additional information as the Development Officer may require to properly evaluate and to make recommendations to Council concerning the proposed amendment.
- 27.3 Council may require, prior to considering a proposed amendment to this Bylaw, that a developer prepare an Area Structure Plan in accordance with the Municipal Government Act or an Outline Plan in accordance with the Municipal Development Plan.



Section 28: The Amendment Process

- 28.1 The amendment application may be referred by the Development Officer to: any external agency for comment and advice; and Council for first reading and to establish a date for a public hearing to be held prior to second reading.
- 28.2 In accordance with the Municipal Government Act, and after the date for a public hearing has been set by Council, a notice of the application shall be published once a week for two consecutive weeks in a newspaper circulating in the Town. This notice shall contain:
 - 28.2.1 The legal description of the land;
 - 28.2.2 The purpose of the proposed amendment;
 - 28.2.3 The one or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;
 - 28.2.4 The date, place, and time that Council will hold a public hearing on the proposed amendment;
 - 28.2.5 An outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
 - 28.2.6 An outline of the procedures by which the public hearing will be conducted.
- 28.3 If the amendment involves the rezoning of land to a different land use district, a notice shall also be communicated in writing to the owner(s) of the subject land, and to all adjacent landowners.
- 28.4 Council, after considering: any representations made at the public hearing; and the Municipal Development Plan, and any area structure plan or area redevelopment plan affecting the application and the provisions of this Bylaw; may make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or defeat the proposed amendment.
- 28.5 Where an application for an amendment has been refused by Council, the Town shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.
- 28.6 If deemed necessary, the Town may initiate an amendment to this Bylaw without the landowner's consent.



SIX: Contravention and Enforcement

Section 29: Contravention

- 29.1 No person shall contravene this Bylaw by commencing or undertaking a development, use, or sign that is not permitted under this Bylaw.
- 29.2 No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for issuing a development permit under this Bylaw.
- 29.3 No person shall contravene a condition of a permit issued under this Bylaw.
- 29.4 A Bylaw Enforcement Officer or the Development Officer may enforce the provisions of this Bylaw, the Municipal Government Act and its regulations, the conditions of a development permit or subdivision approval.

Section 30: Stop Order

- 30.1 If the Development Officer finds that a development, land use or use of a building is not in accordance with the Act, this Bylaw, a development permit or subdivision approval, the Development Officer may issue a written Stop Order to the owner, the person in possession of the land or building, or other person responsible for the contravention, or all or any of them to:
 - 30.1.1 Stop the development or use of the land or building in whole or part as directed by the notice;
 - 30.1.2 Demolish, remove or replace the development; or
 - 30.1.3 Carry out any other actions required by the notice so that the development or use of the land or building complies with the Municipal Government Act or this Bylaw, a development permit or a subdivision approval within the time set out in the notice.
- 30.2 A person may appeal a Stop Order to the Subdivision and Development Appeal Board.
- 30.3 If a person fails or refuses to comply with a Stop Order, the Town may, in accordance with Section 542 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 30.4 The Town may register a caveat with respect to the Stop Order in the Land Titles Office.



Section 31: Offences and Penalties

- 31.1 Any person who: contravenes or fails to comply with any provision of this bylaw or any permit issued hereunder; or erects or places a sign in contravention of this bylaw; or obstructs or hinders any person in the performance of his duties under this bylaw; or fails to comply with any order of the Development Officer; is guilty of an offence and is liable on a first offence to a penalty of \$500.00. The penalty for a second offence shall be \$1,500.00.
- 31.2 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve upon such person an offence ticket allowing the payment of the specified penalty to the Town in lieu of prosecution for the offence.
- 31.3 Council may, by resolution, revise penalties for contravention of or non-compliance with the provisions of this Bylaw.
- 31.4 If the Town takes action to carry out a Stop Order the Town shall cause the costs and expenses incurred in doing so to be placed on the tax roll of the property concerned.



SEVEN: General Regulations

Section 32: Applicability

32.1 This Part shall apply to all Land Use Districts under this Bylaw.

Section 33: Basement Suites

- 33.1 Basement suites shall be restricted to single detached dwellings.
- 33.2 A maximum of two (2) bedrooms may be permitted per basement suite.
- 33.3 A basement suite shall comply with the Safety Codes Act or its successor.
- 33.4 One on-site parking stall shall be provided for each bedroom to a maximum of two stalls.
- 33.5 A basement suite has an entrance separate from the entrance to the primary dwelling unit, either from a common indoor landing or directly from the exterior of the structure, and may be connected by an interior door directly connecting the primary dwelling unit to the basement suite. Exterior access to the basement suite shall be subordinate in both size and appearance to the access of the primary dwelling unit.
- 33.6 The maximum number of vehicles for basement suite occupants cannot exceed onsite parking stalls provided for the suite.

Section 34: Bed and Breakfast Facility

- 34.1 All persons operating bed and breakfast facilities require a Business License and must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.
- 34.2 A bed and breakfast is an accessory use to a principal residential use.
- 34.3 The Municipal Planning Commission may permit a bed and breakfast only if, in their opinion, it complies with the following regulations:
- 34.3.1 The privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times;
- 34.3.2 Interior or exterior alterations, additions or renovations to accommodate a bed and breakfast may be allowed provided such alterations, additions or renovations maintain the principal residential appearance or character of the dwelling and comply with this Bylaw, the Safety Codes Act, and any other Town bylaws;
- 34.3.3 A bed and breakfast shall be operated only by the permanent resident(s) of the principal dwelling and one (1) non-resident employee on site;
- 34.3.4 One on-site parking stall shall be provided for each bedroom provided for compensation; and
- 34.3.5 A bed and breakfast shall meet the signage requirements.



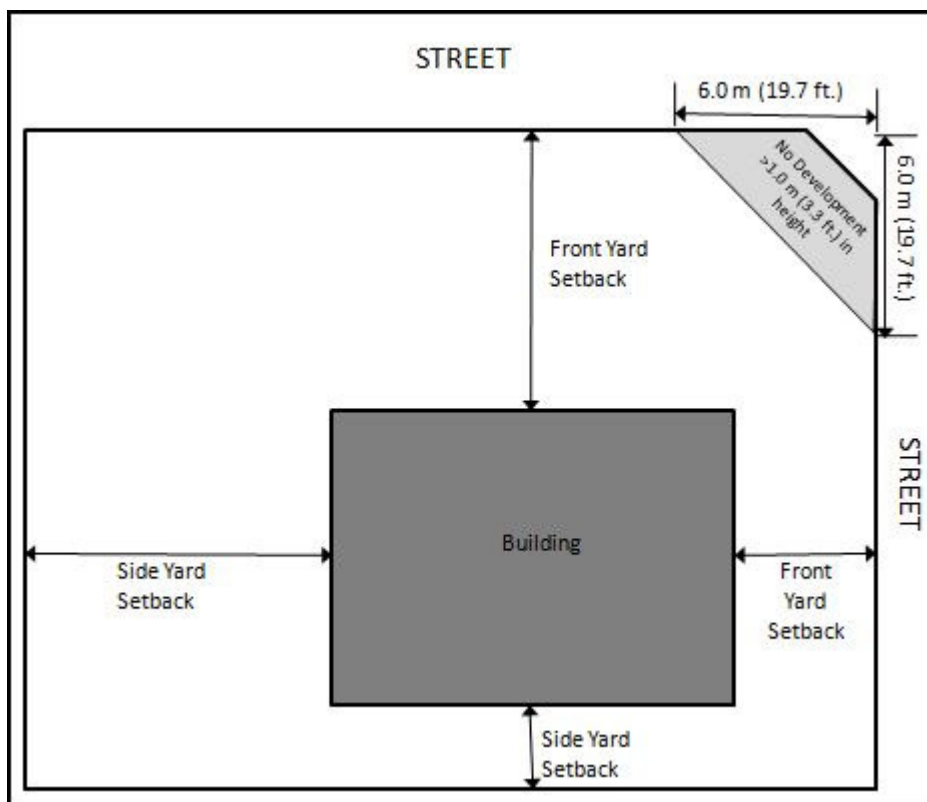
Section 35: Building Design, Character and Appearance

- 35.1 The design, character, location, external finish, architectural appearance and landscaping of all buildings, including accessory buildings or structures shall be to the satisfaction of the Development Officer/Municipal Planning Commission. Where applicable, buildings shall comply with any architectural/design guidelines in an Area Structure Plan.
- 35.2 The exterior finish of a building in all residential districts shall be completed by October 31st of the year following the year in which the development permit is issued unless otherwise stipulated in the development permit.
- 35.3 The undercarriage of a mobile home shall be screened from view by skirting or such other means satisfactory to the Development Officer/Municipal Planning Commission.
- 35.4 All accessory structures to a mobile home such as patios, porches, additions, skirting and storage facilities shall be fabricated so that the appearance complements the mobile home to the satisfaction of the Development Officer/Municipal Planning Commission
- 35.5 The exterior finish of commercial structures shall be of wood, prefabricated materials, stone, brick, architecturally finished block or concrete, stucco or other durable aesthetically pleasing material that is appropriate to the development style and to the satisfaction of the Development Authority.
- 35.6 Roof lines and building facades within commercial districts shall be articulated and varied to reduce perceived mass and linear appearance of large buildings.

Section 36: Corner Lot Provision

- 36.1 No person on a corner lot in any District shall erect, place or maintain, within a triangle formed by the boundaries of the site common with the streets abutting them and a straight line connecting points on each of the said boundaries a distance of six metres from the point where they intersect, a wall, fence, shrub, trees, hedge or any object over one metre in height above the lowest street grade adjacent to the intersection.
- 36.2 In all districts, a site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
- 36.3 In all cases, the location of buildings on corner sites shall be subject to the approval of the Municipal Planning Commission who may at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist, and having regard for the variances allowed.

Figure 36.1: Restrictions on Corner/Double Fronting Lots



Section 37: Dwelling Units on a Parcel

- 37.1 The number of dwelling units permitted on a parcel shall be one, except where additional dwellings are:
- 37.1.1 Contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units;
 - 37.1.2 A mobile home forming part of a mobile home park for which a development permit has been issued; or
 - 37.1.3 A building as defined in the Condominium Property Act that is the subject of an approved condominium plan registered with Alberta Registries.

Section 38: Easements

- 38.1 A development permit shall not be issued for a development, other than a fence, that encroaches in or over a utility easement or right-of-way without the written consent of the person whom the easement is registered to or the person whose utility line is located in the easement.



Section 39: Environmental Conservation

- 39.1 Within developing areas, existing trees and shrubs should be conserved to the maximum extent possible.
- 39.2 The following areas shall be retained in their natural state;
 - 39.2.1 Swamps, gullies and natural drainage courses;
 - 39.2.2 Unstable land;
 - 39.2.3 Land subject to flooding by a 1:100 year flood;
 - 39.2.4 Land with a natural gradient of 15% or greater; and
 - 39.2.5 Any lands designated as Environmental Reserve.

Section 40: Fencing, Hedging and Screening

- 40.1 Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, A fence or hedge may be constructed/planted along a boundary line of a parcel of land. Fences shall complement the character and quality of the principal building.
- 40.2 In a residential district, fences and hedges are not permitted in front of the most forward portion of the principal building on the lot (front yard). On corner lots, a site abutting two streets or more shall have a front yard on each street and two side yards.
- 40.3 Grandfathering - Fences and hedges which were erected prior to the passing of the Land Use Bylaw No. 791(March 5, 2009) are permitted in front of the most forward portion of the principal building on the lot (front yard) shall not exceed 1.5m (4.9ft.) in height. The landowners must notify to the Town of Killam if they would like their hedges to be grandfathered. The addresses of the specific properties for which grandfathering will take place are attached to this bylaw.
- 40.4 In a residential district a fence, hedge or wall which does not extend beyond the most forward portion of the principal building on the lot (rear or side yard), shall not exceed 2 m (6.6 ft.) in height.
- 40.5 Grandfathering - Fences and hedges which were erected prior to the passing of the Land Use Bylaw No. 791(March 5, 2009) which do not extend beyond the most forward portion of the principal building on the lot (rear or side yard), shall not exceed 2 m (6.6 ft.) in height. The landowners must notify to the Town of Killam if they would like their hedges to be grandfathered. The addresses of the specific properties for which grandfathering will take place are attached to this bylaw.
- 40.6 Fences shall compliment the character and quality of the principal building.



- 40.7 Commercial/industrial buildings adjacent to residential areas must be screened by a fence of not less than 2.0 m (6.6 ft.) in height on those sides of the commercial lot abutting the residential area.
- 40.8 In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Officer. Solid fences shall be provided at least 2.0 m (6.6 ft.) in height adjacent to residential areas.
- 40.9 Notwithstanding 40.4, a higher fence or a fence with barbed or other security features may be approved for public safety, security, privacy or buffering purposes
- 40.10 No barbed wire fences shall be permitted in residential areas.
- 40.11 The electrification of any fences within Killam shall not be permitted.
- 40.12 Unless required as part of the sale, promotion or display of the vehicle, equipment or product, all outdoor storage of vehicles, equipment, or products shall be screened from public view to the satisfaction of the Development Officer/Municipal Planning Commission.
- 40.13 Screening in the form of fences, hedges, landscaped berms or other means is required along the property lines of all commercial and industrial lots where such lines are coterminous with a residential property line or are adjacent to lanes that abut a neighbouring residential property. Such screening shall be at least 2.0 m (6.6 ft.) high. Length and width of the screening shall be at the discretion of the Development Officer/Municipal Planning Commission.
- 40.14 For bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof to the satisfaction of the Development Officer/Municipal Planning Commission, shall be required.

Section 41: Garden Suites

- 41.1 A garden suite means a separate secondary dwelling unit located on the same site and serviced by the same utilities as a single detached dwelling.
- 41.2 The Municipal Planning Commission shall consider the following matters as part of the decision making process for an application for a garden suite:
 - 41.2.1 Compatibility of the use in relation to the site, grade elevations, height, building types and materials characteristic of surrounding development;
 - 41.2.2 The potential effect of the development on the privacy of adjacent properties; and
 - 41.2.3 The on-site and neighbourhood impacts on parking and traffic.
- 41.3 Where approved, garden suites shall be developed and operated in accordance with the following regulations:



- 41.3.1 All garden suites must meet the requirements of the Alberta Safety Codes Act;
- 41.3.2 Shall not be located in the front yard;
- 41.3.3 The resident owner shall submit and sign a statutory declaration stating that he/she is the principal resident of the principal dwelling and occupancy of the principal dwelling by the owner shall be a condition of the development permit;
- 41.3.4 A minimum of one on-site parking space shall be provided for a garden suite;
- 41.3.5 The number of persons occupying a garden suite shall not exceed two;
- 41.3.6 Shall have a minimum floor area of 44.0 square metres (475.2 square feet) and a maximum floor area of 65.0 square metres (702.0 square feet), providing that the combination of the principal dwelling, garden suite and other accessory buildings does not result in the site coverage of the parcel exceeding the requirements of the District.

Section 42: Home Occupations

- 42.1 Any persons wishing to operate a home occupation from their residence shall be required to apply for a development permit, and must meet all the criteria in Sections 42.2 and 42.3.
- 42.2 All home businesses shall comply with the following general regulations:
 - 42.2.1 All home businesses shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
 - 42.2.2 One professionally non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 square metres (3.2 square feet) in an area placed within the dwelling unit or any accessory building is permitted.
 - 42.2.3 The applicant shall be required to obtain a business license prior to the issuance of a development permit.
 - 42.2.4 A home occupation, whether or not a development permit has been issued, shall be reviewed by the Town, when complaints are registered against a home occupation by an affected landowner. A permit issued for a home occupation is liable to recall on the basis of non-compliance on 60 days notice.
- 42.3 Home businesses shall meet all the requirements of 42.2 above and shall comply with the following regulations:
 - 42.3.1 The home business shall be operated by the permanent resident(s) of the principal dwelling and shall employ no non-resident, on-site employees.
 - 42.3.2 There shall be no more than four (4) home business clients or customers on site during any period of 24 hours for a minor home business.
 - 42.3.3 The home business shall not occupy more than 30% of the gross floor area of the



principal dwelling.

- 42.3.4 Any storage of materials or goods related to the minor home business must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
- 42.3.5 The home business shall have no more than two (2) home business vehicles used in conjunction with the home business, parked and maintained on site. There shall be no heavy vehicles used in conjunction with a minor home business.

Section 43: Landscaping

- 43.1 A landscaping plan for new construction shall be submitted if required by the Development Officer or the Municipal Planning Commission, and said plan shall show all existing trees and shrubs, and shall be in conformity with the following requirements:
 - 43.1.1 Existing natural landscaping retained on a site may be considered in fulfilment of the total landscaping requirements.
 - 43.1.2 All landscaped areas shall be designed so as to facilitate effective surface drainage.
 - 43.1.3 Any trees or shrubs which die must be replaced during the next planting season on a continuing basis.
 - 43.1.4 All plant material shall be of a species capable of healthy growing in the Killam area.
 - 43.1.5 The minimum number of shrubs and trees required on a site shall be seven (7) per residential lot, of which a minimum of two (2) being trees.
 - 43.1.6 Tree/Shrub Size: a minimum height of 1.5 m for deciduous trees; 1.0 m for coniferous trees; and a minimum shrub spread of 0.3 m is required at the time of planting.
 - 43.1.7 Alternative forms of landscaping, including washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding and sodding provided that all areas of exposed earth are covered.
 - 43.1.8 Where a development permit is granted and landscaping is part of approval, the Development Officer or the Municipal Planning Commission may require the applicant to provide a letter of credit or certified cheque of such amount to ensure completion of any landscaping. Security will be refunded at the end of the second growing season after the trees and shrubs have been planted.
- 43.2 Only topsoil in excess of the amount required to provide a minimum cover of 0.2 m on the total landscaped area of the parcel may be removed from the parcel. All other topsoil shall be salvaged and placed on the surface of the required areas to be landscaped (i.e. parks, municipal reserves, boulevards, etc.).



Section 44: Lighting

- 44.1 Appropriate lighting of multi-attached residential, commercial, industrial and institutional development shall be required to provide security and add visual interest.
- 44.2 Lighting standards and fixtures shall be of consistent design and complement the architectural theme of the buildings located on the site.
- 44.3 Outdoor lighting shall be located so that rays of light:
 - 44.3.1 Are not directed at an adjacent site or skyward;
 - 44.3.2 Do not adversely affect an adjacent site;
 - 44.3.3 Do not adversely affect traffic safety.

Section 45: Lot Grading and Drainage

- 45.1 The Development Officer/Municipal Planning Commission may require, as a condition of a development permit, that a developer submit a lot grading plan to the Town for approval.
- 45.2 No on-site drainage, including from a roof or high water, shall flow to the sanitary sewer system, either directly or through pumping (including downspouts).
- 45.3 No on-site drainage, including drainage from a roof or high water, shall be permitted to flow to either an adjoining private property or onto Town sidewalks or onto a lane or street, except in accordance with an approved grading plan. Suitable methods of on-site retention shall be in accordance with the Town's Engineering Design Guidelines and subject to the approval of the Development Officer.
- 45.4 All landscaping, topographic reconstruction, retaining walls, or site grading shall be confined to the property and shall not encroach onto any adjoining property including road and lane rights-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments, are expressly approved by the Development Officer.
- 45.5 If a person alters the approved lot drainage on a site so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighbouring properties.
- 45.6 Any retaining wall over 1.0 m (3.3 ft) in height must be designed and inspected after construction by a professional engineer. The land owner shall provide to the municipality the design and inspection report, both bearing the seal and signature of a professional engineer.
- 45.7 A temporary fence shall be erected around all excavations which in the opinion of the Development Officer/Municipal Planning Commission may be hazardous to the public.



Section 46: Objects Prohibited or Restricted in Yards

- 46.1 No person shall keep or permit in any yard in any district any object or chattel which, in the opinion of the Development Authority is unsafe, unsightly or adversely affects the amenities of the district. This includes dismantled or wrecked motor vehicles, building materials, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, toxic chemicals, and diesel fuel and gasoline products.
- 46.2 The outdoor storage of materials, products, equipment or machinery shall not be permitted in the required front yard of commercial districts unless required as part of the sale, promotion or display of merchandise as determined by the Development Officer/Municipal Planning Commission.
- 46.3 No occupant of a principal dwelling in a residential district shall permit a recreational vehicle to be used for living or sleeping accommodation for longer than a continuous 14 day period.
- 46.4 A motor vehicle, recreational vehicle or watercraft shall not be parked in a front yard except on a driveway.

Section 47: Permitted Projections

- 47.1 The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
 - 47.2 Front Yard:
 - 47.2.1 2.0 m (6.6 ft.) for balconies; and
 - 47.2.2 1.0 m (3.3 ft.) for cantilevers, eaves, gutters, landings, and window sills.
 - 47.3 Rear Yard:
 - 47.3.1 2.0 m (6.6 ft.) for balconies; and
 - 47.3.2 1.0 m (3.3 ft.) for box-outs, cantilevers, eaves, gutters, landings, and window sills.
 - 47.4 Side Yard (Interior):
 - 47.4.1 1.0 m (3.3 ft.) for balconies; and
 - 47.4.2 0.6 m (2.0 ft.) for box-outs, eaves, gutters, landings and window sills.
 - 47.5 Side Yard (Exterior):
 - 47.5.1 1.0 m (3.3 ft.) for balconies; and
 - 47.5.2 0.6 m (2.0 ft.) for box-outs, cantilevers, eaves, gutters, landings and window sills.

- 47.6 For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.
- 47.7 No projection will be permitted if, in the opinion of the Development Officer/Municipal Planning Commission, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.
- 47.8 No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m (9.8 ft.) from finished grade to the lowest point of the projection is maintained.
- 47.7 The projection length limitations are as follows:
 - 47.7.1 The individual projection maximum length shall not exceed 3.0 m; (9.8 ft.) and
 - 47.7.2 The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

Figure 47-1: Permitted Projections - Front and Interior Side Yard Setbacks

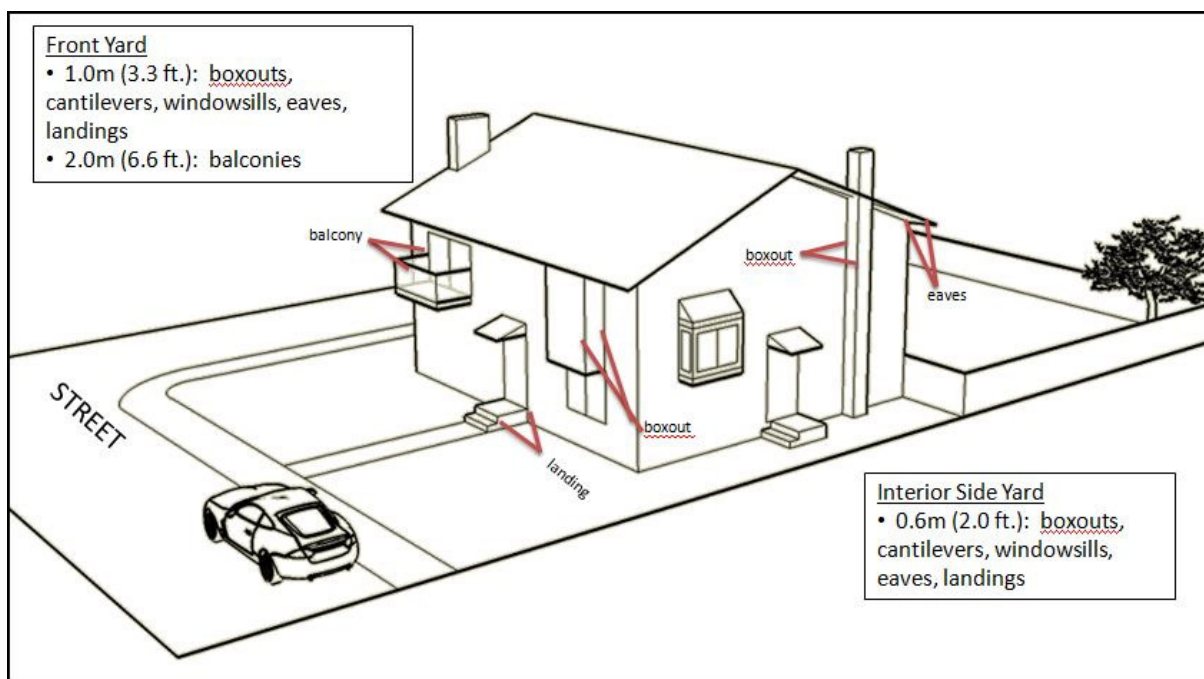
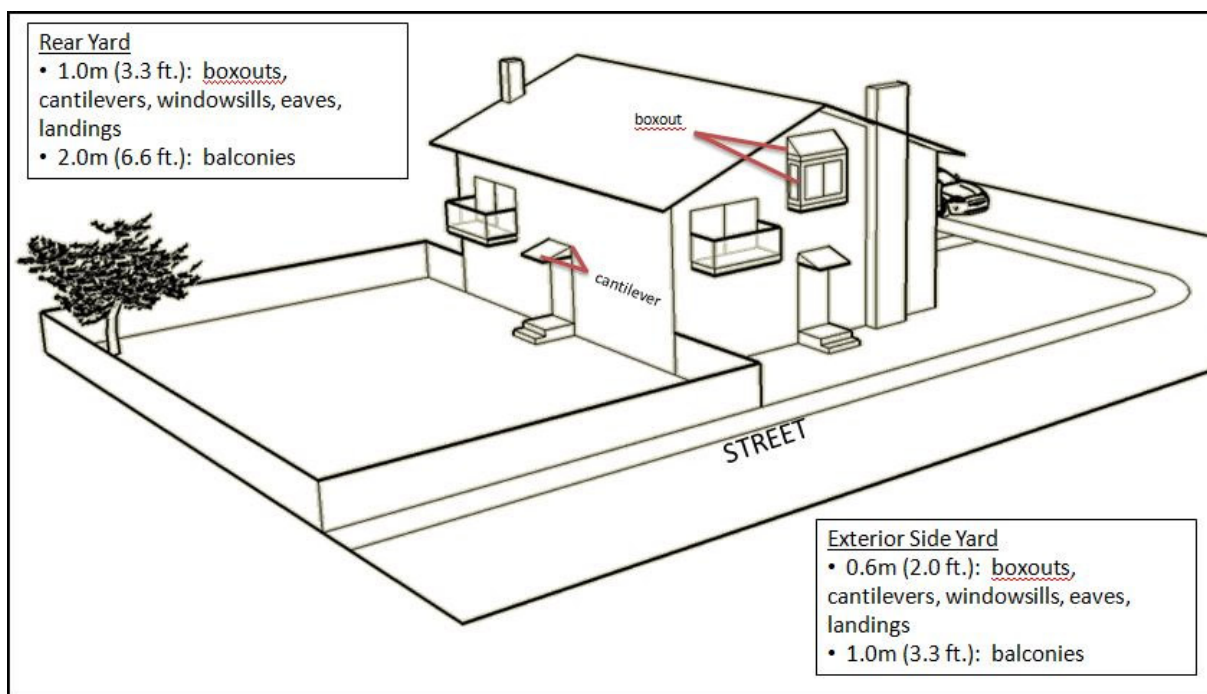


Figure 47-2: Permitted Projections - Rear and Exterior Side Yard Setbacks



Section 48: Relocation of Buildings not of New Construction other than Mobile Homes

- 48.1 A person wishing to move an existing building onto a lot shall make application for a Development Permit in the usual way but also provide the following information:
- 48.1.1 Age, size and structural condition of the building;
 - 48.1.2 Photographs showing all sides of the building; and
 - 48.1.3 A statement of the proposed improvements.
- 48.2 The Development Officer shall inspect the building which is proposed to be moved in, or he/she may request another qualified person to do so and report back, in either case the expenses of such inspection shall be paid by the applicant before any Development Permit is issued.
- 48.3 The Development Officer may issue a Development Permit for the proposed building without conditions, or subject to such conditions as he/she deems it necessary to ensure that the building is renovated to a satisfactory standard.
- 48.4 The Development Officer may require a letter of security and/or performance bond of up to \$5,000 to guarantee satisfactory completion of work stipulated in the Development Permit.



Section 49: Satellite Dish and Amateur Radio Antennas

- 49.1 All satellite dish and amateur radio antennas shall be located on the same site as the intended signal user.
- 49.2 Satellite dishes that conform to all other provisions of the Land Use Bylaw do not require a development permit.
- 49.3 No satellite dish antenna which is accessory to the principal use of a site shall be located in, or encroach onto, a front or side yard in any residential district.
- 49.4 A satellite dish antenna larger than 1.0 m (3.3 ft.) in diameter shall not be located on a roof top except for apartment buildings and buildings in non-residential districts.
- 49.5 Where any portion of a satellite dish antenna is more than 3.0 m (9.8 ft.) above grade, it shall be screened and located to the satisfaction of the Development Officer/Municipal Planning Commission.
- 49.6 Location restrictions for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Authority that compliance would interfere with signal reception.
- 49.7 An applicant for a development permit for an amateur radio antenna shall notify and provide comments of all landowners located within 75.0 m (246.1 ft.) from the boundary of the property.
- 49.8 The maximum height of an amateur radio antenna in residential districts shall be 19.0 m (62.3 ft.).
- 49.10 Antennas shall not be illuminated unless required by Transport Canada regulations, and except for a manufacturer's logo shall not exhibit or display any advertising.



Section 50: Temporary Structures

- 50.1 A temporary structure may not be erected without permission of the Municipal Planning Commission which may be granted as follows:
- 50.1.1 Any district other than a residential district subject to the owner agreeing to remove such a building in accordance with the terms and conditions stipulated by the Development Officer;
- 50.1.2 A residential district provided that:
- (a) No such temporary building shall have a floor area of more than 16.5 square metres (178.2 square ft.), be more than 3.0 metres (9.8 ft.) in height or set back less than 1.2 (3.9 ft.) metres from the side and rear property lines; and
 - (b) The owner enters into an agreement to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;
 - (c) There shall be no more than one temporary structure per site;
 - (d) A temporary building being used as a garage must be placed in the rear yard only;
 - (e) In the case of a pre-manufactured temporary building, the elevations shall be subject to approval of the Municipal Planning Commission; and
 - (f) The building is completed in accordance with the terms stipulated by the Municipal Planning Commission, provided that the temporary building permit shall expire at the end of 24 months, unless renewed by the Municipal Planning Commission for a further term, and that such building will comply with this Bylaw.
- 50.2 If an owner fails to comply with the terms and conditions of a temporary building development permit, the Development Officer/Municipal Planning Commission may remove or cause to be removed such building as the case may be, the costs of which shall be charged against the lands upon which the temporary building is situated and shall be payable by the owner to the Town on demand.
- 50.3 A temporary structure shall not be used as a dwelling.
- 50.4 Metal freight/cargo storage containers shall only be permitted in the Light Industrial Business District.



EIGHT: Transportation Facilities

Section 51: Parking

51.1 General Regulations:

51.1.1 All off-street parking facilities shall be separated from streets by a landscaped area of at least 1.0 m (3.3 ft.) in width.

51.1.2 All off-street parking facilities shall be so constructed that:

- (a) Necessary curb cuts are located and flared to the satisfaction of the Development Officer/Municipal Planning Commission;
- (b) Every off-street parking space provided, and the access thereto shall be hard surfaced if the access is from a street or lane that is hard surfaced;
- (c) Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent or other properties;
- (d) Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Officer/Municipal Planning Commission; and
- (e) Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of total number of stalls required for the project. A maximum of 5% of the total number of stalls required may be required to be provided for the handicapped by the M.P.C., provided that a maximum of three stalls may be required for any project, unless exceptional circumstances due to the magnitude of the development would warrant more than three stalls.

51.3 Parking Requirements:

51.3.1 All parking spaces, loading spaces, manoeuvring aisles and driveways shall be surfaced and maintained to the satisfaction of the Development Officer/Municipal Planning Commission.

51.3.2 All parking spaces, loading spaces, manoeuvring aisles and driveways shall be demarcated to the satisfaction of the Development Officer/Municipal Planning Commission.

51.3.3 A parking lot shall be designed, located and constructed so that it:

- (a) Is accessible to and appropriate for types of motor vehicles using it and the frequency of use;

- (b) Is appropriately surfaced and drained as required by the Development Officer/Municipal Planning Commission; and
- (c) Does not interfere with pedestrian or traffic safety.

51.3.4 Size of Parking Stalls and Drive Aisles:

- (a) Parking angles may have a value of 90 degrees or range from 90 degrees to 45 degrees;
- (b) Unless otherwise allowed by the Development Officer/Municipal Planning Commission, the minimum dimensions for the design of parking facilities shall be as set out in Figure 50-1 and Table 50-1;
- (c) Parking dimensions for parking angles between 90 degrees and 45 degrees shall be calculated using a straight-line interpolation between dimensions;
- (d) For parallel parking, the length of the parking spaces shall be 7.0 m (23.0 ft.), except that an end space with an open end shall be a minimum of 5.5 m (18.1 ft.);
- (e) Manoeuvring aisles and driveways serving as fire lanes shall be at least 6.1 m (20.0 ft.) wide;
- (vi) Parking stalls shall be clear of all obstructions, other than wheel stops; and
- (vii) The maximum grade of a parking stall shall not exceed 4% in any direction.

Figure 51-1: Illustration of Parking Standard Dimensions

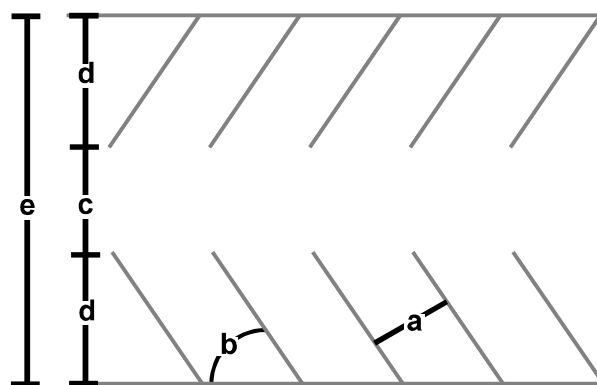


Illustration relates to column headings in Table 50-1



Table 51-1: Parking Stall Design Standards

Stall Width (a)	Parking Angle (in Degrees) (b)	Aisle Width (c)	Stall Depth Perpendicular to Aisle (d)	Parking Unit Depth (e)
7.0 m (23.0 ft.)	0	3.5 m (11.5 ft.)	3.0 m (9.8 ft.)	13.0 m (42.7 ft.)
3.0 m (9.8 ft.)	45	4.0 m (13.1 ft.)	6.0 m (19.7 ft.)	16.0 m (52.5 ft.)
3.0 m (9.8 ft.)	60	5.5 m (18.1 ft.)	6.5 m (21.3 ft.)	18.5 m (60.7 ft.)
3.0 m (9.8 ft.)	90	7.0 m (23.0 ft.)	6.0 m (19.7 ft.)	19.0 m (62.3 ft.)

51.3.5 The portion or portions of a parking lot used for parking must:

- (a) Be marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle; and
- (b) Have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or buildings.

51.3.6 Wheel stops shall not exceed 0.1 m (0.3 ft.) in height above the parking stall surface and shall be placed perpendicular to the parking stall depth, 0.6 m (2.0 ft.) from the front of the parking stall.

51.4 Number of Stalls Required

51.4.1 Where the calculation of the required number of parking stalls or loading spaces results in a fraction number of parking spaces, the next higher number shall be taken.

51.4.2 Where a development falls within two or more of the categories listed in this Section, it shall comply with all parking regulations applicable to all of the categories. The highest requirement shall be used.

51.4.3 Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Officer/Municipal Planning Commission, having regard to similar uses for which specific parking stall requirements are set.

51.4.4 Unless otherwise allowed by the Development Officer/Municipal Planning Commission, the required number of vehicle parking stalls for a use shall be as set forth in the following table (note GFA = Gross Floor Area).



Table 51-2: Parking Requirements

Land Use	Minimum Parking Standard
Abattoir	1 stall/100 m ² (1080 ft ²) GFA
Apartment - Bachelor/1 Bedroom	1 stall/dwelling unit plus 0.15 stalls/ dwelling unit designated as visitor parking
Apartment - 2 Bedroom	1.5 stalls/dwelling unit plus 0.15 stalls/ dwelling unit designated as visitor parking
Apartment - 3 or more Bedroom	2 stalls/dwelling unit plus 0.15 stalls/ dwelling unit designated as visitor parking
Auction Mart	1 stall/25 m ² (270 ft ²) GFA
Autobody and Repair Shop	6 stalls/bay
Automobile and RV Sales and Rental	1 stall/100 m ² (1080 ft ²)GFA
Automobile Repair Garage	6 stalls/bay
Automobile Service Station	6 stalls/bay; plus 1 stall/25 m ² (270 ft ²) retail space
Automobile Supply Store	1 stall/25 m ² (270 ft ²) GFA
Bank / Financial Institution	2 stalls/100 m ² (1080 ft ²) GFA and a minimum of 5 stalls for staff
Basement Suite	1 stall/bedroom
Bed and Breakfast Facility	1 stall/rented room in addition to spaces required for dwelling unit
Bottled Gas Sales and Storage	1 stall/100 m ² (1080 ft ²) GFA
Bulk Fuel Station	1 stall/100 m ² (1080 ft ²) GFA
Caterer	1 stall/100 m ² (1080 ft ²) GFA
Clinic	1 stall/25 m ² (270 ft ²) GFA
Community Hall	Discretion of Development Authority
Contracting Services - Major	1 stall/50 m ² (540 ft ²) GFA for office space and 1 stall/100 m ² (1080 ft ²)GFA for other buildings
Contracting Services – Minor	1 stall/50 m ² (540 ft ²) GFA for office space and 1 stall/100 m ² (1080 ft ²) GFA for other buildings
Convenience Food Store	1 stall/25 m ² (270 ft ²) GFA
Day Care Facility	1 stall/staff on duty plus 0.2 stalls/child (design capacity)
Dry Cleaning and Laundry Depot / Plant	1 stall/100 m ² (1080 ft ²) GFA
Dwelling - Duplex	2 stalls/dwelling unit
Dwelling - Fourplex	2 stalls/dwelling unit
Dwelling - Rowhouse	2 stalls/dwelling unit
Dwelling – Single Detached	2 stalls
Dwelling - Triplex	2 stalls/dwelling unit
Farm Supply Store	1 stall/100 m ² (1080 ft ²) GFA
Feed Mills and Grain Elevators	1 stall/100 m ² (1080 ft ²) GFA
Florist Shop	1 stall/25 m ² (270 ft ²) GFA



Land Use	Minimum Parking Standard
Food and Beverage Service Facility	1 stall/4 seats
Funeral Home	1 stall/5 seats
Gaming or Gambling Establishment	1 stall/3 seats
Gas Bar	3 stalls
Group Care Facility	0.5 stalls/dwelling unit
Handicraft Business	1 stall/100 m ² (1080 ft ²) GFA
Hotel	1 stall/guest room plus 1 stall/staff on duty
Industry / Manufacturing – Small Scale	1 stall/100 m ² (1080 ft ²) GFA
Laboratory	1 stall/50 m ² (540 ft ²) GFA
Laundromat	1 stall/25 m ² (270 ft ²) GFA
Light Equipment Repair / Rental	1 stall/100 m ² (1080 ft ²) GFA
Livestock Auction Mart	1 stall/25 m ² (270 ft ²) GFA
Mobile Home	2 stalls
Motel	1 stall/guest room plus 1 stall/staff on duty
Museum	2 stalls/100 m ² (1080 ft ²) GFA
Nursing Home	1 stall/4 beds
Office Building	1 stall/50 m ² (540 ft ²) GFA
Oilfield Support Services	1 stall/100 m ² (1080 ft ²) GFA
Personal Service Shop	1 stall/25 m ² (270 ft ²) GFA
Pharmacy	1 stall/25 m ² (270 ft ²) GFA
Public Assembly	1 stall/25 m ² (270 ft ²) GFA
Recreation Facility	Discretion of Development Authority
Recreational Amusement Park	Discretion of Development Authority
Restaurant	1 stall/4 seats
Restaurant – Drive Thru	1 stall/4 seats
Restaurant – Takeout/Delivery	3 stalls
Retail Store	1 stall/25 m ² (270 ft ²) GFA
School – Elementary and Middle School	5 stalls plus 1 stall per classroom
School – High School	1 stall/3 students (design capacity)
Seed Cleaning Plant	1 stall/100 m ² (1080 ft ²) GFA
Senior Citizen Self Contained Units	2 stalls/dwelling unit plus 1 stall/staff on duty
Supermarket	1 stall/25 m ² (270 ft ²) GFA
Taxi and Bus Depot	1 stall/25 m ² (270 ft ²) GFA
Trade / Commercial School	1 stall/3 students (design capacity)
Transport / Truck Operation	1 stall/100 m ² (1080 ft ²)GFA
Truck and Mobile Home Sales and Rental	1 stall/100 m ² (1080 ft ²) GFA
Vehicle Wash	3 stalls
Veterinary Clinic	1 stall/50 m ² (540 ft ²) GFA
Warehouse Store	1 stall/25 m ² (270 ft ²) GFA

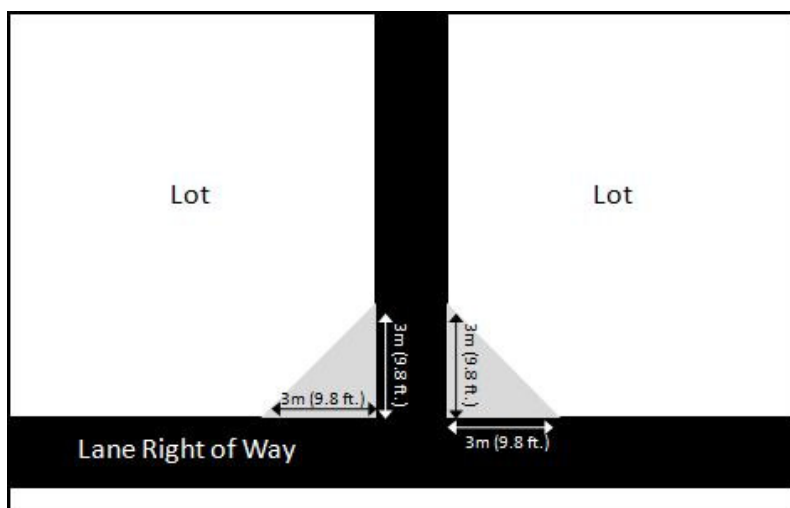
Section 52: On-Site Loading Requirements

- 52.1 All multiple-family developments, commercial businesses and industrial businesses shall provide a minimum of one loading space. A loading space shall be designed and located so that all vehicles using that space can be parked and manoeuvred entirely within the bounds of the site without backing to or from adjacent streets.
- 52.2 A loading space shall be a minimum width of 3.5 m (11.5 ft.) and a minimum depth of 8.0 m (26.3 ft.) and maintain a minimum overhead clearance of 4.6 m (15.1 ft.).
- 52.3 For apartment or multiple-family developments with more than twenty (20) units, adequate loading space shall be provided to the satisfaction of the Development Officer/Municipal Planning Commission.

Section 53: Vehicles

- 53.1 Access to Sites:
- 53.1.1 All access locations and curb crossings require the approval of the Town.
- 53.1.2 All sites shall be designed so that backing manoeuvres necessary to access a parking stall, a loading door, a drive-through or any other area where vehicles operate, take place wholly on the site. Exceptions are single detached dwellings and individual parking stalls accessing a lane.
- 53.2 Sight Lines at Intersections of Roadways
- 53.2.1 At the intersection of lanes, a 3.0 metre (9.8 feet) sight triangle shall be maintained:

Figure 53-1: Sight Triangle at Intersection of Lanes





53.2 At the intersection of other roadways, the Development Officer/Municipal Planning Commission may require the calculation of sight triangles where:

- (a) One or more rights of way is less than 15.0 metres (49.2 feet) in width; or
- (b) Regulated vehicle speed exceeds 50 kilometres per hour ; or
- (c) One of the carriageways is not centred in its right-of-way; or
- (d) An intersection leg is curved or skewed; or
- (e) An intersection leg is sloped at 2 percent or greater.

53.3 Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways.

53.3 Driveways:

53.3.1 At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than:

- (a) 6.0 metres (19.7 feet) where the driveway serves not more than 4 dwelling units; or
- (b) 15.0 metres (49.2 feet) for other uses, except where existing/planned traffic volumes indicate that a greater distance is needed to improve/maintain traffic safety and efficiency.

53.3.2 Driveway widths for residential parking stalls shall not exceed 40% of the total lot frontage at the property line, but in no case shall be less than 3.0 metres (9.8 feet) wide.

53.3.3 Commercial and industrial driveways intended for two-way vehicle movement shall be at least 9.0 metres (29.5 feet) wide. The maximum width of a commercial or industrial driveway shall be 10.0 metres (32.8 feet).

53.3.4 The minimum distance between driveways shall be:

- (a) Nil, where the driveways serve single dwelling units,
- (b) 6.0 metres (19.7 feet) for other uses, except where existing/planned traffic volumes indicate that a greater distance is needed to improve/maintain traffic safety and efficiency.

53.3.5 The minimum angle for a driveway to a commercial, industrial, or high density residential use shall be 70 degrees.

NINE: Signs

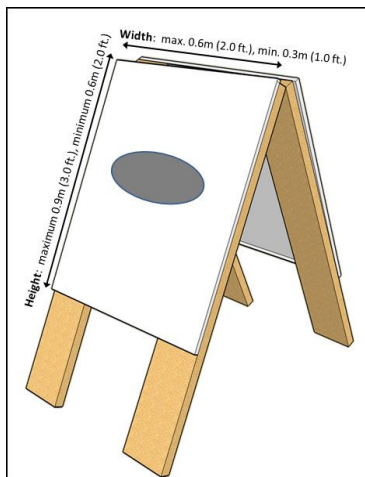
Section 54: General Provisions

- 54.1 Signs shall only be erected on sites to which their display relates except in the base of advance directional signs which may be approved by the Development Officer/Municipal Planning Commission in locations where it considers the free and safe flow of traffic may be enhanced.
- 54.2 A sign shall not conflict with the general character of the surrounding landscape or the architecture of nearby buildings or be liable to create a cluttered appearance.
- 54.3 A sign shall not project closer than 0.75 m (2.46 ft.) to the exterior wall of the building.
- 54.4 Where a sign projects over public property, a minimum distance of 2.5 m (8.2 ft) above grade level shall be maintained.
- 54.5 Notwithstanding 53.4, where a sign projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft.) above grade level shall be maintained.
- 54.6 A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- 54.7 A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.

Section 55: A-Board Signs Figure 54-1: A-Board Sign

- 55.1 A-Board Signs shall:
 - 55.1.1 Be of a painted finish, be neat and clean, and be maintained in such condition; and be of a size not exceeding 0.6 m (2.0 ft.) wide by 0.9 m (3.0 ft.) high, and not less than 0.3 m (1.0 ft.) wide by 0.6 m (2.0 ft.) high.

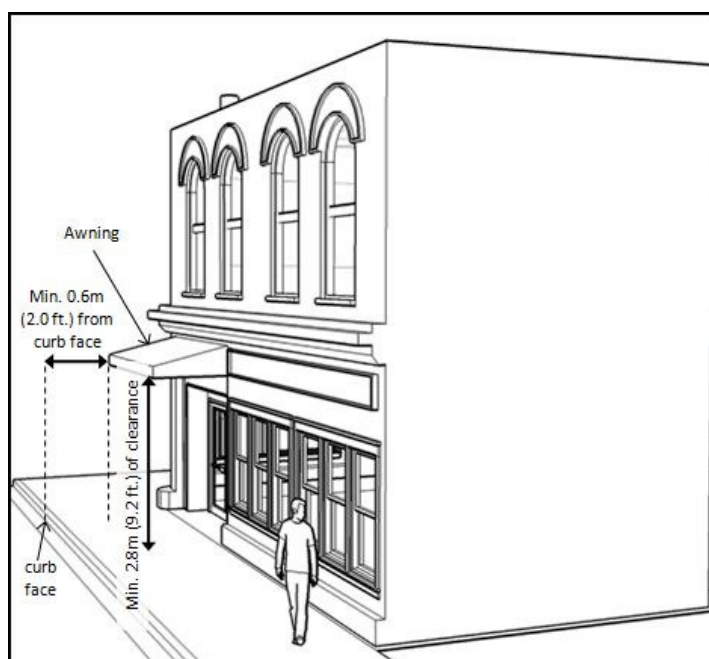
Figure 55-2: A-Board Sign



Section 56: Awning and Canopy Signs

- 56.1 Awning and canopy signs shall not project from the building to a point greater than where a perpendicular line from the front edge of the awning will intersect the sidewalk 0.6 m (2.0 ft.) from the face of the curb.
- 56.2 Canopy signs may be attached to the sides and front of the canopy, and such signs may extend the entire length and width of the canopy.
- 56.3 Under canopy signs may be hung from the canopy provided such signs shall not:
 - 56.3.1 Extend beyond the sides or the front of such canopy; and
 - 56.3.2 Exceed a vertical dimension of 1.5 m. (4.9 ft.)
- 56.4 No person shall erect an awning sign, a canopy sign or an under canopy sign unless such sign:
 - 56.4.1 Is securely hung and anchored to the building to which it is attached;
 - 56.4.2 The structure to which it is attached is capable of resisting all stresses resulting from dead weight, snow and wind loads;
 - 56.4.3 Is at a clearance of not less than 2.8 m (9.2 ft.) from the average ground level at the face of the building;
 - 56.4.4 Does not project more than 3.0 m (9.8 ft.) from the face of the building or structure to which it is attached.

Figure 56-1: Awning and Canopy Signs





Section 57: Billboards

- 57.1 A development permit for a billboard shall not be issued unless the billboard is to be located on a lot abutting Highway 13 right-of-way subject to the approval of Alberta Infrastructure and Transportation.
- 57.2 A billboard sign shall not:
- 57.2.1 Be more than 3.0 m (9.8 ft.) high, and not more than 6.0 m (18.7 ft.) long;
 - 57.2.2 Be less than 3.6 m (11.8 ft.) above grade level;
 - 57.2.3 Have a maximum height above grade of more than 6.0 m (19.7 ft.);
 - 57.2.4 Have a maximum area exceeding 18.0 m² (194.4 ft²);
 - 57.2.5 Be less than 15.0 metres (49.2 feet) from the nearest billboard; and
 - 57.2.6 Not be located closer than 3.0 m (9.8 ft.) to any property line.
- 57.3 The land and the sites in and about where the billboards are permitted shall be at all times maintained in a neat and clean manner, free from all loose papers and rubbish. A second face may be required on the billboard where the back of the billboard is visible to pedestrian or vehicle traffic.

Section 58: Election Signs

- 58.1 Election signs may be placed on private or public property (with the approval of the owner/public authority).
- 58.2 Election signs are permitted on municipal property only as designated by the Development Authority.
- 58.3 No encroachment of an election sign from private property onto municipal property will be permitted unless it is at a designated location.
- 58.4 Election signs must be located at least 3.0 m (9.8 ft.) from the edge of the travelling surface of a roadway.
- 58.5 Election signs on public property may not exceed 3.0 m² (32.4 ft²) in size nor 3.6 m (11.8 ft.) in height.
- 58.6 Candidates shall remove their election signs from public and private property within 48 hours after the close of the voting stations on election day and ensure that the site is cleaned up and that the holes are filled with a mixture of topsoil and grass seed;
- 58.7 If a candidate fails to remove his or her election signs within 48 hours after the voting stations close on election day, the Bylaw Enforcement Officers may remove them and the candidate shall be liable for the cost of removal.
- 58.8 When an election sign interferes with work being carried out by Town work crews or contractors doing work on behalf of the Town, the crews may remove and dispose of such signs.



- 58.9 Bylaw Enforcement Officers employed by the Town may remove any election signs, which have been erected, affixed, posted or placed on any Town property in contravention of this bylaw.
- 58.10 A candidate whose name appears on an election sign, which is in contravention of this bylaw, shall be guilty of an offence under this bylaw.

Section 59: Fascia Signs

- 59.1 Fascia signs shall not be located above any portion of a street, or project over public property unless there is a minimum clearance from grade of 2.5 m (8.2 ft.) and a maximum projection of 0.4 m (1.3 ft.).
- 59.1.2 A fascia sign shall not exceed 20% of the visible area of the façade of each wall of the building on which it is located; and
- 59.1.2 A fascia sign may be illuminated.

Section 60: Freestanding Signs

- 60.1 A freestanding sign may be allowed in a setback area as established in the Land Use Bylaw and is subject to the condition that it be removed or relocated at the owner's expense upon 30 days written notice from the Town.
- 60.2 Freestanding signs in non-residential districts are subject to the following regulations:
- 60.2.1 One (1) freestanding sign shall be allowed per lot frontage for the purpose of identifying the use or building on that lot;
- 60.2.2 The sign shall be designed in a manner which is architecturally compatible with the general character of the building and/or the surrounding streetscape, as approved by the Development Officer/Municipal Planning Commission;
- 60.2.3 The maximum area of the freestanding sign shall not exceed 18.0 m² (194.4 ft²);
- 60.2.4 The maximum height of the freestanding sign shall not exceed 9.0 m (29.5 ft.);
- 60.2.5 Free standing signs shall not identify any accessory tenants within the principle building;
- 60.2.6 The sign may be illuminated, but shall not have flashing or intermittent lights or device or mechanism that creates the impression of flashing or intermittent lights. Reader board signs are permitted.
- 60.2.7 At the discretion of the Development Officer/Municipal Planning Commission, landscaping may be required at the base of the sign; and
- 60.2.8 The bottom of freestanding signs shall be a minimum of 3.6 m (11.8 ft) above grade, unless a lesser distance is approved by the Development Officer/Municipal Planning Commission, and the space between the bottom of the sign and the grade

shall be unobstructed, except for such supports as the sign may require.

60.3 Freestanding signs in residential districts shall be permitted under the following provisions:

60.3.1 One identification freestanding sign may be allowed to identify the name of an apartment, multi-family complex, mobile home court or a subdivision, and which does not: exceed 2.0 square metres (21.6 feet) in area; project within 0.6 metres (2.0 feet) from the property line; or exceed 3.5 metres (11.5 feet) in height.

60.3.2 Freestanding signs identifying the name of the community, neighbourhood, or subdivision shall blend in with the architecture or development theme of the surrounding area; and

60.3.3 A neighbourhood identification sign shall not contain an advertisement in any form but may contain the name or logo of the company or companies which developed the neighbourhood.

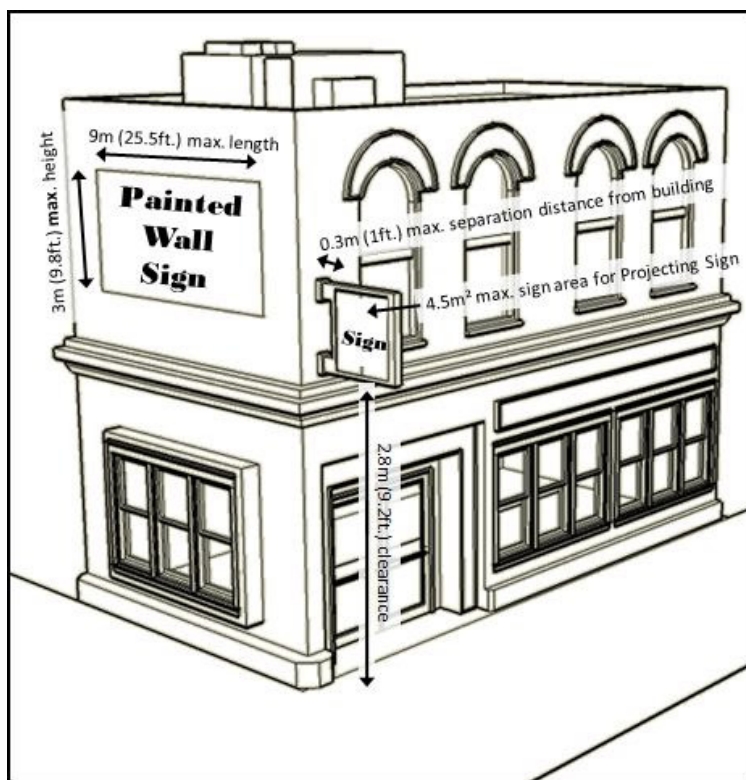
Section 61: Painted Wall Signs

61.1 A painted wall sign shall not exceed 3.0 m (9.8 ft.) in height and 9.0 m (29.5 ft.) in length.

61.2 Only one sign per wall is permitted.

61.3 Notwithstanding Section 60.1, a sign may be the entire length of an exterior wall providing the design has been approved by the Development Officer/Municipal Planning Commission.

Figure 61-1: Painted Wall Signs and Projecting Signs





Section 62: Portable and Inflatable Signs

62.1 Regulations include:

- 62.1.1 A portable sign shall be installed, serviced, removed and accessed from the property on which the sign is located;
- 62.1.2 A portable sign shall not exceed 4.0 m² (43.2 ft²) per face, nor shall any such sign exceed 3.0 m (9.8 ft.) in height from grade;
- 62.1.3 No portable sign shall be illuminated or employ any flashing or sequential lights or any mechanical or electronic device to produce or stimulate motion, or be confused with traffic signs;
- 62.1.4 A portable sign shall not interfere with pedestrian and/or vehicle traffic;
- 62.1.5 Each property is entitled to utilize one portable sign;
- 62.1.6 No portable signs are permitted on Town owned property;
- 62.1.7 A portable sign must be stabilized but shall not use unsightly or potentially hazardous methods;
- 62.1.8 A portable sign shall be removed immediately on ceasing to be in use; and
- 62.1.9 A portable sign in use, shall at all times be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within 24 hours of knowledge of same coming to the attention of the permit holder.

62.2 Inflatable Signs:

- 62.2.1 An inflatable sign shall be tethered or anchored and shall be touching the surface to which it is anchored;
- 62.2.2 An inflatable sign shall not exceed the maximum free standing sign height allowed (9.0 m or 29.5 ft.);
- 62.2.3 There shall be a maximum of one (1) inflatable sign per site, but no inflatable sign shall be permitted on the site containing any other portable sign; and
- 62.2.4 An inflatable sign may be placed on a site twice within a calendar year, but not for more than 30 days at a time.



Section 63: Projecting Signs

- 63.1 No projecting sign shall be erected so that the bottom thereof is less than 2.8 m (9.2 ft.) above the sidewalk; provided however, where traffic lights may be obscured in the opinion of the Development Officer/Municipal Planning Commission, the minimum requirement for the bottom of the projecting sign may be increased to a height of 3.6 m (11.8 ft.) or more above the sidewalk.
- 63.2 All projecting signs shall maintain the required clearance from overhead power and service lines as required forth under The Electrical Protection Act.
- 63.3 The maximum area of a projecting sign shall be 4.5 m² (48.6 ft²).
- 63.4 The nearest edge of a projecting sign shall not be set off more than 0.3 m (1.0 ft.) from the building face.

Section 64: Wall Signs

- 64.1 Wall signs shall be securely fastened to walls and shall not be entirely supported by an unbraced parapet wall.
- 64.2 The maximum horizontal dimension of a wall sign shall be 6.0 m (19.7 ft.).



TEN: Land Use Districts

Section 65: Establishment of Land Use Districts

65.1 For the purposes of this Bylaw the Town of Killam is divided into the following districts:

Residential Single Detached	R1A
Residential General	R1
Residential Mobile Home Subdivision	R2
Residential Multi Family	R3
Residential Low Density	R4
Commercial Central	C1
Light Industrial Business	LIB
Parks	P
Institutional	I
Urban Reserve	UR
Direct Control	DC

65.2 The boundaries of the districts listed in this Bylaw are as delineated in Schedule A, Land Use District Map.

65.3 Where uncertainty exists as to the boundaries of districts as delineated in the Land Use District Map, the following rules shall apply:

65.3.1 Where a boundary is shown as following a street, lane, or creek, it shall be deemed to follow the centre line thereof.

65.3.2 Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

65.3.3 Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the Certificate of Title or the Plan of Survey when registered in a land title office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.

65.4 The district standards of this Bylaw do not apply to roads, lanes, or other public thoroughfares.



Table 65-1: Residential Land Uses

P = Permitted D = Discretionary						
Land Use Type	Land Use District					
	R1A	R1	R2	R3	R4	
Accessory Building	P	P	P	P	P	
Apartment				P		
Assisted Living Facility		D		D		
Basement Suites – Single Detached		D				
Bed and Breakfast Facility	D	D				
Dwelling, Duplex		D				
Dwelling, Fourplex				P		
Dwelling, Rowhouse				P		
Dwelling, Single Detached	P	P			P	
Dwelling, Single Detached, Relocated - Not of new Construction		D				
Dwelling, Triplex				P		
Garden Suite	D	D			D	
Group Care Facility		D		D		
Home Occupation	P	P	P	P	P	
Mobile Home			P/D			
Public Assembly	P	P	P	P		
Public Use	P	P	P	P	P	
Utility Buildings	D	D	D	D	D	



Section 66: R1A Residential Single Detached District – AMENDED BYLAW 801 – APRIL 22/10

66.1 Purpose:

To provide an area for single detached residential development.

66.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwelling, Single Detached (New Construction) Home Occupation Public Assembly Public Use	Bed and Breakfast Facility Garden Suites Utility Building Similar Use

66.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	40%.
Minimum Floor Area	100 square metres (1,080 square feet).
Maximum Building Height	<u>Dwelling</u> - 10.0 metres (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> - 7.0 metres (23.0 feet) from grade to roof peak.
Minimum Parcel Area	Interior Parcels 550 square metres (5,940 square feet). Corner Parcels 600 square metres (6,480 square feet).
Double Fronting Yards	A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
Front Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - None in Front Yard.
Rear Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line <u>Garage Roof Overhang</u> - 0.3 metre (1.0 feet).



Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none">- 1.5 metres (4.9 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none">- 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none">- 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>



Section 67: R1 Residential General District - AMENDED BYLAW 801 – APRIL 22/10

67.1 Purpose:

This district is generally intended to provide land for the development of low density single family dwellings.

67.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwelling, Single Detached – New Construction Home Occupation Public Assembly Public Use	Apartment Assisted Living Facility Basement Suite - Dwelling, Single Detached Bed and Breakfast Facility Dwelling, Duplex Dwelling, Single Detached - Relocated not of New Construction Garden Suites Group Care Facility Utility Building Similar Use

67.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this District.

Site Coverage	40%.
Minimum Floor Area	100 m ² (1,080 ft ²) - increased from 85 m ² (915 ft ²)
Minimum Parcel Area (Single Detached)	In the case of roadway and lane systems: - 475 m ² (5,130 ft ²); and In the case of laneless systems: - 502 m ² (5,422 ft ²); or Such greater size necessitated to meet minimum yard requirements.
Minimum Parcel Area (Duplexes)	In all cases: - 177.8 m ² per unit (3,000.0 ft ² per unit).
Maximum Building Height	<u>Dwelling</u> - 10.0 metres (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> - 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.



Front Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 metres (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - None in Front Yard.
Double Fronting Lots	<p>A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.</p>
Rear Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 m (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - - 0.3 metre (1.0 feet).
Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 1.5 metres (4.9 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>



Section 68: R2 Residential Mobile Home Subdivision District - AMENDED BYLAW 801 – APRIL 22/10

68.1 Purpose:

To provide an area for and to regulate the development and use of land for mobile homes, and other uses herein listed, which are compatible with a residential area on separately registered parcels.

68.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Home Occupation Mobile Homes < Eight (8) years of age from the date of Development Permit Application Public Assembly Public Use	Mobile Homes > Eight (8) years of age from the date of Development Permit Application Utility Building Similar Use

68.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	40%.
Floor Area	90 square metres (972 square feet).
Minimum Parcel Area	Interior Parcels – 460 square metres (4,968 square feet); and Corner Parcels – 510 square metres (5,508 square feet).
Double Fronting Lots	A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
Front Yard Setback	<u>Mobile Home</u> - 6.0 metres (19.7 feet). <u>Garage and Accessory Building</u> - None in the Front Yard.
Double Fronting Lots	A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
Rear Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line Garage Roof Overhang - - 0.3 metre (1.0 feet).



Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none">- 1.5 metres (4.9 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none">- 1.0 metres (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the neighbouring property line <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none">- 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>



Section 69: R3 Residential Multi Family District - AMENDED BYLAW 801 – APRIL 22/10

69.1 Purpose:

This district is generally intended to provide land for the development of higher density housing within Killam.

69.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Apartment Dwelling, Fourplex Dwelling, Rowhouse Dwelling, Triplex Home Occupation Public Assembly Public Use	Assisted Living Facility Group Care Facility Utility Building Similar Use

69.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this District.

Site Coverage	50%.
Minimum Floor Area	Not less than 75 m ² (810 ft ²) for a one bedroom unit, and an additional 11 m ² (119 ft ²) per unit for each bedroom in the unit included thereafter.
Minimum Parcel Area	Dwelling, Triplex, Fourplex and Rowhouse (Per Unit): - 240 m ² (2,592 ft ²) per unit. Dwelling, Apartment (Per Unit): - Shall be the greater of 555 m ² (5,995 ft ²); or 80 m ² (864 ft ²)/one bedroom unit; 95 m ² (1,026 ft ²)/two bedroom unit; and 115 m ² (1,242 ft ²)/three bedroom unit.
Maximum Building Height	<u>Dwelling, Triplex, Fourplex and Rowhouse:</u> - 10.0 metres (32.8 feet) from grade to roof peak. <u>Dwelling, Apartment:</u> At the discretion of the Development Authority. <u>Garage and Accessory Building</u> - 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.



Front Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 metres (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - None in Front Yard.
Double Fronting Lots	<p>A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.</p>
Rear Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 metres (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metre (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the opposite property line. <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metre (1.0 ft)
Side Yard Setback	<p><u>Dwellings</u></p> <ul style="list-style-type: none"> - 1.5 metres (4.9 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 11.0 metre (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the opposite property line. <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metre (1.0 ft)
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>



Section 70: R4 Residential Low Density District

70.1 Purpose:

To provide an area for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to the municipal water and sewer system.

70.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwellings, Single Detached Home Occupation Public Use	Garden Suite Utility Building Similar Use

70.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	10%.
Floor Area	100 m ² (1,080 ft ²)
Minimum Parcel Area	0.2 hectares (0.5 acres)
Maximum Parcel Area	0.4 hectares (1.0 acres)
Maximum Building Height	<u>Dwelling</u> 10.0 m (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.
Front Yard Setback	<u>Dwelling</u> 10.0 m (32.8 ft) <u>Garage and Accessory Building</u> None in Front Yard.
Double Fronting Lots	A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.



Side Yard Setback	<p><u>Dwelling</u> 1.5 m (4.9 ft) except where it abuts a public roadway 3.0 m (9.8 ft), or as required by the Alberta Building Code, whichever is greater.</p> <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none">- 11.0 metre (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the opposite property line.- 0.3 metres (1.0 feet).
Rear Yard Setback	<p><u>Dwelling</u> 15.0 m.</p> <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none">- 1.0 metre (3.3) feet, provided that access doors are no closer than 5.2 metres (17.1 feet) from the opposite property line.- 0.3 metres (1.0 feet).
Parking	<p>A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>
Accessory Buildings	<p>Section 34 of this Bylaw.</p>
Building Orientation	<p>Notwithstanding the foregoing regulations, all buildings shall be oriented and located to facilitate re-subdivision into residential parcels, roughly equivalent to those required in the R1 District.</p>



Section 71: C1 Commercial Central District

71.1 Purpose:

To provide for an area for intensive commercial use, offering a wide variety of goods and services and other uses, herein listed, which are compatible with the area, which will create an attractive environment for pedestrians, but which will be accessible to motor vehicles.

71.2 Uses:

Permitted Uses	Discretionary Uses
Automobile Supply Store	Accessory Use
Bank / Financial Institution	Apartment
Clinic	Automobile Repair Garage
Convenience Food Store	Building Demolition
Contracting Services – Minor	Communication Tower
Dry Cleaning and Laundry Depot / Plant	Parking Facility
Dwelling Units Above Ground Floor Business	Recreation Facility
Florist Shop	Recycling Depot
Food and/or Beverage Service Facility	Taxi / Bus Depot
Handicraft Business	Temporary Mobile Commercial Sales
Laundromat	Vehicle Wash
Light Equipment Repair / Rental	Utility Building
Office Building	Similar Use
Personal Service Shop	
Pharmacy	
Public Use	
Restaurant	
Restaurant – Drive Thru	
Restaurant – Takeout / Delivery	
Retail Store	
Sign	
Supermarket	



71.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	100%
Site Area	140 m ² (1,512 ft ²) with a width of not less than 7.5 metres (24.6 feet).
Maximum Building Height	10.0 metres (32.8 feet) without approval of the Development Authority.
Front Yard Setback	Nil.
Side Yard Setback	Nil, except where abutting a residential street 2.0 metres (6.6 feet). As per the building code, side yards of less than 2.0 metres (6.6 feet) requires non-combustible construction.
Rear Yard Setback	3.0 metres (9.8 feet) to provide for loading and solid waste disposal.
Accessory Buildings	Shall be 3.0 metres (9.8 feet) from the main building.
Access	Each parcel shall have access to a lane at one side or the rear.
Parking and Loading	Part 8 of this Bylaw.
Outdoor Storage and Display	Outdoor storage and display is not permitted except sidewalk sales. Garbage storage shall be confined to a designated area, and shall not have an adverse affect on the use or circulation on the parcel or adjacent parcels.
Dwelling Unit Entrance	Dwelling units shall have an entrance separate for the entrance to any commercial component of the building.



Section 72: LIB Light Industrial Business District

72.1 Purpose:

To provide an area for planned light industrial business parks containing clean industrial uses with compatible commercial uses.

72.2 Uses:

Permitted Uses	Discretionary Uses
Automobile and RV Sales and Rental	Abattoir
Automobile Service Station	Accessory Use
Automobile Supply Store	Auction Mart
Bank / Financial Institution	Autobody and Repair Shop
Caterer	Automobile Repair Garage
Clinic	Bottled Gas Sales and Storage
Convenience Food Store	Caretaker's Residence
Contracting Services – Minor	Communication Tower
Farm Supply Store	Concrete Manufacturing/Plant
Florist Shop	Contracting Services - Major
Food and/or Beverage Service Facility	Dry Cleaning and Laundry Plant / Depot
Gas Bar	Dwelling Units Above Ground Floor Business
Handicraft Business	Feed Mills and Grain Elevators
Hotel	Gaming or Gambling Establishment
Laundromat	Industry/Manufacturing – Small Scale
Light Equipment Repair / Rental	Laboratory
Motel	Livestock Auction Mart
Office Building	Oilfield Support Services
Personal Service Shop	Parking Facility
Pharmacy	Propane Transfer Facility
Public Use	Recreational Amusement Park
Restaurant – All Types	Recreation Facility
Retail Store	Recycling Depot
Shopping Centre	Research Facility
Sign	Seed Cleaning Plant
Supermarket	Tanker Truck Washing Facility
Theatre – Movie	Taxi / Bus Depot
Truck and Mobile Home Sales and Rental	Temporary Mobile Commercial Sales
Truck Stop	Transport/Truck Operation
Veterinary Clinic	Truck and Mobile Home Sales and Rental
Warehouse Store	Truck Stop
	Utility Building
	Vehicle Wash
	Similar Use



72.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Minimum Parcel Area	0.4 hectares (1.0 acres).
Minimum Parcel Frontage	30 metres (98.4 feet).
Maximum Building Height	10.0 metres (32.8 feet) without approval of the Development Authority.
Front Yard Setback	9.0 metres (29.5 feet).
Side Yard Setback	3.0 metres (9.8 feet).
Rear Yard Setback	3.0 metres, except where abutting a residential district 7.5 metres (24.6 feet).
Landscaping	When a development is proposed adjacent to a residential land use district, a public park, or a recreational uses, a buffer shall be provided and maintained to the satisfaction of the Development Authority. The buffer may be comprised of any or all of the following: landscaped greenspace; closed or open fencing; trees; and earth berming.
Parking and Loading	Part 8 of this Bylaw.
Outdoor Storage	All outdoor storage shall be screened. All outdoor display shall be screened from residential districts. Storage is not allowed in front yard. Garbage storage shall not have an adverse impact on the use or circulation on the parcel or adjacent parcels.



Section 73: P Parks District

73.1 Purpose:

To establish an are for the use and development of public parks to meet the active or passive recreational and leisure pursuits at the local, neighbourhood, municipal and district level.

73.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building and Accessory Use Park Recreational Facility Public Utility Building	Public and Quasi Public Use Similar Uses

73.3 Site Regulations:

All site and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. The design, siting, landscaping, screening and buffering shall be considered in order to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts and land uses.

Parking and Loading	Part Eight of this Bylaw.
Signs	Part Nine of this Bylaw.



Section 74: I Institutional District

74.1 Purpose:

To provide for an area for the development of public land, which are compatible with the adjacent surroundings.

74.2 Uses:

Permitted Uses	Discretionary Uses
Campground	Accessory Use
Community Hall	Building Demolition
Day Care Facility	Cemetery
Golf Course	Communication Tower
Institutional Use	Lagoon
Museum	Parking Lot (public)
Nursing Home	Public Assembly
Park	Recreation Facility
Public Use	Trade/Commercial School
School	Utility Building
Signs (Public)	Similar Use

74.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	40%
Floor Area	n/a
Minimum Parcel Area	n/a
Maximum Building Height	10.0 metres (32.8 feet) without approval of the Development Authority.
Front Yard Setback	Equal to or greater than the building height.
Side Yard Setback	Equal to or greater than the building height.
Rear Yard Setback	Equal to or greater than the building height.
Parking	Section 54 of this Bylaw.
Accessory Buildings	Section 33 of this Bylaw.



Section 75: UR Urban Reserve District

75.1 Purpose:

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

75.2 Uses:

Permitted Uses	Discretionary Uses
Single Detached Dwelling on Existing Parcel	Greenhouse or Plant Nursery Kennel Natural Resource Development Temporary Use or Building which in the opinion of the Municipal Planning Commission will not prejudice the possibility of conveniently and economically replotting or developing the area in the future

75.3 Site Regulations:

All site regulations shall be at the discretion of the Municipal Planning Commission.



Section 76: DC Direct Control District

76.1 Purpose:

To provide for developments that, due to their unique characteristics, innovative ideas or because of unusual site constraints, require specific regulations unavailable in other land use districts. This district is not intended to be used in substitution for any other land use district in this Bylaw that could be used to achieve the same result.

76.2 Uses:

Land uses and buildings will be subject to the approval of Council.

76.3 Regulations:

- (a) All site requirements shall be at the discretion of Council, based upon a review of the merits of the development proposal and the relevant land use planning considerations.
- (b) All development shall conform to the Town of Killam Municipal Development Plan.
- (c) Council may refer to other sections of this bylaw to determine requirements for specific types of proposed land uses on property zoned under this District. However Council is not bound by any other provisions of this bylaw other than those under this District.
- (d) When deciding a development permit application, Council shall consider the following:
 - The existing and future land use of neighbouring properties;
 - The suitability of the site for the proposed use;
 - The provision of municipal or on-site services such as water and sewer; and
 - Any considerations which are unique to the proposed development.
- (e) Council may decide on other requirements as are necessary, having regard to the nature of the proposed development.



Schedule "A": Land Use District Map

