Town of Fox Creek
Comprehensive
Community Plan

824—2019

Land Use Bylaw

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PART 2. Purpose and Application of the Land Use Bylaw

2.1 Title

2.1.1 This Bylaw is entitled the Town of Fox Creek Land Use Bylaw.

2.2 Purpose

2.2.1 The purpose of this Bylaw is to regulate the use and development of land and buildings in the Town of Fox Creek pursuant to Part 17 of the *Act*.

2.3 Application

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

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

2.4 Effective Date

2.4.1 This Bylaw comes into force and takes effect upon the date of its third reading. Land Use Bylaw 662-2007 as amended is hereby repealed.

2.5 Other Legislative Requirements

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

2.5.2 Nothing in this Bylaw exempts a person from obtaining a development permit as required by this Bylaw or from obtaining any other permit, licence or other authorization required by this or any other bylaw.

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

2.6 Transition

2.6.1 An application submitted and accepted prior to the approval of this Bylaw shall be considered under the provisions of Land Use Bylaw 662-2007, as amended.

2.7 Severability

2.7.1 In the event any portion of this Bylaw is found invalid or is overturned, the validity of the remaining portions of this Bylaw shall not be affected.

PART 3. Interpretation

3.1 Rules of Interpretation

3.1.1 For interpretation of the Bylaw, the metric values indicated in the Bylaw shall prevail. Approximate imperial measures are shown for convenience.

3.1.2 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.

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

3.1.4 Terms and words in this Bylaw which are defined in the *Act* shall have the meaning expressed in that act. Other terms and words not defined in this part shall be given their usual and customary meaning.

3.1.5 Where a regulation involves two (2) or more conditions or provisions connected by a conjunction, the following shall apply:

"and" means all the connected items shall apply in combination;

"or" indicates that the connected items may apply singly or in any combination; and

"either… or" indicates the items shall apply singly but not in combination.

PART 4. Amending the Bylaw

4.1 Bylaw Amendments

4.1.1 Town Council may amend this Bylaw pursuant to the *Act*.

4.1.2 Any person may apply to amend this Bylaw pursuant to the *Act*.

4.2 Contents of an Amendment Application

4.2.1 An application to amend this Bylaw shall be made to the Town on the prescribed form, and shall be signed by the applicant or their designated agent authorized in writing.

4.2.2 Any owner of a parcel or other persons having legal or equitable interest in the parcel may be an applicant for a Bylaw amendment.

4.2.3 The following information and documents shall accompany the application:

a. A written statement of the rationale for the request to amend the Bylaw, including a statement describing the implications of the amendment; and

b. The required application fee.

4.2.4 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 dated within thirty (30) days of the application date, and copies of any caveats or instruments registered in favour of the Town;

b. If the application is signed by a designated agent, 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.

4.2.5 Such additional information as the Development Authority may require to properly evaluate and to make recommendations to Council concerning the proposed amendment.

4.2.6 Council may require, prior to considering a proposed amendment to this Bylaw, that a developer prepare an Area Structure Plan in accordance with the *Act* or an Outline Plan in accordance with the Municipal Development Plan. The Area Structure Plan or Outline Plan shall address all those issues considered necessary for the proper consideration of development within the area covered by the Area Structure Plan or Outline Plan.

4.3 The Amendment Process

4.3.1 The amendment application may be referred by the Development Officer to:

a. Any Town Department for review and comment;

b. Any external agency for comment and advice;

c. The Municipal Planning Commission for consideration and recommendation to Council; and

d. Council for first reading and to establish a date for a public hearing to be held prior to second reading.

4.3.2 In accordance with the *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:

a. The legal description of the land;

b. The purpose of the proposed amendment;

c. The one or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;

d. The date, place, and time that Council will hold a public hearing on the proposed amendment;

e. An outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and

f. An outline of the procedures of how the public hearing will be conducted.

4.3.3 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 mailed to all adjacent landowners.

4.3.4 An amendment application shall not be presented to Council for a public hearing until twenty (20) days after the publication of the notice of application required in Section 4.3.2 or the mailing of notices to landowners specified in Section 4.3.3.

4.3.5 Council may pass the proposed amendment, make any changes to the proposed amendment it considers necessary and proceed to pass it without further advertisement or hearing, or defeat the proposed amendment, after considering:

a. The representations made to Council at the public hearing;

b. The Municipal Development Plan, and any other statutory plan applicable to the proposed amendment; and

c. Any other matter Council considers appropriate.

4.3.6 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.

4.3.7 If deemed necessary, the Town may initiate an amendment to this Bylaw without the landowner's consent.

PART 5. Development Authority

5.1 Development Authority

5.1.1 The position of Development Authority is established by the Bylaw pursuant to the *Act*.

5.1.2 Subject to Section 624 of the *Act*, the Development Authority may include one or more of the following:

a. The Development Officer(s);

b. The Municipal Planning Commission; or

c. Council acting as the Development Authority in a Direct Control District.

5.1.3 Council shall receive, consider and decide on applications for development permits in Direct Control Districts as the Development Authority. Council may delegate authority to a Development Officer or the Municipal Planning Commission to receive, consider and decide on applications for development permits in a Direct Control District.

5.1.4 The Development Authority shall:

a. Exercise powers and duties on behalf of the Town;

b. Perform duties as established by Council to enforce this Bylaw in accordance with the *Act*, as amended; and

c. Receive, consider and make decisions on applications for development permits and letters of compliance.

5.1.5 The Development Authority is not required to examine the title to any land or to make any other enquiry to discover if the use of a building or land is affected by any Town bylaw; any federal or provincial legislation; or any condition of any easement, covenant, building scheme or agreement.

5.2 Development Officer

5.2.1 The office of the Development Officer is hereby established by this Bylaw.

5.2.2 The person or persons to fill the office of the Development Officer shall be appointed by resolution of Council.

5.2.3 The Development Officer shall:

a. Administer this Bylaw;

b. Keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and a register of all applications for development and subsequent decisions;

c. Make decisions on all development permit applications for permitted uses;

d. Sign and issue all development permits and letters of compliance;

e. Make decisions on all development applications for Home Occupations pursuant to the provisions of Section 10.10.2 and 10.10.3;

f. Make decisions on accessory uses and building additions for discretionary uses and/or a Direct Control District so long as the size of the development does not exceed 30% of the existing approval. Any addition exceeding 30% of the existing approval must be referred to the Municipal Planning Commission for decision;

g. Refer all applications for discretionary uses, except those provided for in (f) and in Section 10.10.2 and Section 10.10.3, to the Municipal Planning Commission for decision;

h. Notwithstanding (g), make all decisions on development permit applications for signs, except in a Direct Control District where Council is specifically identified as the Development Authority for signs;

i. Refer all development permit applications in a Direct Control District, except for those provided in (f), to Council for a decision; and

j. Be the Development Authority for the purposes of the *Act* and this Bylaw except where responsibility is given to the Municipal Planning Commission or Council.

5.2.4 The Development Officer may:

a. Refer any development permit application to the Municipal Planning Commission; and

b. Refer any other planning or development matter to the Municipal Planning Commission for its review, support, or advice.

5.2.5 The Development Officer is a designated officer for the purpose of carrying out inspections and enforcement of this Bylaw in accordance with Sections 210 and 542 of the *Act*.

5.3 Subdivision Authority

5.3.1 Subject to Section 623 of the *Act*, the Subdivision Authority may include one or more of the following:

a. The Subdivision Officer(s);

b. The Municipal Planning Commission; or Council;

c. The position of Subdivision Officer is hereby established and shall be filled by the Development Officer(s); and

d. The Subdivision Authority shall perform such duties that are specified in the *Act*, the Subdivision and Development Regulation, and the Subdivision Authority Bylaw.

5.4 Municipal Planning Commission

5.4.1 The Municipal Planning Commission established by Bylaw No. 251 shall perform duties as specified in the *Act* and Subdivision and Development Regulation.

5.4.2 The Municipal Planning Commission shall:

a. Provide advice and assistance to Council on planning issues in the Town;

b. Issue decisions on development permit applications for permitted uses that are referred by the Development Officer;

c. Issue decisions for permitted uses or discretionary uses requiring a variance pursuant to Section 6.9 and Part 12;

d. Consider any other planning or development matter referred by the Development Officer or with respect to which it has jurisdiction under this Bylaw; and

e. Perform any other duties or functions assigned by Council.

5.5 Subdivision and Development Appeal Board

5.5.1 The Subdivision and Development Appeal Board shall perform the duties specified in the *Act*, the Land Use Bylaw, and the Subdivision and Development Appeal Board Bylaw.

5.5.2 The Subdivision and Development Appeal Board shall hear all appeals regarding:

a. A decision of a Development Authority on a development application;

b. A decision of a Subdivision Authority on a subdivision application where the Municipal Government Board does not have jurisdiction; and

c. The issuance of a stop order under Section 645 of the *Act* pursuant to the requirements of the *Act* and the Subdivision and Development Appeal Board Bylaw.

PART 6. Development Permits

6.1 Control of Development

6.1.1 Except as otherwise provided for in Section 6.3, no development shall be undertaken within the Municipality unless a development permit has been issued, the development permit has not expired and the development is in accordance with the terms and conditions of the development permit issued pursuant to this Bylaw.

6.1.2 A development permit shall not be valid unless it conforms to this Bylaw and the *Act*.

6.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain their safety code approvals or licenses that may be required by other regulatory departments or agencies.

6.1.4 Pursuant to Section 684 in the *Act* 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 a written agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority.

6.2 Fees

6.2.1 The fees to be charged by the Town on all applications and other matters arising under this Bylaw are set forth by bylaw.

6.3 Development Not Requiring a Development Permit

6.3.1 A development permit is not required for the following developments provided the development otherwise complies with all applicable regulations of this Bylaw. This section does not negate the requirement of obtaining a Building Permit where required under the *Safety Codes Act*.

a. Carrying out of routine maintenance to any building, provided that such work:
    i. does not include structural alterations;
    ii. does not result in an increase in the number of dwelling units;
    iii. does not change the intensity or use of the building; and
    iv. is performed in accordance with relevant legislation and other government regulations.

b. The erection of signage that does not require a development permit according to Section 8.3.

c. Construction or installation of an unenclosed deck, or landing less than 15.0 m^2 (161.5 $ft.^2$) in area, and 0.6 m (2.0 ft.) above grade providing that the side and rear setbacks are maintained, and that it is not located on a registered easement or right-of-way.

d. Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit.

e. Hard surfacing of any area not to exceed 7.5 m (24.6 ft.) in width that is part of a development for which a development permit has been issued, for the purpose of providing vehicle or pedestrian access or parking, where such improvements do not drain onto adjacent properties.

f. The maintenance and repair of public works, services or utilities carried out by or on behalf of federal, provincial or municipal authorities. Such public works, services, and utilities include but are not limited to, utility services such as sewage and/or waste water treatment lagoons, transmission lines, natural gas lines, regulating stations, telephone/cable lines, water and sewage lines, public roadways, or similar.

g. The construction or maintenance of gates, fences, walls or other means of enclosure less than 1.2 m (4.0 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in height in side and rear yards, except where corner lot restrictions from Section 9.6 apply.

h. The temporary erection, installation or use of structures or buildings not to be used for residential purposes and no greater than 20.0 m^2 (215.3 $ft.^2$), which in the opinion of the Development Authority are 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 or similar facility.

i. Construction or installation of an accessory building or movable structure that does not exceed 14 m^2 (150.7 $ft.^2$) in in floor area and 5.5 m (18 ft.) in height to the top of the roof provided the structure is not fixed on a permanent foundation or concrete pad and all setbacks and parcel coverage requirements are observed.

j. Accessory residential soft-sided or fabric covered structures provided:

    i. all setbacks and parcel coverage requirements of the District are observed for an accessory building;

    ii. structures are restricted to the rear yard of any District;

    iii. structures are fenced for screening; and

    iv. structures do not exceed the size of the principal building on the same parcel.

k. Demolition of an accessory building or movable structure that does not exceed 10 m^2 (107.6 $ft.^2$) in in floor area and 2.5 m (8.2 ft.) in height.

l. Construction of private swimming pools and hot tubs provided all setbacks for accessory (residential) buildings in Sections 10.3 and 10.4 and regulations in Section 10.6 are observed.

m. The erection of temporary structures less than 175 m^2 (1883.7 ft.) for the purpose of an event held in a parking lot for a maximum of two (2) months.

n. The installation of a satellite dish antenna less than 1.0 m (3.3 ft.) in diameter, if it is attached to an existing structure, subject to the requirements of Section 9.3.

o. Erection of flagpoles and other poles not exceeding 3 m (10 ft.) in height from grade to the satisfaction of the Development Authority.

p. Home Office, provided that the use meets the requirements under Section 10.10.1.

q. The occupancy by a permitted use of vacant space in an existing or approved Shopping Centre.

r. A permitted commercial use relocating to an existing building within the same commercial District.

s. Temporary use of a building for election or census purposes.

t. Any development specified in Section 618 of the *Act*.

6.4 Non-Conforming Buildings and Uses

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

6.4.2 Provisions for non-conforming uses:

a. If a development permit has been issued prior to a Bylaw or any Bylaw amendment coming into effect, and the Bylaw or amendment would result in the development authorized by the permit to be non-conforming, then the development permit continues to be in effect in spite of the Bylaw coming into force;

b. Where a non-conforming use of land or building is discontinued for a period of six (6) consecutive months, any future use of the land or building must conform with the Land Use Bylaw then in effect;

c. A non-conforming use may be extended throughout a building but the building may not be enlarged or added to and no structural alterations may be made to it or in it, whether or not the building is non-conforming;

d. A non-conforming use of part of a lot may not be extended to any other part of the lot and no additional building may be constructed on the lot while the non-conforming use continues; and

e. The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

6.4.3 Provisions for non-conforming buildings:

a. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

i. to make it a conforming building;

ii. for routine maintenance of the building if the Development Authority considers it necessary; or

iii. in accordance with a Land Use Bylaw that provides minor variance powers to a Development Authority for the purposes of this section.

b. If a non-conforming building is damaged beyond seventy five percent (75%) of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.

c. Where a building exists on or before the effective date of this Bylaw on a lot or site having less than the minimum frontage, area, front yard, side yard or rear yard required by this Bylaw, the building may not be renovated or enlarged but may be repaired provided that:

   i. the repair does not infringe upon the minimum front yard, side yard or rear yard of existing bylaw standards; and

   ii. all other applicable provisions of this Bylaw are satisfied.

6.4.4 Notwithstanding any provision of this Bylaw, the use of a building existing on a lot or site on the effective date of this Bylaw may be changed to a Permitted Use where the lot width, front yard area or both of these are less than the requirements for the same, provided that all the other requirements in this Bylaw are satisfied.

6.5 Application for Development Permit

6.5.1 An application for a development permit shall be made to the Development Authority, in writing, using the development permit application form provided by Town of Fox Creek, and shall include the following:

a. The application must be signed by the applicant (registered owner of the land or his/her representative or agent certified as such);

b. A non-refundable application fee to cover administrative processing costs, as established in the Fees and Charges Bylaw, as adopted by resolution of Council. The Development Authority, upon request at the time of application, may waive the application fee when an application is made by a Town of Fox Creek community-based/not-for-profit group;

c. A statement of the intended uses of the proposed development;

d. A statement of the estimated commencement and completion dates; and

e. A statement of the estimated value and size of the proposed construction.

6.5.2 In addition to Section 6.5.1 above, the Development Authority may require a site plan for the land to be developed, professionally produced or comparable to professionally produced at the discretion of the Development Authority, showing such information deemed necessary by the Development Authority which may include the following:

a. North arrow;

b. Scale, revision history, and date of plan;

c. Legal description of property;

d. Municipal address;

e. Lot lines shown with dimensions;

f. Proposed front, side and rear yard setbacks shown with dimensions;

g. Floor plans and elevations;

h. Location and dimensions of existing and proposed municipal and private local improvements, principal buildings and other structures including accessory buildings or structures, garages, carports, parking spaces, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;

i. Loading and access provisions;

j. Garbage and storage areas, including the fencing and screening proposed;

k. Grades of existing and proposed streets, lanes, sidewalks and sewers servicing the property;

l. Existing and proposed deep and shallow utilities;

m. All existing and proposed abutting streets, lanes, sidewalks, curbs, trails, highways and roads rights-of-way, and any existing or future access to the proposed development;

n. Site topography, drainage patterns, grades and special conditions;

o. Location of all registered utility easements and rights-of-way;

p. Proposed removal of any trees;

q. A lot lighting plan; and

r. A landscaping plan showing the location of all existing and proposed landscaping including trees, shrubs, and grass, and any existing trees proposed to be removed.

6.5.3 In addition to the development permit application requirements stipulated in Section 6.5.1 and 6.5.2, with respect to land that is subject of an application for a development permit, the Development Authority may request information regarding:

a. Building cross-sections, foundation plans, and colour renderings including exterior finishing materials.

b. Adjacent properties, including land uses and improvements.

c. Information regarding any dangerous goods, or other noxious, toxic, radioactive, flammable, or explosive material proposed for use or storage on-site.

d. A copy of the Certificate of Title for the subject site dated within thirty (30) days of the application date, and copies of any caveats or instruments registered in favour of the Town.

e. A signed consent form allowing right-of-entry on the property by the Development Officer.

f. Photographic prints or slides showing the site in its existing state.

g. Development density, site coverage calculations, allocation of floor space for different uses, height, and number of storeys according to the definitions of this Bylaw.

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

i. A geotechnical or floodplain study prepared by a qualified engineer, if in the opinion of the Development Officer the site is potentially hazardous or unstable.

j. A reclamation plan for aggregate extraction or other major surface disturbance.

k. A Phase I Environmental Site Assessment to determine potential contamination and mitigation.

l. 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.

m. Confirmed location of any active or inactive oil or gas development or wells on or within 25 m (82.0 ft.) of the site.

n. Detailed studies regarding the potential impact and approach to dealing with traffic, utilities and storm drainage prepared by a qualified engineer or engineering technologist:

    i. noise evaluation and attenuation studies;

    ii. a parking impact study;

    iii. a report of consultation conducted with abutting and adjacent land owners;

    iv. in the case of the development of a site with multiple uses, a master plan and preliminary engineering plan for the entire site;

    v. elevations of any signs proposed for the development; and

    vi. such other information that is deemed necessary by the Development Authority.

6.5.4 The Development Authority shall determine whether an application for a development permit is complete within twenty (20) days of receipt of the application, after which the application is deemed complete. This period may be extended by an agreement in writing between the applicant and the Development Authority.

6.5.5 The Development Authority may refuse to accept an application for a development permit where, in their opinion, the information supplied by the applicant or their designated agent is incomplete or insufficient to properly evaluate the application.

6.5.6 Prior to an application being considered, the Development Authority, at its sole discretion, may require the applicant or their designated agent to host a public meeting to ensure information and an opportunity to comment about the development application is provided to the public at large.

6.5.7 The applicant or their designated agent must provide to the Development Authority a report summarizing the nature of the consultation process and the responses received. The report must identify any issues raised and discuss how the applicant or their designated agent proposes to address these issues.

6.5.8 Notice of the meeting shall be provided by the Town, at the applicant's cost, to all landowners located within 100.0 m (328.1 ft.) of the site which is the subject of the application.

6.6 Decision Process

6.6.1 The Development Authority shall receive all applications for Development Permits and review each application to determine the type of use the development constitutes and whether or not the submitted applications are complete. The Development Authority shall make this determination based on:

a. The definition of the Uses as expressed in Part 14 Section 14.1 of this Bylaw;

b. The merits of the application submission regardless of the use applied for by the applicant; and

c. The spirit and intent of the defined Use subject to Section 14.1 and any other variance provisions contained within this Bylaw.

6.6.2 In making a decision on a development permit application for a permitted use, the Development Authority:

a. Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw and the *Municipal Government Act*; or

b. 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

c. May refuse an application on its merits even though it conforms to this Bylaw giving reasons for such refusal; or

d. Should refuse the application if the proposed development does not conform to this Bylaw, giving reasons for such refusal.

6.6.3 In reviewing a development permit application for a discretionary use, the Development Authority shall have regard to the circumstances and merits of the application, including but not limited to:

a. The impact of such nuisance factors as smoke, airborne emissions, odours and noise on properties in the vicinity;

b. The design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties;

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.

6.6.4 The Development Authority shall refuse a development permit for a use or development that is not listed as a permitted or discretionary Use.

6.6.5 If an application for a development permit has been refused, another application for a permit on the same parcel of land and for the same or similar use may not be submitted by the same or any other applicant until at least six (6) months after the date of the refusal.

6.6.6 No development permit shall be issued while a decision or any appeal from a decision is pending, or until the time for filing an appeal of the decision of the Development Authority has expired.

6.7 Development Permit Conditions

6.7.1 The Development Authority may impose conditions to the approval of a Permitted Use only to ensure compliance with this Bylaw.

6.7.2 The Development Authority may impose such conditions, as a Development Authority deems appropriate for the approval of a Discretionary Use or if a variance is given. Conditions may include but are not limited to the following:

a. Project phasing;

b. Landscaping requirements;

c. Noise attenuation;

d. Special parking provisions;

e. Location, appearance, and character of a building;

f. Grading of a site to protect adjacent properties;

g. Crime Prevention through Environmental Design (CPTED) design elements to promote site safety; and

h. Measures to ensure that the proposed development is compatible with surrounding land uses.

6.7.3 The Development Authority may require as a condition of the development permit that the applicant provide a security to guarantee that any or all obligations under a development permit are fulfilled to the satisfaction of the Development Authority:

a. A security may be provided by a letter of guarantee, an irrevocable letter of credit, a caveat under the *Land Titles Act*, or cash, at the discretion of the Development Authority;

b. The amount of the security shall be 125% of the estimated cost of fulfilling the conditions of the development permit;

c. The security may be used by the Town to undertake the work required to fulfill the conditions of the development permit if it is not completed according to the conditions of the development permit;

d. If the security is insufficient to cover the cost of the work required to fulfill the condition of the development permit, the difference may be registered as a debt due from the property owner to the Town at the discretion of the Development Authority; and

e. The security shall be released upon an inspection of the site that demonstrates the work has been completed to the satisfaction of the Development Authority.

6.7.4 The Development Authority may, provided a security is required as a condition of the same development permit in accordance with Section 6.7.3 above, establish, as a condition of development permit, circumstances in which the Town may call on such securities and in such amounts. This includes but is not limited to:

a. If the applicant/owner/developer has failed to comply with any provisions and/or conditions of the development permit/Land Use Bylaw;

b. The development permit is cancelled or suspended; or

c. Work has been commenced under the development permit but has not been properly completed within a reasonable period of time, as determined by the Town.

6.7.5 As a condition for a development permit for any use involving manufacturing, storage, and handling of dangerous goods, the Development Authority may require a Risk Assessment Report be prepared and kept up-to-date by a qualified engineer. This requirement may be waived by the Development Authority in the case of small quantities of dangerous goods.

6.7.6 As a condition of issuing a development permit in a Direct Control District, the Development Authority may impose such conditions as are determined advisable, having regard to the regulations of the district and the provisions of any statutory plan.

6.7.7 As a condition of issuing a development permit, the Development Authority shall require the applicant to make satisfactory arrangements for the supply of any and all required Public Utilities, vehicular access, or any other required service, with the appropriate department, agency or utility.

6.8 Development Agreements

6.8.1 Pursuant to Section 650 of the *Act*, as a condition of a development permit being issued, the applicant may be required to enter into a development agreement with the Town to do any or all of the following:

a. Construct or pay for the construction of:

i. a road required to give access to the development;

ii. a pedestrian walkway system to serve the development or to give access to an adjacent development, or both;

iii. off-street or other parking facilities and loading and unloading facilities;

iv. construct, install, or pay for any local improvements and Public Utilities which are needed to serve the development and any required easements, and joint drainage and access requirements;

v. pay a redevelopment levy or off-site levy;

vi. provide a guaranteed security to ensure compliance with the requirements of the agreement. Security may be required in the form of an irrevocable letter of credit issued by a Canadian Chartered Bank or the Alberta Treasury Branch from the applicant to secure performance of any of the conditions of a development

permit. Such an agreement shall be executed prior to the commencement of the development;

vii. repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping or trees which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;

viii. provide site design measures to mitigate environmental hazards or risks inherent to or affecting the site; and

ix. attend to all other matters the Development Authority considers appropriate.

6.8.2 To ensure compliance with a development agreement, the Town may register a caveat pursuant to the provisions of the *Land Titles Act* and the *Municipal Government Act* against the Certificate of Title for the property being developed. The caveat shall be discharged once the agreement conditions have been met.

6.8.3 The developer shall be responsible for all costs associated with the preparation of a development agreement, as well as the costs with registering the caveat at Land Titles and discharging the caveat when all conditions have been met.

6.9 Variance Authority

6.9.1 The Development Officer may grant a variance of up to thirty percent (30%) from the requirements of this Bylaw, and being satisfied the variance will not result in a development that does not comply with the requirements of the *Municipal Government Act*, or the *Safety Codes Act*, and if in the opinion of the Development Authority the proposed development would not:

a. Unduly interfere with the amenities of the neighbourhood;

b. Unduly interfere with the use, enjoyment, or value of neighbouring properties; and

c. Oppose to the use prescribed for that land or building under the Bylaw.

6.9.2 In approving applications for development permits under Sections 6.9.1 above, the Development Authority shall adhere to the following provisions:

a. Except as otherwise stated in the Bylaw, no variances shall be provided to site coverage, building height, or dwelling unit density requirements;

b. In the event that a regulation is varied, relaxed, or waived, the Development Authority shall specify the nature of the approved variance in the development permit approval; and

c. The Development Authority shall consider the general purpose and intent of the applicable land use district and the underlying planning objective of the regulation to be varied, relaxed, or waived.

6.10 Notice of a Proposed Development

6.10.1 The Development Officer may refer a development permit application to any Town department.

6.10.2 After thirty (30) days from the date of referral to any Town department or any external agency, the Development Authority may deal with the application whether or not comments have been provided.

6.10.3 Notification of a proposed development for a Discretionary Use, or for a Permitted Use where a development proposes a variance exceeding 30%, shall be provided as follows:

a. Within ten (10) business days of the receipt of the complete Development Permit application, notification shall be published in one (1) issue of the newspaper circulating in the area, or

b. Notice shall be posted on the subject property to the satisfaction of the Town of Fox Creek.

c. The notice shall indicate:

i. the location and nature of the development proposal;

ii. a location and date to submit comment.

6.11 Notice of Decision on a Development Permit

6.11.1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision must be given to the applicant.

6.11.2 The date on which the decision was made by the Development Authority is considered to be the date on which the issuance of the permit was given.

6.11.3 No notice is required to be given for a decision to approve an application for a permitted use for which no variance was granted.

6.11.4 Where a development permit application is refused, the reasons for refusal shall be stated in the decision letter.

6.11.5 When a development permit is approved for a discretionary use or a use requiring a variance, the Development Officer shall publicize a notice of decision within fourteen (14) days in any or all of the forms as described as follows:

a. Post a notice of the decision conspicuously on the property for which the application has been made; and/or

b. Mail a notice of the decision to all persons whose use, enjoyment or value of the property may, in the opinion of the Development Authority, be affected; and/or

c. Publish in a newspaper circulating in the municipality a notice of the decision.

6.11.6 A published notice of decision shall include:

a. The legal description and/or civic address of the site;

b. The nature of the proposed development; and

c. The rights to appeal.

6.12 Validity and Revocation of Decision

6.12.1 Once an application for a Development Permit has been approved by the Development Authority, the Development Permit shall not be valid unless and until:

a. All the conditions of the permit, except those of a continuing nature, have been met; and

b. No notice of appeal has been filed with the Subdivision and Development Appeal Board within the appeal period.

6.12.2 Where there are reasonable grounds to do so, the Development Authority may, in its sole discretion and with the concurrence of an applicant, do any of the following:

a. Reconsider an approved site elevation, or reconsider, review, modify or clarify the terms of the conditions attached to an approved development permit.

6.12.3 If a Development Permit has been authorized by the Subdivision and Development Appeal Board, it shall not be valid unless and until:

a. The Chair of the Subdivision and Development Appeal Board has signed the decision of appeal thereby authorizing the Development; and

b. Any conditions of approval, except those of a continuing nature, have been fulfilled.

6.12.4 The Development Officer may revoke a development permit if:

a. There is a contravention of any condition under which such permit was issued;

b. The permit was issued in error; or

c. The permit was issued on the basis of incorrect information.

6.12.5 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 in the opinion of the Development Authority, the permit is deemed void, expired and without effect, unless an extension to this period has been previously granted.

6.12.6 Once work has been initiated in connection with a project approved by a development permit, the project shall be substantially completed within two (2) years of the date the permit was initially issued, failing which the permit is deemed void.

6.12.7 In the event that an extension to a development permit is required, the Development Authority may grant an extension of up to twelve (12) months at their discretion, provided that the proposed development still complies with the provisions of this Bylaw.

6.12.8 If a development permit is deemed invalid, the Development Officer may direct that the site be returned to its original condition or to a state acceptable to the Development Officer.

6.13 Appealing a Decision

6.13.1 The applicant for a development permit may appeal to the Subdivision and Development Appeal Board if the Development Authority:

a. Refuses a development application;

b. Fails to make a decision on a development permit within forty (40) days of receipt of a completed application; or

c. Issues a development permit subject to conditions.

6.13.2 In addition to the applicant, any person affected by a development permit or the decision on it, may appeal to the Board.

6.13.3 Notwithstanding Sections 6.13.1 and 6.13.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw are relaxed, varied, or misinterpreted.

6.13.4 Pursuant to Section 687 of the *Act*, a development appeal is commenced by filing a notice of the appeal containing reasons with the board within 21 days after the date on which the written decision is given. If no decision is made with respect to the application within the 40 day period, or within any extension of that period under Section 684, within 21 days after the date the period or extension expires.

6.13.5 A decision on a development application within a Direct Control District cannot be appealed unless the appeal is limited to whether or not the Development Authority followed the directions of Council. If the Board finds that the Development Authority did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Authority.

6.14 The Appeal Process

6.14.1 The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to the provisions of the *Act*.

6.14.2 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:

a. The decision to approve the permit is upheld by the Subdivision and Development Appeal Board; or

b. The Secretary of the Subdivision and Development Appeal Board receives written notice from the appellant withdrawing the appeal.

6.14.3 If a decision to approve a development permit is reversed by the Board, the development permit shall be null and void.

6.14.4 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.

6.14.5 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.

6.14.6 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*.

PART 7. Contravention and Enforcement

7.1 Contravention

7.1.1 No person shall commence, continue, undertake, or erect a development, use, or sign that is not permitted under this Bylaw.

7.1.2 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.

7.1.3 No person shall contravene a condition of a permit issued under this Bylaw.

7.1.4 A Community Peace Officer or the Development Officer may enforce the provisions of this Bylaw, the *Act* and its regulations, and the conditions of a development permit or subdivision approval, and are authorized to carry out such inspections as are required to determine compliance as designated officers under the *Act*.

7.2 Sign Impoundment

7.2.1 If a sign, pursuant to Part 8, contravenes this Bylaw, the Town may, without notice, remove and impound the sign if it is located on lands under the control of the Town or the Town has the consent of the registered owner of the land on which the sign is located.

7.2.2 If a sign or poster is attached to a street light it may be removed by the Town without notice.

7.2.3 The owner of an impounded sign may claim it by paying an impoundment fee.

7.2.4 If a sign is not claimed within thirty (30) days, the Town may dispose of the sign.

7.3 Offences and Penalties

7.3.1 Any person is guilty of an offence who:

a. Causes, allows or permits a contravention of any provision of this Bylaw or any permit issued hereunder;

b. Erects or places a sign in contravention of this Bylaw;

c. obstructs or hinders any person in the performance of their duties under this Bylaw; or

d. Fails to comply with any order of the Development Officer, including a Stop Order issued under Section 645 of the *Act*.

7.3.2 In the case of a continuing offence, a contravention of this bylaw constitutes a separate offence with respect to each day or part of a day during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each separate offence.

7.3.3 Any person, who contravenes any provision of this Bylaw, is guilty of an offence punishable on summary conviction and is liable:

a. For a first offence to a fine of up to $250.00; or

b. For a second or subsequent offence, to a fine of not less than $500.00 and not more than $2,500.00.

7.3.4 Where a Community Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Officer may serve upon such person an offence ticket allowing the payment of the penalty to the Town in lieu of prosecution for the offence under the *Act*.

7.3.5 The penalties and amounts payable in lieu of prosecution to be charged by the Town on all applications and other matters arising under this Bylaw shall be specified by bylaw.

7.3.6 The levying and payment of any penalty or fee as provided for in this Bylaw should not relieve a person from the necessity of paying any fees, charges or costs for which they are liable under the provisions of this Bylaw or *Act*.

PART 8. Signs

8.1 General Regulations

8.1.1 The Development Authority may by notice in writing:

a. Direct the owner to correct the condition of any sign or remove any sign within thirty (30) days of receipt of the notice where, in the opinion of the Development Authority, that condition or sign constitutes a violation of this Bylaw or any permit hereunder, has become unsightly or is unsafe;

b. Order the owner to stop work on a sign if it is proceeding in contravention of this Bylaw; and

c. Order the owner to stop work on a sign if a permit has not been issued.

8.1.2 Signs shall not conflict with the general character of the surrounding neighbourhood.

8.1.3 Signs shall not interfere with the safe movement of pedestrian or vehicular traffic.

8.1.4 No sign shall be attached to a tree or any other vegetation.

8.1.5 The Development Authority shall be satisfied that the copy area of a sign:

a. Does not physically obstruct the sightlines or view of a traffic control device or traffic control Signal for oncoming traffic;

b. Is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming traffic;

c. Is not located in the field of view near or past other traffic conflict points such as intersections, merge point, exit ramps, or curved roadways; and

d. Does not have illumination that competes with or dulls the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

8.1.6 Unless otherwise allowed under this Bylaw, no sign shall project or encroach over any lot line.

8.1.7 The Development Authority shall allow revolving signs only in a commercial District where the location, size, design, and character of the sign respect the scale and character of the surrounding area.

8.1.8 In the case of permanent single-sided signs where the rear of the sign is visible, the blank side shall be finished or enclosed so that all wiring and/or internal bracing is hidden from view.

8.1.9 Electrical power supply to signs located at grade shall be underground except where the applicant demonstrates to the satisfaction of the Development Authority an underground power supply is not feasible and an above ground power supply will not create a safety hazard to traffic or pedestrians or detract from the appearance of the area.

8.1.10 Photovoltaic cells, solar panels, or solar collectors and ancillary equipment may be part of the sign structure in order to provide electrical power solely to the sign. Photovoltaic cells, solar panels, or solar collectors and ancillary equipment may extend above the maximum sign height provided it is demonstrated that the additional height is required to achieve sufficient solar exposure to provide electrical power to the sign.

8.1.11 Third-party advertising is only permitted on billboards and event signs.

8.1.12 Signs containing third-party advertising are not permitted in any residential District.

8.1.13 If, in the opinion of the Development Authority, the illumination of a sign is likely to have a detrimental effect on any residential dwelling, the Development Authority may require that the intensity of the illumination of the sign be limited, or that the hours that the sign is illuminated be limited, or both.

8.1.14 A sign owner must ensure that its signs remain in a proper state of repair and do not become unsafe or unsightly. Where a sign has been defaced, damaged or destroyed the sign owner must:

a. Immediately repair the sign to its original condition;

b. Replace it with a new sign that complies with any applicable development permit or the rules of this Bylaw where a development permit is not required; or

c. Remove the sign.

8.1.15 Where a sign is no longer related to a business, event, or product located on the same parcel as the sign, the sign must be removed by the sign owner or the owner of the parcel on which the sign is located.

8.2 Permit Requirements

8.2.1 Unless exempted by Section 8.3, no person shall place, replace, erect or use any sign without first obtaining a development permit.

8.2.2 If active work is not commenced within twelve (12) months from the date of its issuance, the development permit for a sign shall expire and become invalid, unless the Development Authority approves an extension of time which must be requested by the owner in writing.

8.2.3 Provided the sign is erected within twelve (12) months of issuance of the permit, the permit shall continue in force from year to year.

8.2.4 An application for a development permit shall include the following:

a. The name and address of:

i. the sign company responsible for the sign;

ii. the owner of the sign; and

iii. the registered owner of the land or premises upon which the sign is to be erected.

b. Written consent of the registered owner of the land or premises upon which the sign is to be erected;

c. A site plan showing:

   i. the proposed sign location;

   ii. property lines and setback requirements;

   iii. distances to adjacent buildings and signs; and

   iv. distances to the nearest intersection and any sidewalks and curbs.

d. A plan showing the following design and construction details:

   i. the overall dimensions of the sign and the total sign area;

   ii. design details and material specifications;

   iii. manner of all sign illumination;

   iv. method of supporting or attaching the sign;

   v. the amount of projection from the face of the building, where applicable;

   vi. the amount of projection over Town property, where applicable;

   vii. the height of the top and the bottom of sign above the average ground level at the face of the building or sign; and

   viii. the distance to aerial power lines from freestanding signs.

e. A fee as established by bylaw.

8.2.5 Whenever the conditions of installation require unusual structural provisions, the Development Authority may require a structural drawing prepared by a professional engineer to ensure the safety of the sign design and placement.

8.2.6 Provided the sign complies with the regulations in this Bylaw and any other applicable municipal, provincial or federal regulations, the permit shall continue in force indefinitely.

8.3 Signs Not Requiring a Development Permit

8.3.1 Normal maintenance of a sign in accordance with an existing permit does not require a new development permit.

8.3.2 The following signs shall not require a development permit but must comply with the regulations of the Land Use Bylaw:

a. Signs, notices, placards or bulletins required or permitted to be displayed:

   i. under the provision of federal, provincial or municipal legislation;

   ii. by or on behalf of the federal, provincial or municipal government; or

   iii. on behalf of a department, a commission, a board, a committee or an official of the federal, provincial or municipal government

iv. street numbers or letters displayed on a premises where together the total copy area is less than 1.2 m^2 (13.0 $ft.^2$);

v. signs posted as a requirement of an application for subdivision, land use amendment, or development permit, provided such signs are removed once the application has been resolved;

vi. one non-illuminated sign with a total copy area not exceeding 0.3 m^2 (3.2 $ft.^2$) for each major home occupation or bed and breakfast facility; and

vii. fascia sign which is attached to a residential dwelling unit or its accessory buildings and states no more than the name of the building or the name of the persons occupying the building or both, provided that the total sign area does not exceed 0.3 m^2 (3.2 $ft.^2$).

b. A fascia sign or a canopy sign with a total sign area that does not exceed 1.5 m^2 (16.2 $ft.^2$), and which is attached to a building other than a residential dwelling unit and states no more than:

i. the name or address of the building;

ii. the name of the person or institution occupying the building; and

iii. the activities carried on in the building including hours of operations and rates charges.

c. A real estate property management sign provided that the total sign area does not exceed 1.0 m^2 (10.8 $ft.^2$) in residential Districts.

d. A real estate or property management sign provided that the total sign area does not exceed 6.0 m^2 (64.8 $ft.^2$) in any other District.

e. Signs placed on a premises for the guidance, warning or restraint of persons provided that the total sign area does not exceed 0.2 m^2 (2 $ft.^2$).

f. Candidates' election signs provided they conform to the following requirements:

i. the consent of the property owner or occupant is obtained, or in the case of municipal property, the consent of the Development Authority;

ii. the signs do not obstruct traffic sight lines;

iii. the signs are displayed only between September 1 of an election year and 48 hours after the close of the voting stations on Election Day, in the case of an election under the Local *Authorities Election Act*;

iv. the signs are displayed only between the date the election is officially called and 48 hours after the close of the voting stations on Election Day, in the case of elections for Federal and Provincial public office; and

v. the signs indicate the name and address of the sponsor and the person responsible for removal.

g. Traffic and directional signs authorized by the Town or provincial authorities with an area less than 1.4 m^2 (15.1 $ft.^2$).

h. Temporary signs with an area less than 3.0 m^2 (32.4 $ft.^2$) intended to advertise any local event being held for charitable purposes, which may be religious, educational, cultural, political, social or recreational, but not for commercial purposes.

i. Signs posted or exhibited in a non-residential building, including inside a window.

j. Temporary special event signage with an area less than 3.0 m^2 (32.4 $ft.^2$) for initiatives or a special promotion by an individual business or organization, to a maximum of seven (7) days for no more than three (3) times per year.

k. Construction signs provided they conform to the following requirements:

   i. there shall not be more than a total of four (4) construction signs per site;

   ii. in residential subdivisions, the total area of all four construction signs shall not exceed 6.4 m^2 (69.1 $ft.^2$);

   iii. in commercial and industrial subdivisions, the total area of all four construction signs shall not exceed 25 m^2 (270 $ft.^2$);

   iv. no individual construction sign in a residential area may exceed 3.0 m^2 (32.4 $ft.^2$) in area;

   v. all construction signs must be located on private property; and

   vi. construction signs shall be professionally designed and maintained to the satisfaction of the Development Authority.

l. Signs displayed inside a window.

m. Any sign located inside a building and not intended to be viewed from outside.

n. A-board signs, provided they comply with the regulations of Section 8.5: A-Board Signs.

o. Replacement of copy on a sign for which a development permit has been issued.

p. The changing of copy on a changeable copy sign or electronic message display.

q. A maximum of two (2) menu boards per drive lane at Drive-Through Restaurants, provided that:

   i. the side indicating the menu faces the parking area;

   ii. the non-advertising side of the menu board is enclosed and does not contain any advertising;

   iii. the menu board shall not exceed 4.6 m^2 (49.5 $ft.^2$) in area; and

   iv. the sign does not interfere with traffic or pedestrian safety.

r. Flags.

8.4 Variances

8.4.1 Where a type of sign is permitted, but does not comply with all of the applicable rules of this Schedule, the Development Authority may grant a variance of up to 10% of the size, dimension, area, or distance separation for a sign in accordance with the following criteria:

a. Test for a variance as referenced in Section 6.10.2 of this Bylaw;

b. Rules relating to opportunities for signage;

c. Character of the area where the sign is proposed to be located; and

d. Amount of signage in the nearby surroundings.

8.4.2 The notification requirements contained in Section 6.11 of this Bylaw shall apply to any variance exceeding 10%.

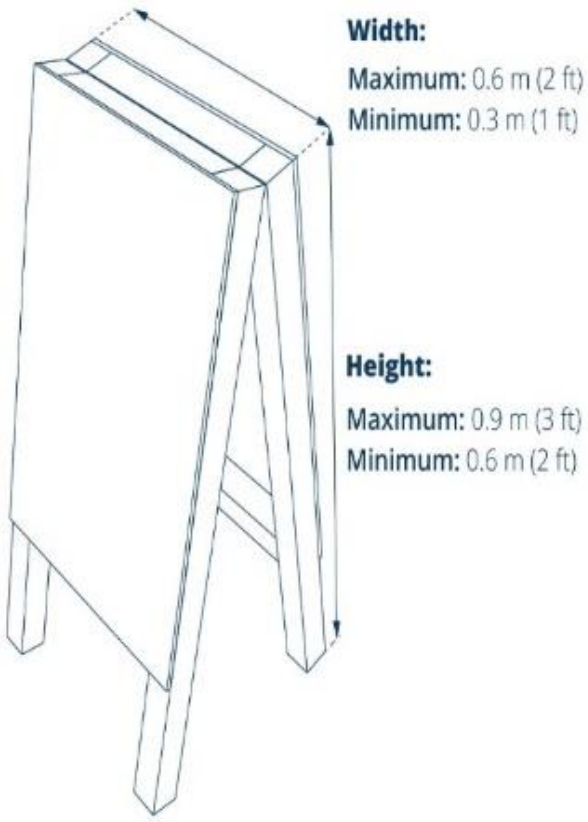
8.5 A-Board Signs

8.5.1 A-Board Signs shall:

a. Be of a painted finish, be neat and clean, and be maintained in such condition; and

b. 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 8.5: A-BOARD SIGNS



8.6 Awning and Canopy Signs

8.6.1 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 curb.

8.6.2 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.

8.6.3 Under canopy signs may be hung from the canopy provided such signs:

a. Do not extend beyond the sides or the front of such canopy; and

b. Do not exceed a vertical dimension of 1.5 m (4.9 ft.).

8.6.4 No person shall erect an awning sign, a canopy sign or an under canopy sign unless such sign:

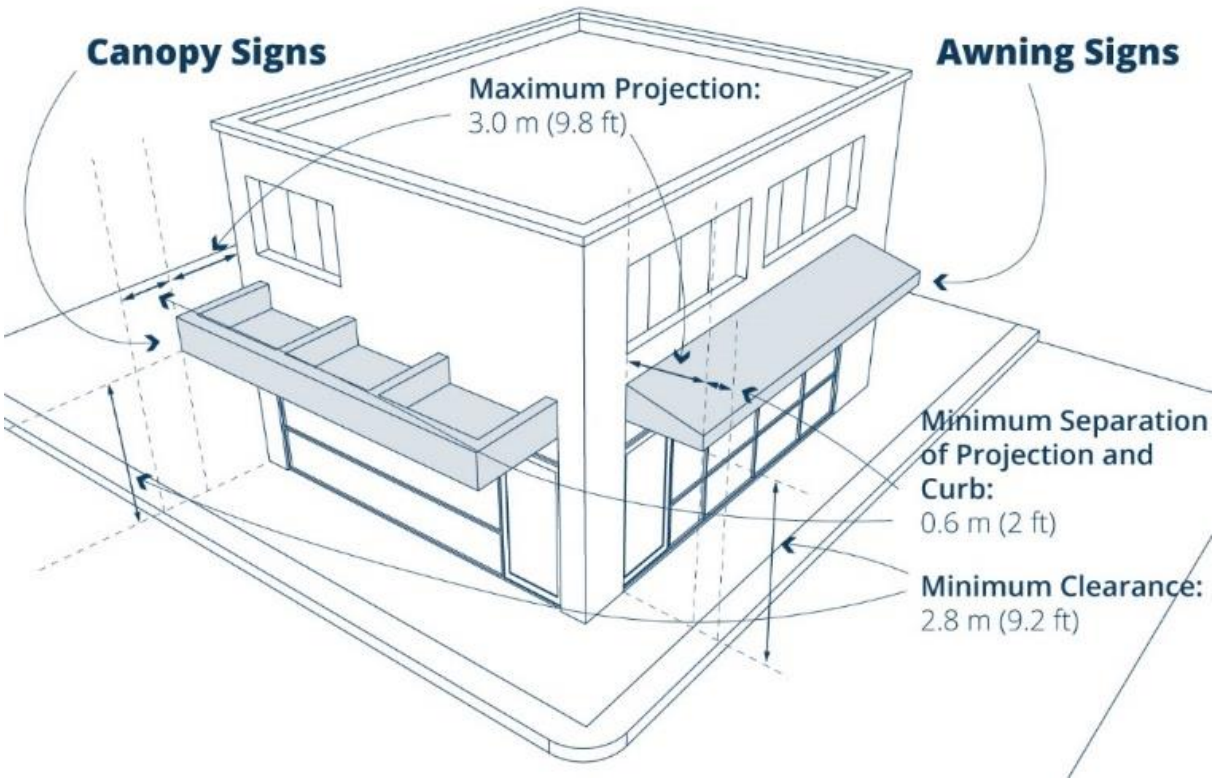
a. Is securely hung and anchored to the building to which it is attached and the structure to which it is attached is capable of resisting all stresses resulting from dead weight, snow and wind loads;

b. Is at clearance of not less than 2.8 m (9.2 ft.) from the average ground level at the face of the building;

c. Does not project more than 3.0 m (9.8 ft.) from the face of the building or structure to which it is attached; and

d. Projecting signs installed over or above canopies shall not be supported by the canopy.

FIGURE 8.6: AWNING AND CANOPY SIGNS



8.7 Billboards

8.7.1 A development permit for a billboard shall not be issued unless:

a. The billboard is to be located on a lot abutting Highway 43 or in the Highway 43 right-of-way subject to the approval of Alberta Infrastructure and Transportation; and

b. The lot referred to in Section 8.7.1(a) above is located in a commercial, industrial or urban reserve Land Use District.

8.7.2 A billboard sign shall not:

a. Be more than 3.0 m (9.8 ft.) high, nor more than 6.0 m (19.7 ft.) long;

b. Have a maximum height above grade of more than 6.0 m (19.7 ft.);

c. Have a maximum area exceeding 18.0 m^2 (194.4 $ft.^2$);

d. Be located closer than 3.0 m (9.8 ft.) to any property line; and

e. Be erected, constructed, altered or used anywhere within the Town except as provided by this Bylaw and other bylaws of the Town.

8.7.3 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.

8.7.4 A second face may be required on the billboard where the back of the billboard is visible to pedestrian or vehicle traffic.

8.7.5 An existing billboard may be relocated on the same site with the approval of the Development Authority.

8.8 Election Signs

8.8.1 Notwithstanding Section 8.3.2(f), the following regulations apply to the placement election signs.

8.8.2 Election signs may be placed on private property with the consent of the owner or occupant.

8.8.3 Election signs are permitted on municipal property only as designated by the Development Authority.

8.8.4 No encroachment of an election sign from private property onto municipal property will be permitted unless it is at a designated location.

8.8.5 Election signs must indicate the name and address of the sponsor and the person responsible for removal.

8.8.6 Election signs must be located at least 3.0 m (9.8 ft.) from the edge of the travelling surface of a roadway and must not obstruct traffic sight lines.

8.8.7 Election signs on public property may not exceed 3.0 m^2 (32.4 $ft.^2$) in size nor 3.6 m (11.8 ft.) in height.

8.8.8 Sponsors or 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.

8.8.9 If a sponsor or candidate fails to remove their election signs within 48 hours after the voting stations close on Election Day, the Community Peace Officers may remove them and the sponsor or candidate shall be liable for the cost of removal.

8.8.10 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.

8.8.11 Community Peace 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.

8.8.12 A sponsor or candidate whose name appears on an election sign, which is in contravention of this Bylaw, shall be guilty of an offence under this Bylaw.

8.9 Fascia Signs

8.9.1 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.).

8.9.2 A fascia sign shall not exceed 15% of the visible area of the façade of each wall of the building on which it is located.

8.9.3 A fascia sign may be illuminated.

8.10 Freestanding Signs

8.10.1 A freestanding sign may be allowed in a yard setback area, subject to the condition that it be removed or relocated at the owner's expense upon thirty (30) days' written notice from the Town.

8.10.2 A freestanding sign must be at least 20 m (65.6 ft.) from any other sign.

8.10.3 A freestanding sign must be at least 90 m (295.3 ft.) from any other freestanding sign.

8.10.4 Freestanding signs in non-residential Districts are subject to the following regulations:

a. One (1) freestanding sign shall be allowed per lot frontage for the purpose of identifying the use or building on that lot, on a site having a minimum business frontage of 15 m (49.2 ft.) at road level;

b. The sign shall be architecturally compatible with the general character of the building and/or the surrounding streetscape, at the discretion of the Development Authority;

c. The maximum area of the freestanding sign shall not exceed 7 m^2 (75.3 $ft.^2$);

d. The maximum height of the freestanding sign shall not exceed 6.0 m (19.6 ft.);

e. Free standing signs shall not identify any accessory tenants within the principal building;

f. 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;

g. At the discretion of the Development Authority, landscaping may be required at the base of the sign; and

h. 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 Authority, and the space between the bottom of the sign and the grade shall be unobstructed, except for such supports as the sign may require.

8.10.5 Freestanding signs in residential Districts shall be permitted under the following provisions:

a. One (1) identification freestanding sign may be allowed to identify the name of an apartment dwelling, multi-unit complex, manufactured home park, community, neighbourhood, or subdivision, and which does not:

i. exceed 2.0 m^2 (21.6 $ft.^2$) in area;

ii. project within 0.6 m (2.0 ft.) from the property line; or

iii. exceed 3.5 m (11.5 ft.) in height.

8.10.6 Freestanding signs identifying the name of the community, neighbourhood, or subdivision shall be architecturally compatible with the general character of the buildings and the surrounding streetscape in the community, neighbourhood, or subdivision.

8.10.7 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 or subdivision.

8.11 Painted Wall Signs

8.11.1 Only one (1) sign per wall is permitted.

8.12 Projecting Signs

8.12.1 No projecting sign shall be erected so that the bottom thereof is less than 2.8 m (9.2 ft.) above grade.

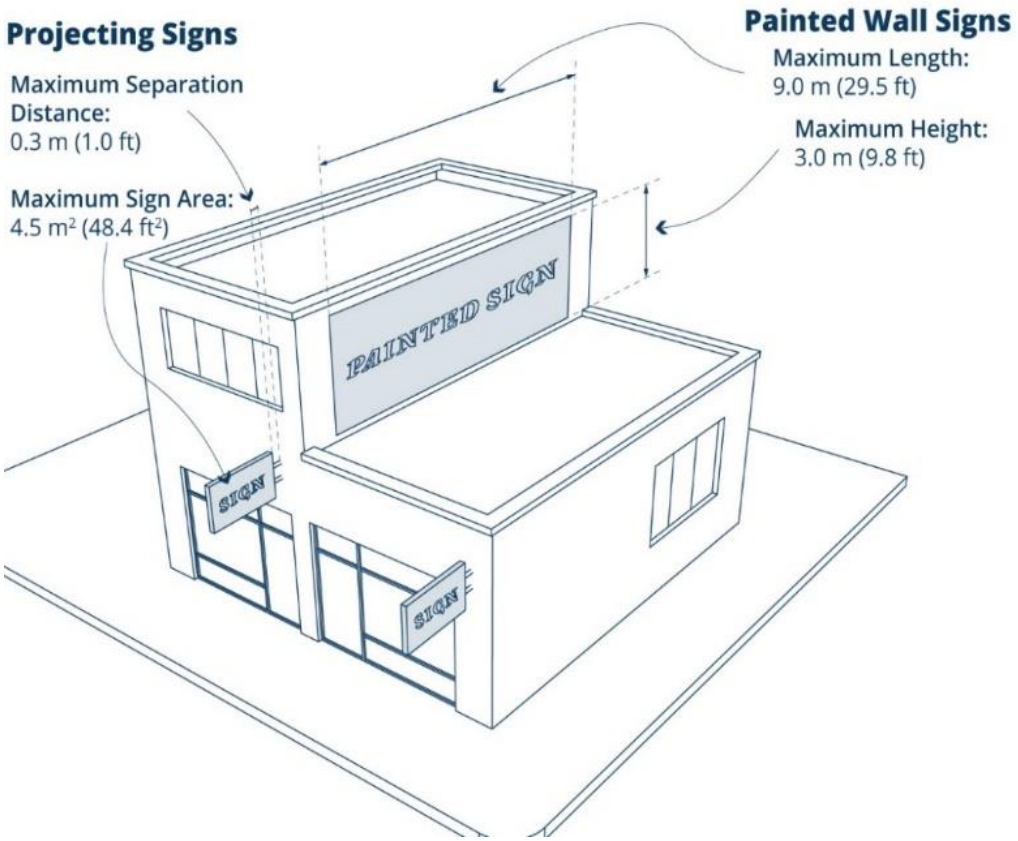
8.12.2 Traffic lights shall not be obscured by a Projecting Sign.

8.12.3 All projecting signs shall maintain the required clearance from overhead power and service lines as required under *The Electrical Protection Act*.

8.12.4 The maximum area of a projecting sign shall be 4.5 m^2 (48.4 $ft.^2$).

8.12.5 The nearest edge of a projecting sign shall not be set off more than 0.3 m (1.0 ft.) from the building face.

FIGURE 8.12: PAINTED WALL SIGNS AND PROJECTING SIGNS



8.13 Wall Signs

8.13.1 Wall signs shall be securely fastened to walls and shall not be entirely supported by a non-braced parapet wall.

8.13.2 The maximum horizontal dimension of a wall sign shall be 6.0 m (19.7 ft.).

8.14 Portable and Inflatable Signs

8.14.1 Portable Signs shall be located entirely upon the site of the building, business or land use to which the advertising on the sign refers. The Town may remove, without prior notice, any portable sign which has been placed in contravention of sign regulations. The costs associate with such removal and any storage shall be paid by the permit holder. The use of flashing lights for illumination shall not be allowed on Portable Signs.

8.14.2 Portable Signs shall only be allow in Public, Commercial and Industrial designated areas within the Town of Fox Creek

8.14.3 Only 1 Portable Sign shall be located at one time on a parcel.

8.14.4 The name and phone number of the sign owner shall be permanently affixed in a visually prominent location on the sign.

8.14.5 The Portable Sign and all component parts shall be situated within the parcel lines.

8.14.6 No Portable Sign shall be permitted in a location where it obstructs the vision of vehicular traffic, nor interferes with the interpretation of or may be confused with any traffic sign, signal or device.

8.14.7 No Portable Sign shall interfere with traffic circulation on the site or reduce the number of required parking spaces of the parcel.

8.14.8 If illuminated, a Portable Sign shall not employ any flashing or intermittent lights

8.14.9 Where any Portable Sign is found to be in contravention of any one of the provision of this Bylaw the Development Officer shall:

a. Give notice in writing to the sign owner or owner of the parcel of land upon which the sign is located directing rectification of the contravention;
b. Remove and impound the said sign in the event the sign continues to contravene the provision of the Bylaw 48 hours after receipt of the notification;
c. Release any impounded sign upon payment to the Town of Fox Creek of a towing and impoundment fee;
d. Upon the expiration of the 30 days from the date of impoundment dispose of any sign pursuant to the provisions of the Section 610 of the Municipal Government Act.
e. Notwithstanding the time period specified in section 8.14.9 b. may remove and impound a Portable Sign without prior notice when the Portable Sign is determined by the Development Officer to cause a safety hazard.

8.14.10 Portable Signs may be used for off-site purposes on to provide direction. In such cases they shall include only the name, address, telephone number and directional arrow and cannot include any advertising.

8.14.11 Portable Signs shall be located a minimum of:

a. 3m (9.8 ft.) from any access/entrance to the site;
b. 10m (32.8 ft.) from an intersection;
c. 1m (3.3 ft.) from an existing or future curb line; and
d. 0.3m (1 ft.) from the inside edge of any sidewalk

8.14.12 The maximum size of a portable sign is:

a. Maximum Portable Sign area 5.0m2 (53.82 ft.^{2});
b. Maximum height 3.0m (9.8 ft.) height is measured from grade to top of sign; and
c. Maximum width 3.0m (9.84 ft.)

8.14.13 A maximum of one (1) Off-Site Portable Sign may be allowed on a single lot. If a lot has been approved for an Off-Site Portable Sign, the Development Authority shall not consider any subsequent development permit applications for an Off-Site Portable Sign for the same lot until six (5) months has elapsed from the expiration of the previously approved development permit.

PART 9. General Provisions in All Districts

9.1 Applicability to All Districts

9.1.1 This part shall apply to all Land use Districts under this Bylaw.

9.2 Demolition and Relocation of a Building or Structure

9.2.1 Relocation or Demolition of Buildings:

a. In the case of demolition of a building on a site, a development permit may be required at the discretion of the Development Authority where the demolition is likely to result in change of use or change in intensity of use on the site. The development permit may require the owner of the site to address reclamation of the site, removal or restriction of access, and other such issues deemed appropriate by the Development Authority in order to have the site left in a safe and secure condition.

b. Except as otherwise provided for in this Bylaw, no person shall relocate a building or structure, or portion thereof, onto a site without first obtaining a development permit for the moved-in building or structure. The relocated building or structure shall comply with the appropriate District regulations.

c. Excepting a new manufactured home, a modular home, or a portable accessory building or structure, a relocated building or structure shall be considered a discretionary use in all Districts.

d. To assist in the assessment of the compatibility of a relocated building with surrounding development, development permit applications for that building shall include:

   i. recent colour photographs showing all sides of the building;

   ii. a statement of the age, size and structural condition of the building; and

   iii. a statement of any proposed improvements to the building, including a description of the colour, texture and/or finish applied to exterior surfaces, and a description of proposed landscaped areas.

e. Any renovations or improvements required to ensure that the relocated building or structure complies with this Bylaw shall be listed as conditions of the development permit, and such conditions shall be met within one year of the relocation.

f. Where a development permit has been granted for a relocated building, the Development Authority may require the applicant to provide a letter of credit or some other form of security to ensure:

   i. the completion of any renovations or site improvements set out as a condition of approval of a development permit; and

   ii. any maintenance, repairs or improvements associated with the building relocation, or for repair of roads, sidewalks, boulevards that may be caused by the relocation.

9.2.2 Application for Demolition:

a. Notwithstanding Section 6.31(k). and in addition to the requirements of Section 6.5, an application for a development permit for the demolition of a building shall include the following information:

i. the value of the building;

ii. the purpose for the building demolition and the type of structure to replace the demolished building;

iii. a work schedule of the demolition and site cleanup;

iv. the destination of debris materials; and

v. the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development.

9.3 Satellite Dish and Amateur Radio Antennas

9.3.1 Notwithstanding Section 6.3.1, the following provisions apply:

a. All satellite dish and amateur radio antennas shall be located on the same site as the intended signal user.

b. No satellite dish or amateur radio 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.

c. 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 dwellings and multi-storey buildings in non-residential Districts.

d. Where any portion of a satellite dish or amateur radio antenna is more than 3.0 m (9.8 ft.) above grade, it shall be landscaped to screen the base of the antenna and located to minimize negative visual impacts on adjacent properties to the satisfaction of the Development Authority.

e. Location restrictions for satellite dish and amateur radio antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Authority that compliance would interfere with signal reception, or in commercial or industrial areas where visual impacts on adjacent properties are minimal.

f. 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. The Development Authority shall ensure the applicant is given an opportunity to respond to comments and input that may form part of the basis for the approval of the development permit.

g. Satellite dish and amateur radio antennas shall conform to the site regulations respecting accessory buildings and projections as per Sections 10.3, 10.4 and 10.13 in Residential Districts, and Sections 11.2 and 11.8 in Non-Residential Districts of this Bylaw.

h. The maximum height of a satellite dish or amateur radio antenna in residential Districts shall be 4.6 m (15.1 ft.).

i. No more than one freestanding satellite dish or amateur radio antenna or two roof top satellite dish or amateur radio antennas are permitted on a residential site.

j. Antennas shall not be illuminated unless required by Transport Canada regulations, and shall not exhibit or display any advertising except for the incidental display of the manufacturer's logo.

k. No advertising shall be permitted on an antenna or tower structure.

9.4 Solar Collectors

9.4.1 A solar collector may only be located on the wall or roof of a building.

9.4.2 A solar collector mounted on a roof with a pitch of less than 4:12 may project:

a. A maximum of 0.5 m (1.6 ft.) from the surface of a roof, when the solar collector is located 5.0 m (16.4 ft.) or less from a side property line, measured directly south from any point along the side property line; and

b. In all other cases, a maximum of 1.3 m (4.3 ft.) from the surface of a roof.

9.4.3 A solar collector mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m (4.3 ft.) from the surface of a roof.

9.4.4 A solar collector mounted on a roof must not extend beyond the outermost edge of the roof.

9.4.5 A solar collector that is mounted on a wall must be located a minimum of 2.0 m (6.6 ft.) above grade and may project a maximum of:

a. 1.5 m (5.0 ft.) from the surface of that wall, when the wall is facing a rear property line; and

b. In all other cases, 0.6 m (2.0 ft.) from the surface of that wall.

9.5 Bare Land Condominium

9.5.1 A bare land condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.

9.5.2 The front yard setback for dwelling units located within a bare land condominium development shall apply to the setback from the public roadway giving access to the bare land development. In addition, where applicable, the front yard setback shall apply to a dwelling unit when an internal roadway provides access to parking stalls located in the front of a dwelling unit.

9.5.3 The rear yard setback for dwelling units located within a bare land condominium development shall apply to the perimeter of the site to adjacent properties except in the case of a front yard.

9.5.4 A comprehensive site plan shall be required for the development of a residential bare land condominium development, and all development shall conform to the comprehensive site plan. The proposed plan must include the following to the satisfaction of the Development Authority:

a. Site access, internal road system, walkway system and site pattern showing dimensions and structures;

b. Designated emergency access routes;

c. Provision for on-site containerized garbage collection facilities;

d. Open space designated for recreational and playground use, and shall not include any required buffer strip;

e. Location of hard surfaced parking for every proposed lot and visitor parking areas; and

f. Such other information as deemed necessary by the Development Authority.

9.5.5 The developer and the condominium corporation shall be responsible for the construction, maintenance, repair, and replacement of all roads and utility services within the condominium plan or bare land condominium plan.

9.6 Building Orientation and Placement

9.6.1 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 6.0 m (19.7 ft.) from the point where they intersect, a wall, fence, shrub, trees, hedge or any object over 1.0 m (3.3 ft.) in height above the lowest street grade adjacent to the intersection. See Figure 9.6.

9.6.2 In all Districts, a site abutting two (2) streets or more shall have a front yard on each street and two (2) side yards in accordance with Figure 9.6, and shall comply with the setback requirements of the relevant district.

FIGURE 9.6: RESTRICTIONS ON CORNER / DOUBLE FRONTING LOTS

9.7 Easements

9.7.1 No development shall be constructed or placed in or over a utility easement or right-of-way unless:

a. Written consent has been obtained from the person whom the easement is registered to or the person whose utility line is located in the easement; and

b. The building, structure, fence, wall or landscaping does not restrict access to the utility easement for the purpose of installation or maintenance of the utility.

9.7.2 The registered landowner or authorized agent shall be responsible for confirming the location and requirements of all other utility easements or rights-of-way.

9.8 Fencing and Screening

9.8.1 Fences and screening shall complement the character and quality of the principal building.

9.8.2 Fence and screening heights shall be measured from the finished grade approved by the Development Authority, and include the height of retaining walls supporting the fence or screen.

9.8.3 The maximum height of a fence, hedge or other screening as measured from grade shall be:

a. 2.0 m (6.6 ft.) for that portion which does not extend beyond the most forward portion of the principal building on the lot;

b. 1.2 m (4.0 ft.) for that portion which extends beyond the most forward portion of the principal building on the lot; and

c. In the case of corner lots pursuant to Section 9.6.1, 1.0 m (3.3 ft.) within the sight triangle of the site, regardless of whether or not a corner cut-off has been taken.

9.8.4 At the discretion of the Development Authority, a solid 2.0 m (6.6 ft.) high fence may be permitted to provide noise attenuation and a visual barrier where a lot is proximate to a high traffic road or other nuisance.

9.8.5 The electrification of any fences within the Town of Fox Creek shall not be permitted.

9.8.6 No barbed or razor wire fences shall be permitted in residential areas.

9.8.7 Fencing and Screening in Non-Residential Districts:

a. In non-residential districts, the outdoor storage of vehicles, equipment, or products shall be screened to the satisfaction of the Development Authority. Plantings should be used in combination with solid fencing to substantially block the view of the materials being stored on site from the adjacent properties or roads.

b. When a commercial or industrial lot abuts with or is adjacent to lanes that abut a lot in a residential District, a continuous screen of at least 2.0 m (6.6 ft.) is required on the commercial or industrial lot along the lot lines shared with the residential lot or abutting lane.

c. The length and width of the screening shall be at the discretion of the Development Authority.

d. Breaks may be provided in the screen to facilitate pedestrian connections between the sites at the discretion of the Development Authority; and

e. At the discretion of the Development Authority, a high fence or a fence with barbed or other security features may be approved by the Development Authority in non-residential areas for public safety, security, privacy or buffering purposes.

9.9 Lighting

9.9.1 Appropriate lighting of all developments shall be required to provide security and create a coordinated appearance and identity.

9.9.2 Lighting standards and fixtures shall be of consistent design and complement the architectural theme of the buildings located on the site.

9.9.3 Outdoor lighting shall be designed so that illumination:

a. Serves a useful purpose and is limited to what is necessary for that use;

b. Ensures that all parking spaces, entrances and circulation routes are well-lit;

c. Uses energy efficient fixtures and bulbs where possible;

d. Is not directed at an adjacent site or skyward;

e. Does not adversely affect adjacent sites;

f. Does not adversely affect traffic safety;

g. Provides effective glare control and shielding; and

h. Fixtures are mounted no higher than 4.0 m (13 ft.) above grade unless for the purpose of lighting an outdoor patio, deck or do not exceed the height of the roof.

9.9.4 All lighting design, planning, and implementation shall be to the satisfaction of the Development Authority.

9.9.5 Flickering and flashing lights are prohibited in all Districts, except for seasonal displays.

9.10 Objects Prohibited or Restricted in Yards

9.10.1 No person shall keep or permit in any yard in any District any object or material which, in the opinion of the Development Authority is unsafe, unsightly or adversely affects the amenities of the District. This includes but is not limited to dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, toxic chemicals, diesel fuel and gasoline products.

9.10.2 The outdoor storage of materials, products, equipment or machinery shall not be permitted in the front yard of commercial Districts unless required as part of the sale, promotion or display of merchandise as determined by the Development Authority.

9.10.3 Temporary buildings, unless otherwise approved by the Development Authority, in the districts where they are listed as either a discretionary or permitted use.

9.11 Parking and Loading Facilities

9.11.1 If parking and/or loading spaces are required as a condition of a development permit, the owner of the building shall provide the required parking and loading spaces at or before the time of occupancy of the building.

9.11.2 All parking spaces, loading spaces, manoeuvring aisles and driveways shall be surfaced, demarcated, and maintained to the satisfaction of the Development Authority.

9.11.3 As a condition of a development permit, security for lot surfacing costs may be required under Section 6.7.3.

9.11.4 Additional parking requirements for sites located within the Downtown Overlay District may be required under Section 13.18.

9.11.5 The Development Authority may refuse to grant a development permit to an applicant not fully complying with parking requirements.

9.12 Parking Requirements

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

a. Necessary curb cuts shall be located and flared to the satisfaction of the Development Authority;

b. Parking areas are designed and located to minimize disruption to the continuity of the pedestrian system and adjacent public roadways;

c. Every off-street parking stall provided, and the access thereto shall be paved, except in industrial designated parcels, at the discretion of the Development Authority;

d. Parking facilities used at night shall have adequate lighting for the entire parking facility, with such lighting directed away from adjacent or other properties;

e. Off-street parking facilities shall be separated from streets by a landscaped area of at least 2.0 m (6.6 ft.) in width; and

f. Grades and drainage shall dispose of surface water in accordance with the approved lot drainage plan or stormwater management plan. 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 Authority.

9.12.2 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 Authority;

c. Does not interfere with pedestrian or traffic safety;

d. Marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle;

e. Has suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls and buildings; and

f. 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.

9.12.3 Handicapped parking spaces shall be provided in accordance with the Alberta Building Code.

a. Such handicapped stalls shall be considered as part of the total required parking;

b. Additional handicapped stalls may be required if in the opinion of the Development Authority the development would require additional access; and

c. Handicapped stalls shall have a minimum width of 4.0 m (13.1 ft.), be clearly designated as handicapped stalls, and be located close to building entrances.

9.12.4 Location of parking and loading for residential uses:

a. All parking stalls and loading spaces required by this Bylaw shall be located on the same site as the use requiring them, subject to setback and yard requirements.

b. For single detached and duplex dwellings, the required parking stalls shall be surfaced with asphalt, concrete or a similar material within one year of occupancy of the development, and shall be accessible from a public road.

c. Parking areas required for multi-unit residential dwellings shall be paved prior to occupancy.

d. If seasonal conditions prohibit the completion of lot surfacing according to Sections 9.11.2, areas that are not completed shall be compacted and maintained to allow access by emergency vehicles and all surfacing shall be completed prior to July 1st of the following year.

9.12.5 Location of parking and loading for non-residential uses:

a. The location of on-site parking on a school site shall be to the satisfaction of the Development Authority.

b. Unless otherwise stated in this Bylaw, parking areas required for non-residential uses shall be hard surfaced prior to occupancy.

c. Parking stalls within a shopping centre shall not be calculated on a separate basis for individual buildings, but instead shall be calculated according to the Shopping Centre category in Table 9.12.1.

d. Parking spaces shall not be located in the front yard of a site or between the front of a building and the boundary of the street on which the building faces unless otherwise approved by the Development Authority.

9.12.6 Multi-use or mixed use developments:

a. Developments containing or providing for more than one use shall provide parking stalls and loading spaces equal to the sum of the requirements of individual uses;

b. Parking requirements may be reduced at the discretion of the Development Authority if there is a complementary or overlapping use of the parking facilities on a site which would warrant a reduction in the parking requirements; and

c. Shared parking for multi-use or mixed use developments may be allowed at the discretion of the Development Authority according to Section 9.12.8.

9.12.7 Remote Parking, Shared Parking, and Parking-in-Lieu:

a. At the discretion of the Development Authority, some or all required parking spaces for a non-residential development may be provided on a remote site:

i. the remote site must be located within 100.0 m (328.1 ft.) from the site of the development served by the parking along public walkways;

ii. the remote site shall be located in a District that allows parking lot or structures;

iii. if the applicant is the owner of the remote site, the owner shall register a Shared Parking agreement onto the Land Title for the property stating that the remote site shall be used for parking as long as required, and name the Town as a party to the agreement;

iv. if the applicant does not own the remote site, it shall be secured through a Parking Agreement to the applicant, acceptable to the Development Authority, for a minimum of ten (10) years. The applicant must register the agreement on the Land Title for the property;

v. parking on the remote site shall be developed at the same time and to the same standards, setbacks and yard requirements as on-site parking; and

vi. the applicant shall give priority for any on-site parking to visitor use and provide staff parking on the remote site.

b. The Development Authority may allow two (2) or more developments to share parking spaces. Permission to share parking spaces may only be granted by the Development Authority in the following circumstances:

i. up to 50% of the required parking may be combined or shared parking, at the discretion of the Development Authority;

ii. the developments are in close proximity to each other and within 100.0 m (328.1 ft.) of the Site on which the parking spaces are located;

iii. the demand for parking spaces for each development is not likely to occur at the same time;

iv. the Development Authority is satisfied that the arrangement between the owners of the developments for the sharing of parking spaces is to be permanent; and

v. a development agreement acceptable to the Development Authority is provided and registered on the Land Title for the Property.

c. In lieu of providing off-street parking to meet requirements, an applicant for a development permit may instead pay the Town to provide the equivalent parking area as shared parking, at the discretion of the Development Authority.

d. The payment required shall be based on the amount required to construct the parking stalls on land owned or proposed to be purchased by the Town. Alternatively, the amount of the payment required per parking stall shall be set by resolution of Council.

e. Revenue so received by the Town shall be used only for the development or improvement of municipal, off-street parking facilities to benefit the development.

9.12.8 Size of Parking Stalls and Drive Aisles:

a. Parking angles may range from 90 degrees to 45 degrees;

b. Unless otherwise allowed by the Development Authority, the minimum dimensions for the design of parking facilities shall be as set out in Table 9.12;

c. Parking dimensions for parking angles between 90 degrees and 45 degrees shall be calculated using a straight-line interpolation between dimensions;

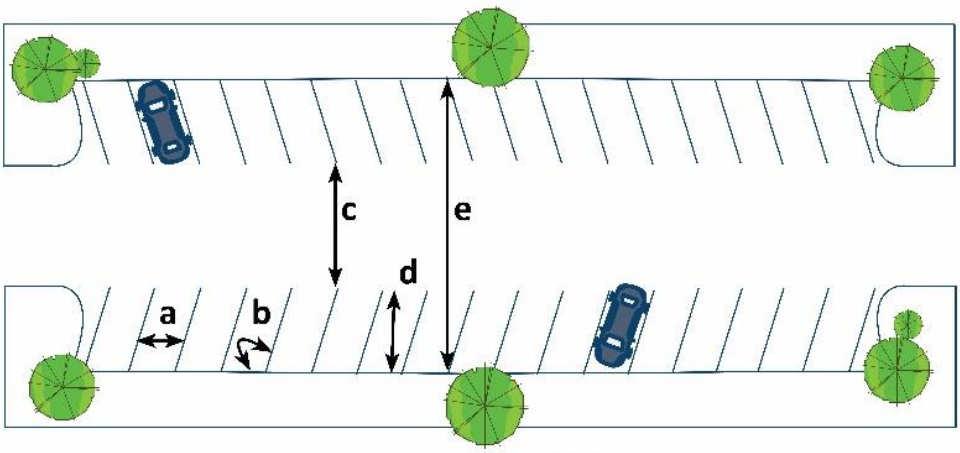
d. For parallel parking, the depth of the parking spaces shall be 3.5 m (11.4 ft.), except that an end space with an open end shall be a minimum of 5.5 m (18.0 ft.);

e. Manoeuvring aisles and driveways serving as fire lanes shall be at least 6.1 m (20.0 ft.) wide;

f. Parking stalls shall be clear of all obstructions, other than wheel stops; and

g. The maximum grade of a parking stall shall not exceed 4% in any direction.

FIGURE 9.12: PARKING DIMENSIONS



a. Stall Width
b. Parking Angle in Degrees
c. Aisle Width
d. Stall Depth (perpindicular to aisle)
e. Parking Unit Depth

TABLE 9.12: PARKING STALL DESIGN STANDARDS

STALL WIDTH	PARKING ANGLE IN DEGREES	AISLE WIDTH	STALL DEPTH PERPENDICULAR TO AISLE	PARKING UNIT DEPTH
(a)	(b)	(c)	(d)	(e)
7.0 m (23.0 ft.)	0 (Parallel)	3.6 m (11.9 ft.)	3.5 m (11.4 ft.)	9.4 m (30.8 ft.)
3.0 m (9.8 ft.)	45	3.7 m (12.1 ft.)	6.0 m (19.7 ft.)	15.7 m (51.5 ft.)
3.0 m (9.8 ft.)	60	5.2 m (17.1 ft.)	6.4 m (21.0 ft.)	18.0 m (59.1 ft.)
3.0 m (9.8 ft.)	90	6.7 m (22.0 ft.)	5.8 m (19.0 ft.)	18.3 m (60.0 ft.)

9.12.1 Number of Vehicle Parking Stalls Required:

a. The minimum number of off-street parking stalls required for each use of a building or development is specified in Table 9.12.1.

b. Where a building is enlarged, or altered, or a change in the use occurs in such a manner as to cause a more intensive use of that building, provisions shall be made for the additional parking spaces required under the Bylaw.

c. The Development Authority may vary the amount of required on-site parking if a change in use is proposed and where there is insufficient land area on the lot for any required additional parking.

d. Calculations for the minimum number of off-street parking stalls required for a development showing in Table 9.12.1 shall consider the following:

   i. GFA is defined as the gross floor area of the building;

   ii. units are the number of individual dwelling units in a dwelling;

   iii. occupancy values, such as hospital beds or chairs in an assembly space or restaurant, are based on the information provided in the development permit application, which shall comply with the Alberta Building Code and the Alberta Fire Code;

   iv. where a number of parking stalls is required for each employee, the requirement refers to the maximum number of employees on site during peak working hours;

   v. uses within a shopping centre shall not be calculated on a separate basis, but rather in accordance with the provisions of Table 9.12.1; and

   vi. developments containing outdoor uses shall be calculated to include those outdoor uses.

e. 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.

f. Where a development falls within two or more of the categories listed in this section, it shall comply with parking regulations as follows:

   i. where distinct components of a development have different uses, such as with a mixed use development, parking requirements will be based on the total area in each use;

   ii. where a development or part of a development can be defined under multiple categories in Table 9.12.1, the highest requirement shall be used; and

   iii. provisions for shared parking for uses on the same parcel are outlined in Section 9.12.8.

g. Parking stall requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set.

h. Visitor or guest parking stalls shall be clearly visible from the entrance to the development or identified using wayfinding signage visible from the entrance, and should be clearly marked as visitor or guest parking.

TABLE 9.12.1: PARKING REQUIREMENTS

USE	REQUIRED PARKING
Adult Entertainment Facility	10 stalls/100 m^2 GFA or 1 stall/4 seating spaces, at the discretion of the Development Authority
Assembly areas (including Community Hall; Religious Assembly)	10.0 stalls/100 m^2 GFA or 1 stall/4 seating spaces, at the discretion of the Development Authority
Automotive Service Station	2.0 stalls/100 m^2 GFA
Bunkhouse	1.0 stall/room
Campground (all)	1.0 stalls/campsite (10% as visitor parking, minimum 1 stall)
Caterer	2.5 stalls/100 m^2 GFA
Cemetery	At the discretion of the Development Authority
Clinic	4.0 stalls/100 m^2 GFA
Contracting Services (all)	2.5 stalls/100 m^2 GFA
Crematorium	At the discretion of the Development Authority
Day Care Facility	1.0 stall/5 children plus 1 stall/staff
Depot (all)	1.0 stall/vehicle stored plus parking as required for other uses (e.g., office, retail)
Drinking Establishment	1.0 stall/4 seats (minimum 3 stalls)

USE	REQUIRED PARKING
Dry Cleaning and Laundry Facility	2.0 stalls/100 m^2 GFA
Dwelling/Residential Units	
Dwelling, Apartment	1.0 stall/unit (bachelor/1 bedroom units) plus 1.5 stalls/unit (2 bedroom units) plus 2.0 stalls/unit (3+ bedroom units) plus 0.15 stalls/unit as visitor parking
Manufactured Home Community	2.0 stalls/unit plus 0.15 stalls/per unit as visitor parking
Bed and Breakfast Facility; Boarding or Rooming House	1.0 stall/guest room plus 1 stall/non-resident on-site employee
Caretaker's Residence; Secondary Suite	1.0 stall/bedroom to a maximum of 2 stalls
Senior Citizen Housing	2.0 stalls/3 units
Other Dwelling types	2.0 stalls/unit
Entertainment Facility	5.0 stalls/alley (bowling alley) 6.0 stalls/sheet of ice, plus 10 stalls/100 m^2 GFA or 1.0/4 seating spaces in seating area (curling rink) 10 stalls/100 m^2 GFA (all others)
Funeral Home	At the discretion of the Development Authority
Gaming or Gambling Establishment	30.0 stalls/100 m^2 GFA
Gas Bar	3.0 stalls/fuel pump plus 2.7 stalls/100 m^2 for all other uses
Golf Course	5.0 stalls/course hole plus parking for accessory uses
Government Service	4.0 stalls/100 m^2 GFA (post office) At the discretion of the Development Authority (all others)
Group Care Facility	0.2 stalls/bed plus 0.8 stall/staff
Home Occupation, Minor	1.0 stall for client visits (in addition to the required parking for residential use)
Home Occupation, Major	1.0 stall/non-resident on-site employee, minimum 1.0 stall for client visits at the discretion of the Development Authority, (in addition to required parking for residential use)
Hospital	2.0 stalls/3 beds plus 1.0 stall/staff
Hotel	1.0 stall/room plus 1.0 stall/3 staff

USE	REQUIRED PARKING
Industry/Manufacturing (all types, including Asphalt Plant; Concrete Manufacturing Plant; Crushing Plant; Petroleum Facility; Propane Transfer Facility; Recycling Depot; and Salvage Yard)	1.4 stalls/100 m^2 GFA plus visitor parking as determined by the Development Authority
Library	2.5 stalls/100 m^2 GFA (not including assembly areas)
Museum	2.5 stalls/100 m^2 GFA (not including assembly areas)
Office (including Bank/Financial Institution and ancillary office space in other uses at the discretion of the Development Authority)	2.5 stalls/100 m^2 GFA
Park	At the discretion of the Development Authority
Personal Service Shop (including Laundromat)	2.5 stalls/100 m^2 GFA
Protective and Emergency Services	At the discretion of the Development Authority
Recreation Facility	10.0 stalls/100 m^2 GFA
Restaurant	
Restaurant, Drive-Through; Restaurant, Takeout/Delivery	2.5 stalls/100 m^2 GFA
Restaurant, Licenced; Restaurant, Unlicensed	1.0 stall per 3 seats (minimum 3)
Retail Store (including Automotive Supply Store)	3.5 stalls/100 m^2 GFA
Retail Store, Liquor	4.0 stalls/100 m^2 GFA
Sales, Service, Storage, Rentals, and Repair (includes Automotive Repair Garage; Automotive/Recreational Vehicle Sales and Rental; Heavy Equipment Sales, Service, Storage, and Rentals; Light Equipment Sales, Service, and Rentals)	2.0 stalls/100 m^2 GFA
School	
School, Public/Separate	1.15 stalls/staff or 10 stalls/100 m^2 of gymnasium floor area, at the discretion of the Development Authority (elementary/junior high schools) 0.5 stalls/student plus 1.0 stall/staff or 10 stalls/100 m^2 of gymnasium floor area, at the discretion of the Development Authority (high schools)
School, Trade/Commercial	0.8 stalls/student plus 1.0 stall/staff
Shopping Centre	4.5 stalls/100 m^2 GFA
Social Care Facility	0.2 stalls/bed plus 0.8 stall/staff
Storage (all)	1.1 stalls/100 m^2 GFA up to 2,000 m^2 and 0.2 stalls/100 m^2 GFA thereafter (indoor) 5.0 stalls/ha of outdoor storage area (outdoor)

USE	REQUIRED PARKING
Supermarket	4.0 stalls/100 m^2
Theatre (all)	10.0 stalls/100 m^2 GFA or 1 stall/4 seating spaces, at the discretion of the Development Authority
Veterinary Clinic	4.0 stalls/100 m^2 GFA
Warehouse Store	4.5 stalls/100 m^2 GFA
Washing Facility (all)	2.0 stalls/100 m^2 GFA

9.13 On-Site Loading Requirements

9.13.1 The required number of on-site loading spaces is provided in **Table 9.13**.

9.13.2 Where a development falls within two or more of the uses listed in this Section, the required number of spaces shall be the sum of the requirements for each of the uses.

9.13.3 Notwithstanding (a), uses within a shopping centre shall not be calculated on a separate basis, but rather at the discretion of the Development Authority.

9.13.4 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.

9.13.5 A loading space situated within a setback distance from a street or lane shall not be counted for the purposes of this Section.

9.13.6 Loading spaces shall be located to the side or rear of a building, and shall be screened in a complimentary finish to the principal building in accordance with the provisions of Section 9.8.

9.13.7 A loading space shall have:

a. A minimum width of 3.3 m (9.8 ft.);

b. A minimum depth of 9.1 m (29.9 ft.); and

c. A minimum overhead clearance of 4.3 m (14.1 ft.).

9.13.8 Minimum loading space dimensions may be changed at the discretion of the Development Authority to consider the types of vehicles that are likely to use the loading space.

9.13.9 For multi-unit residential dwellings with more than twenty (20) units, adequate loading space shall be provided to the satisfaction of the Development Authority.

9.13.10 Loading space requirements for uses other than those set out in this Section shall be determined by the Development Authority, having regard to similar uses in **Table 9.13**.

TABLE 9.13: REQUIRED NUMBER OF LOADING SPACES

USE OF BUILDING OR SITE	NUMBER OF LOADING SPACES
Clinic or Hospital	1 space
Community Hall	1 space
Funeral Home	1 space
Hotel	1 space
Hospital	1 space/1000 m^2 GFA
Industry/Manufacturing	1 space/2000 m^2 GFA
Institutional use or Public Use	1 space
Office	1 space
Recreation Facility	1 space
Restaurant	1 space
Retail	1 space
Shopping Centre	1 space/1000 m^2 GFA
Warehouse	1 space/2000 m^2 GFA

9.14 Access to Sites

9.14.1 All access locations and curb crossings shall be designed and constructed in accordance with Town of Fox Creek engineering and transportation standards, and require the approval of the Development Authority.

9.14.2 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.

9.14.3 Sites shall be designed to allow appropriate access for emergency service vehicles to all buildings and emergency service infrastructure on site.

9.14.4 Driveways shall be hard surfaced if access is from a street which is hard surfaced.

9.14.5 In addition to provisions in Section 11.4, for drive-through uses in which patrons generally remain in their vehicles, queuing space shall be provided as follows:

d. For drive-through food services, and other development having a service window, a minimum of four (4) inbound queuing spaces shall be provided for each service window;

e. For drive-through vehicle services, a minimum of one (1) inbound queuing spaces shall be provided for each service bay;

f. A minimum of one (1) outbound queuing space shall be provided prior to exiting into any public roadway;

g. Each queuing space shall be a minimum of 6.5 m (21.3 ft.) long and 3.0 m (9.8 ft.) wide; and

h. Queuing lanes shall provide sufficient space for turning and maneuvering.

PART 10. General Provisions in Residential Districts

10.1 Applicability to Districts

10.1.1 In addition to the Provisions in Part 9, this Part shall apply to all residential Land Use Districts under this Bylaw.

10.2 Accessory Residential Buildings and Structures

10.2.1 All accessory residential buildings and structures must meet the provisions of the Alberta *Safety Code Act*.

10.2.2 Where a structure is attached to the principal building on a parcel by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered as part of the principal building and not as an accessory residential building and shall, therefore, adhere to the lot coverage and setback requirements for the principal buildings as specified in the Land Use Districts.

10.2.3 Accessory residential buildings and structures include garages, detached carports, sheds, and storage buildings.

10.2.4 An accessory residential building or structure may be erected only after the principal building has been completed on the same parcel.

10.2.5 An accessory residential building shall not exceed one (1) storey nor 5.5 m (18.0 ft.) in height from the inside wall grade to the top of the roof, and shall not exceed the height of the principal dwelling.

10.2.6 No accessory residential building shall exceed 70.0 m^2 (753.5 ft. ^{2}) in area and no wall shall exceed 9.75 m (32.0 ft.) in length.

10.2.7 Notwithstanding Section 10.2.5 and 10.2.6 above, the total combined floor area of all accessory buildings combined shall not exceed 10% of the site area.

10.2.8 No accessory residential building or any portion thereof shall be erected or placed within the front yard of any parcel.

10.2.9 Accessory residential buildings and structures are subordinate to the principal use/building on the parcel and so the site layout shall ensure that the principal building is the dominant building on-site.

10.2.10 No accessory residential building or structure shall be located on or over an easement or utility right-of-way unless authorized by the Development Authority.

10.2.11 Notwithstanding Sections 10.3 and 10.4 of this Part, an accessory residential building or any portion thereof may be erected or placed on the rear or side parcel boundary common to two (2) parcels provided the accessory building serves the two abutting parcels. The Development Authority shall, as a condition of approving this type of development, require the owners to register against both titles a Party Wall Agreement.

10.3 Siting of Accessory Residential Buildings and Structures for Internal Lots

10.3.1 Provided that no encroachment of any part of a building is onto a public utility lot (PUL), easement or adjacent property maintenance easement, detached garages and carports shall be located as follows:

a. A minimum of 1.5 m (5.0. ft.) from the principal dwelling, provide that both buildings have met the requirements of the *Alberta Safety Codes Act*, and any amendments made from time to time; and

b. No closer than 1.0 m (3.3 ft.) from the side property line and no closer than 0.6 m (1.9 ft.) from the rear property line.

10.4 Accessory Residential Building or Structure for Corner and Double Fronting Lots

10.4.1 Provided that no encroachment of any part of a building is onto a public utility lot (PUL), easement or property maintenance easement, detached garages and carports shall be located as follows:

a. A minimum of 1.5 m (5.0 ft.) from the dwelling, provided that both buildings have met the requirements of the *Alberta Safety Codes Act*, and any amendments made from time to time;

b. No closer than 1.0 m (3.3 ft.) from the interior side property line and 0.6 m (1.9 ft.) from the rear property line; and

c. An accessory residential building or structure located on a corner or double fronting lot shall be no closer to the exterior property boundary than the minimum yard setback of the principal building and be no closer than 1.0 m (3.3 ft.) from the interior side parcel boundary.

10.5 Dwelling Units on a Parcel

10.5.1 The number of dwelling units permitted on a parcel shall be one (1), except:

a. In a dwelling designed for, or divided into, two (2) or more dwelling units and located in a Land Use District which permits multiple units;

b. In a single detached dwelling with an approved secondary suite under Section 10.9 of this Part;

c. A manufactured home forming part of a manufactured home park or work camp for which a development permit has been issued; or

d. A parcel that is the subject of an approved condominium plan registered with Alberta Registries as defined in the *Condominium Property Act*.

10.6 Private Swimming Pools and Hot Tubs

10.6.1 Notwithstanding Part 6, Section 6.3.1 (l) the following provisions apply to private swimming pools and hot tubs:

a. Every swimming pool and hot tub shall be secured against entry by the public other than owners, tenants or their guests;

b. No privately owned outdoor swimming pool or hot tub shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence;

c. Every fence enclosing an outdoor swimming pool or hot tub shall be at least 1.5 m (4.9 ft.) in height above the grade outside the enclosure and shall be of approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self- latching device located on the inside of the gate;

d. Pool water shall be treated in accordance with Alberta Health regulations;

e. Outdoor swimming pools and hot tubs shall not be located in the front yard;

f. Outdoor swimming pools and hot tubs shall not be located within the rear and side yard setback requirement of the applicable district; and

g. Outdoor pools and hot tubs shall not be located where an easement or right-of-way exists and shall be setback 0.5 m (1.6 ft.) from the easement/right-of-way.

10.7 Bed and Breakfast Facility

10.7.1 In addition to an approved development permit, all persons operating bed and breakfast facilities require a business licence and must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.

10.7.2 A bed and breakfast facility is an accessory use to a principal residential use of a single detached dwelling.

10.7.3 The privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times.

10.7.4 The accommodation shall be limited to a maximum of four (4) sleeping rooms and a maximum of eight (8) guests permitted at any one time.

10.7.5 No cooking facilities are provided in guest rooms.

10.7.6 Interior or exterior alterations, additions or renovations to accommodate a bed and breakfast facility 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's bylaws.

10.7.7 A bed and breakfast facility shall be operated only by the permanent resident(s) of the principal dwelling and one (1) non-resident employee on-site.

10.7.8 The maximum rental period per stay is fourteen (14) days.

10.7.9 A bed and breakfast facility shall not be permitted within the same principal dwelling that contains a major home occupation or a boarding or rooming house.

10.8 Boarding and Rooming Houses

10.8.1 In addition to an approved development permit, all persons operating a boarding or rooming house shall require a business licence and must provide evidence of compliance with municipal, provincial and federal regulations in regard to their operation.

10.8.2 A boarding or rooming house may only be permitted in a single detached dwelling.

10.8.3 No other uses shall be permitted on a parcel where a boarding or rooming house exists.

10.8.4 A boarding or rooming house shall be operated only by the permanent resident(s) of the principal dwelling and one (1) non-resident employee on-site.

10.8.5 No guest rooms are permitted to have separate cooking facilities.

10.9 Secondary Suites

10.9.1 The following general provisions shall apply to Secondary Suites as follows:

a. No secondary suite shall be constructed or occupied without an approved development permit;

b. A maximum of one (1) secondary suite may be permitted per single detached or duplex dwelling;

c. Secondary suites shall be restricted to single detached and duplex dwellings, or within an accessory building on the same lot as single detached or duplex dwellings;

d. Secondary suites shall maintain an appearance compatible with the surrounding neighbourhood. Where located within the primary building, a secondary suite shall be integrated into the design of the building, such that the building retains the appearance of a single detached or duplex dwelling;

e. A secondary suite shall not be located on the same lot as a bed and breakfast facility, boarding or rooming house, group care facility, or major home occupation;

f. A secondary suite shall comply with the *Safety Codes Act*, the Alberta Building Code and all other applicable municipal, provincial and federal regulations;

g. The gross floor area of a secondary suite shall be a minimum of 30.0 m^2 (322.9 $ft.^2$) but shall not exceed 40% of the total floor area of the principal building on the lot;

h. Parking shall be provided according to the provisions of Section 9.12.10 Number of Vehicle Parking Stalls Required; and

i. A secondary suite shall have full utility services through service connections from the principal residence.

10.9.2 Where located within the same building as the primary dwelling unit, a secondary suite shall comply with the following provisions:

a. A principal building containing a detached dwelling with a secondary suite may not be converted into condominiums. Ownership of a property containing a secondary suite must be an undivided fee simple;

b. The secondary suite shall have 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 secondary suite; and

c. Exterior access to the secondary suite shall be subordinate in both size and appearance to the access of the primary dwelling unit.

10.9.3 Where located within an accessory residential building, a secondary suite shall comply with the following provisions:

a. Except where otherwise regulated in this Section, accessory buildings containing secondary suites shall comply with the regulations of Sections 10.2, 10.3 and 10.4 regarding accessory residential buildings and structures;

b. Secondary suite access and windows shall be sized and oriented to minimize visibility into adjacent properties, and/or screened to mitigate such visibility, to the satisfaction of the Development Authority;

c. Secondary suites shall not exceed one (1) storey nor 5.5 m (18.0 ft.) in height from the inside wall grade to the top of the roof, and shall not exceed the height of the principal dwelling; and

d. Notwithstanding Sections 10.3 and 10.4, accessory buildings containing secondary suites shall be set back a minimum of 1.2 m (4.0 ft.) from the side and rear lot lines, and shall be separated from any other structure on the site by a minimum of 2.0 m (6.6 ft.).

10.10 Home Office and Home Occupation Standards

10.10.1 A home office shall meet all the requirements shall comply with the following regulations:

a. A home office shall be operated as an accessory use only and shall not change the principal character and external appearance of the dwelling in which it is located;

b. The home office shall be operated by the permanent resident(s) of the principal dwelling and shall not employ any non-resident, on-site employees;

c. There shall be no home business clients or customers on site at any time and the business shall not generate client or customer, pedestrian or vehicle traffic; and

d. No storage, signage, or vehicles associated with the business are permitted.

10.10.2 A home occupation, minor shall comply with the following regulations:

a. The total number of home occupations on a property shall be limited to one (1) home occupation;

b. A home occupation, minor shall be restricted to single detached and duplex dwellings;

c. A home occupation shall be operated as an accessory use only and shall not change the principal character and external appearance of the dwelling in which it is located;

d. The home occupation shall be operated by the permanent resident(s) of the principal dwelling and shall not employ non-resident, on-site employees;

e. The home occupation shall not occupy more than 20% of the gross floor area of the principal dwelling, and shall not occupy any portion of an accessory building on the lot;

f. No exterior signage is permitted;

g. The home occupation shall have no more than one (1) home business vehicle used in conjunction with the home business, parked and maintained on the site;

h. A home occupation shall not generate traffic that will have a significant impact on the traffic flow of the neighbourhood;

i. No more than five (5) customer/client visits are permitted to the residence per day;

j. Any storage of materials or goods related to the home occupation must be located within the principal dwelling. No exterior storage is permitted;

k. The minimum number of off-street parking stalls required for a home occupation, minor is specified in Table 9.12.1;

l. A home occupation shall not be approved if, in the opinion of the Development Authority, the business is more appropriately located in a Commercial District; and

m. A home occupation shall not operate without a business licence from the Town.

10.10.3 A home occupation, major shall comply with the following regulations:

a. The total number of major home occupations on a property shall be limited to one (1) major home occupation;

b. A home occupation, major shall be restricted to single detached and duplex dwellings, or within an accessory building on the same lot as single detached or duplex dwellings;

c. A major home occupation shall be operated as an accessory use only and shall not change the principal character and external appearance of the dwelling or accessory building in which it is located;

d. A home occupation shall be operated by the permanent resident(s) of the principal dwelling, and may not employ more than two (2) non-resident on-site employees;

e. The home occupation shall not occupy more than 30% of the gross floor area of the principal dwelling plus the area of one (1) accessory structure;

f. One (1) non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 m^2 (3.2 $ft.^2$) in an area placed within or flat against the dwelling unit or any accessory building is permitted;

g. The home occupation shall have no more than two (2) home business vehicles used in conjunction with the home business, parked and maintained on the site;

h. The minimum number of off-street parking stalls required for a home occupation, major is specified in Table 9.12.1;

i. Notwithstanding Section 10.10.3 (f) above, home occupation shall not have commercial vehicles parked and maintained on the site greater than 4,000 kg (8,800 lbs), loaded or unloaded;

j. A home occupation shall not generate traffic that will have a significant impact on the traffic flow of the neighbourhood;

k. A major home occupation shall not be approved if, in the opinion of the Development Authority, the business is more appropriately located in a commercial or industrial District;

l. No noise, dust, vibration, smoke, odours, heat, glare, or other nuisances detectable beyond the property boundary shall be produced by the home occupation. The home occupation shall not impact the privacy and enjoyment of neighbouring residences;

m. The Development Authority may regulate the hours of operation as a condition of the development permit;

n. Any storage of materials or goods related to the home occupation must be located within the principal dwelling and/or accessory structure. No exterior storage is permitted;

o. Development permits for home occupations may be issued as a temporary permit for one (1) year, to be reissued annually, at the discretion of the Development Authority;

p. A development permit may be revoked with sixty (60) days' notice if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this Bylaw or conditions of the development permit; and

q. A home occupation shall not operate without a business licence from the Town.

10.10.4 The following uses may not be permitted as a home occupation:

a. Adult entertainment facilities;

b. Industry/manufacturing;

c. Automotive, heavy equipment or recreational vehicle sales, rentals, services, storage or repairs; or

d. Storage of hazardous, noxious or dangerous goods.

10.11 Landscaping in Residential Districts

10.11.1 As a condition of a development permit, all landscaping and planting required must comply with an approved landscaping plan and be carried out to the satisfaction of the Development Authority by the end of the first full growing season following building completion or occupancy, whichever occurs first.

10.11.2 As a condition of a development permit, security for landscaping costs may be required under Section 6.7.3.

10.11.3 Multi-unit residential dwellings shall be landscaped as follows:

a. One (1) tree for each 35.0 m^2 (376.7 $ft.^2$) and one (1) shrub for each 15.0 m^2 (161.5 $ft.^2$) of landscaped area;

b. The number of trees may be reduced by 50% by replacing each tree with two (2) shrubs;

c. The location and spacing of trees and shrubs shall be to the satisfaction of the Development Authority; and

d. Trees and shrubs shall be planted in the landscaped area within private property.

10.11.4 Off-street parking lots for apartment developments shall be landscaped as follows:

a. Trees shall be provided in the amount of at least one tree for every 75 m^2 (807.3 $ft.^2$) of parking lot area; and

b. Trees shall be of a type and size approved by the Development Authority.

10.12 Objects Prohibited or Restricted in Residential Yards

10.12.1 In addition to provisions in Section 9.10.1, the following apply:

a. No person shall keep or permit in any yard any object or material which, in the opinion of the Development Authority is unsafe, unsightly or adversely affects the amenities of the District. This includes but is not limited to dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, toxic chemicals, diesel fuel and gasoline products.

b. A recreational vehicle or utility trailer may be kept in a side or rear yard provided it meets the setback requirements for accessory buildings and structures in that District, unless the recreational vehicle or utility trailer is less than 2.43 m (8.0 ft.) in height, then the required setback is zero.

c. No occupant of a principal dwelling in a residential District shall permit a recreational vehicle on the lot to be used for living or sleeping accommodation for longer than a fourteen (14) day period per annum.

d. A motor vehicle shall not be parked in a front yard except on a driveway.

e. Temporary buildings, unless otherwise approved by the Development Authority, in the districts where they are listed as either a discretionary or permitted use.

10.13 Projections into Residential Minimum Yard Setbacks

10.13.1 Projections that are on foundation walls and footings, or are on a grade beam/pile system are deemed to be part of the building, and shall not be considered a projection.

10.13.2 Except as provided in this Section, no portion of a principal building may project over, or onto, a front yard setback, side yard setback, or rear yard setback.

10.13.3 No portion of a structure or building shall project into a public or private right-of-way, and to do so will require an agreement with the City or owner of the right-of-way.

10.13.4 For zero lot line developments such as multi-unit residential dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.

10.13.5 The individual encroachment maximum length shall not exceed 3.0 m (9.8 ft.).

10.13.6 Projections into yard setbacks shall be in accordance with the Districts parcel coverage requirements.

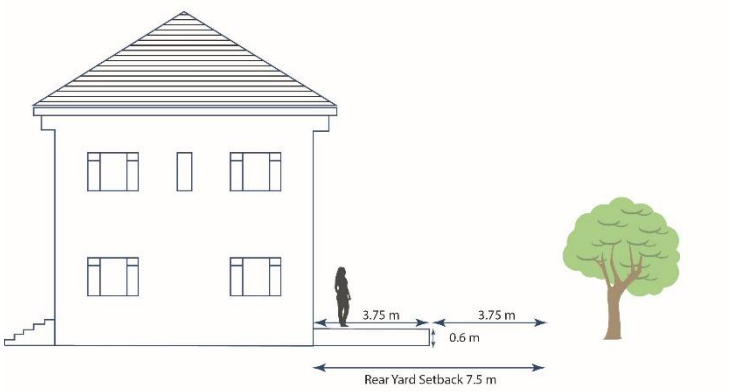
10.13.7 At the discretion of the Development Authority, projections in Table 10.13 into required front, side and rear yard setbacks in Residential Land Use Districts may be permitted.

TABLE 10.13: PROJECTIONS INTO RESIDENTIAL MINIMUM SIDE YARDS

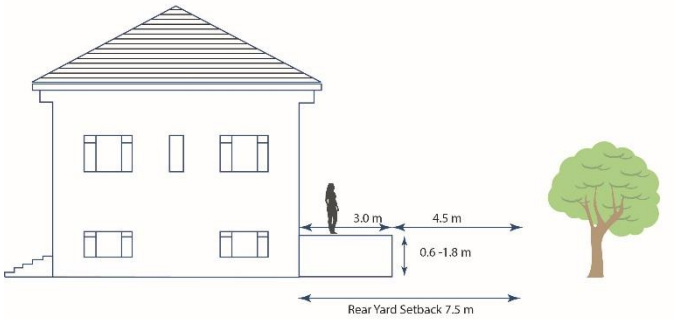
a. All Yards:	
Patios at grade level	Unlimited
Fences having a maximum height of 1.2 m (4.0 ft.) unless the site is a corner or double fronting lot whereby Section 9.6.1 applies.	Unlimited
Eave/overhangs of principal buildings or accessory buildings	1.0 m (3.3 ft.)
Chimneys, box-outs, cantilevers or any other enclosed projection of a building area	1.0 m (3.3 ft.)
Solar collectors from the surface of the wall	0.6 m (2.0 ft.)
b. Front Yard:	
Steps/Stairs/Ramps	3.0 m (9.8 ft.)
Porches, balconies and patios (above grade) and unenclosed decks (uncovered)	2.0 m (6.6 ft.)
Canopies, eaves, box-outs, sunshades, ramps, chimneys, gutters, sills, steps/stairs, and cantilevers.	1.0 m (3.3 ft.)
c. Side Yards:	
Patios and unenclosed decks (uncovered), the finished surface of which is not more than 0.6 m (2.0 ft.) above grade	Half (1/2) the minimum required yard
Landings (unenclosed), balconies, steps/stairs in *exterior* side yards only	1.0 m (3.3 ft.)
Landings (unenclosed), balconies, steps/stairs in *interior* side yards only	0.6 m (2.0 ft.)

d. Rear Yard:

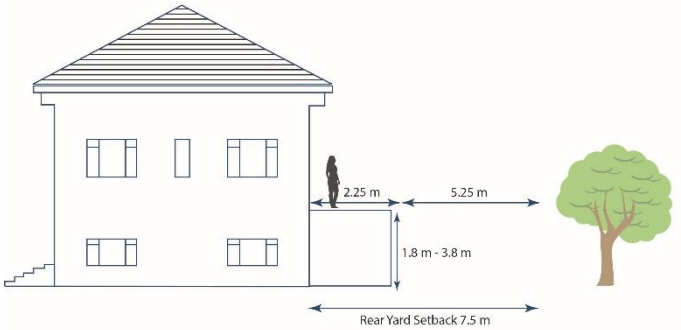
Patios and decks (unenclosed), and verandas the finished surface of which is not more than **0.6 m (2.0 ft.)** above grade	Half (1/2) the minimum required yard



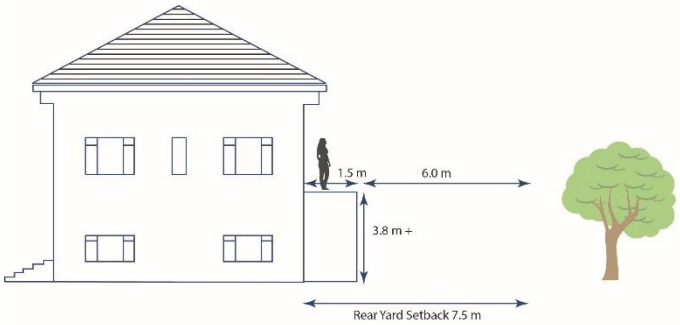
Balconies, decks (unenclosed) the finished surface of which is more than **0.6 m (2.0 ft.)** but less than or equal to **1.8 m (6.0 ft.)** above grade	3.0 m (9.8 ft.)



Balconies and decks (unenclosed) where the finished surface is more than **1.8 m (6.0 ft.)** but less than or equal to **3.8 m (12.4 ft.)** above grade	2.0 m (6.6 ft.)



Balconies and decks (unenclosed) where the finished surface is more than 3.8 m (12.4 ft.) above grade	1.5 m (4.9 ft.)



PART 11. General Regulations in Non-Residential Districts

11.1 Applicability

11.1.1 In addition to the Provisions in Part 9, this Part shall apply to all non-residential Land Use Districts This part shall apply to all residential Land use Districts under this Bylaw.

11.2 Accessory Non-Residential Buildings & Structures

11.2.1 All accessory non-residential buildings or structures must meet the provisions of the *Alberta Safety Codes Act*.

11.2.2 Where a non-residential structure is attached to the principle building by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered as part of the principal building and not as an accessory building.

11.2.3 Accessory non-residential buildings and structures are subordinate to the principal use/building on the parcel and so the site layout shall ensure that the principal building is the dominant building on-site.

11.2.4 An accessory non-residential building or structure may be erected only after the principal building has been completed on the same parcel.

11.2.5 No accessory non-residential building or structure or any portion shall be erected or placed within the front yard of any parcel.

11.2.6 No accessory non-residential building or structure shall be located on or over an easement or utility right-of-way unless authorized by the Development Authority.

11.2.7 Non-residential accessory buildings or structures are subject to the development regulations for that District.

11.2.8 Accessory non-residential buildings or structures on a site in a non-residential District which abuts a site in a residential District shall not be less than 1.5 m (4.9 ft.) from the boundary line of the site in the residential District.

11.2.9 An accessory non-residential building or any portion thereof may be erected or placed on the rear or side parcel boundary common to two (2) parcels provided the accessory building serves the two abutting parcels. The Development Authority shall, as a condition of approving this type of development, require the owners to register against both titles a Party Wall Agreement.

11.2.10 An accessory non-residential building or structure located on a corner or double fronting lot shall be no closer to the exterior property boundary than the minimum yard setback of the principal building.

11.3 Adult Entertainment Facility

11.3.1 No person shall establish an Adult Entertainment Facility within 250.0 m (820.2 ft.) of an:

a. Adult Entertainment Facility;

b. Residential District;

c. Dwelling, multi-residential building within a Commercial District;

d. Public/Separate School;

e. Day Care Facility;

f. Religious Assembly;

g. Social Care Facility or Group Care Facility;

h. Recreation Facility; or

i. Public park, playground, municipal reserve or municipal building.

11.4 Drive -Throughs

11.4.1 Businesses with drive-throughs must:

a. Fence and screen any drive through aisles that are adjacent to a residential District;

b. Fence any drive through aisles, where necessary, to prevent access to a lane or street;

c. Provide vehicle queuing and parking in accordance with Section 9.14.5 of this Bylaw;

d. Be separated from a residential District by a building if outdoor speakers are included;

e. Provide a separation of 23.0 m (75.5 ft.) from the lot line of a residential District and any outdoor speakers;

f. Not have any drive-through aisles in a setback area; and

g. Provide safe pedestrian access into the premises where a pedestrian sidewalk crosses a drive-through aisle.

11.4.2 The volume of any outdoor speaker shall be to the satisfaction of the Development Authority.

11.5 Communication Towers

11.5.1 An antenna and supporting structure for the following uses are discretionary and require a development permit in all Districts:

a. Radio and television transmission;

b. Two-way radio;

c. Cellular carriers;

d. Land-mobile systems; and

e. Fixed point microwave.

11.5.2 Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures, including buildings or towers, or within transportation and utility corridors.

11.5.3 The visual impacts of transmission towers must be mitigated through landscaping and/or fencing.

11.5.4 Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Town.

11.5.5 Communication antennae and structures to be located in all Districts shall obtain a development permit where they exceed 4.6 m (15.1 ft.) in height from grade.

11.5.6 An application for a development permit shall include a site plan drawn to scale and identifying:

a. The site boundary;

b. Tower;

c. Guy wire anchors;

d. Existing and proposed structures;

e. Vehicular parking and access;

f. Proposed landscaping;

g. Fencing; and

h. Uses and structures on the site and abutting properties.

11.5.7 The Town shall encourage applicants to consult impacted landowners in the surrounding area.

11.6 Industrial Campgrounds

11.6.1 The Development Authority shall consider the design, siting, landscaping, utility servicing and screening of proposed industrial campgrounds to minimize any objectionable aspects or incompatibilities such as traffic, outdoor uses, increased noise, dust, odours, refuse, or any other factors which would interfere with or affect the use and enjoyment of adjacent land uses.

11.6.2 When considering the development of industrial campgrounds for recreational vehicles, the following shall be considered:

a. The minimum number of sites shall be eight (8) stalls per campground.

b. Each site intended to accommodate a recreational vehicle shall have:

i. a minimum site width of 4.9 m (16.1 ft.);

ii. a minimum site length of 13.7 m (45.0 ft.); and

iii. the minimum area shall the product of the approved width and length.

c. Roadways within the industrial campground shall be no less than 8.0 m (26.2 ft.) wide, except for one-way roads which shall be less than 5.0 m (16.4 ft.) wide.

d. All internal roadways shall be constructed to a design standard to meet the needs of recreational vehicles.

e. A reasonable and adequate pedestrian access network shall be provided within the industrial campground site.

f. Each site and periphery of the industrial campground shall be landscaped to provide amenity and privacy areas for each site, buffers from adjacent property uses and internal roadways, and on-site aesthetics.

g. Each site shall be serviced with water, sewer and electricity.

h. Each site shall have a gravel pad for parking of recreational vehicles, and accessory vehicle.

i. Sites shall have access to one large bear proof garbage container with a minimum weekly garbage pickup.

j. The industrial campground shall have proper lighting and signage for safety and directions to the satisfaction of the Development Authority.

k. A fire hydrant shall be required for each industrial campground to the specifications and standards of the Town.

11.7 Cannabis Related Uses

11.7.1 Purpose:

a. To align within or exceed Federal and Provincial legislation regarding cannabis related uses;

b. To allow for reasonable opportunities for cannabis related uses within the community;

c. To ensure that opportunities for cannabis related uses are balanced with opportunities for other types of commercial and industrial uses;

d. To avoid potential for negative perceptions that may be created when there is an over concentration of clustering of cannabis retail stores in the community; and

e. To limit immediate access and visibility of cannabis related uses from schools and places where residents may have substance abuse issues.

11.7.2 For the purpose of this Section only:

a. 'Provincial Health Care Facility' means an approved hospital as defined in the Hospital *Act*;

b. 'Addiction Treatment Facility' means a facility specializing in evaluation and treatment of drug addiction, alcoholism and associated physical and/or mental disorders. The facility must offer overnight accommodations to monitor patient health;

c. 'Elementary School' means a school as defined in the School *Act* that contains grades K to 9 or any combination of grades therein; and

d. 'High School' refers to a school as defined in the School *Act* that contains grades 8 – 12 or any combination of grades therein.

11.7.3 Retail Store, Cannabis use shall not be located within 100 m of:

a. The boundary of a parcel of land containing a Provincial Health Care Facility;

b. The boundary of a Parcel of land designated as a future Provincial Health Care Facility; and

c. An Addiction Treatment Facility.

11.7.4 Retail Store, Cannabis use shall not be located with 150 m of:

a. The boundary of a parcel of land containing an elementary school; and

b. The boundary of a parcel of land designated as a future elementary school site. The separation distances are established by measuring the shortest distance between the property lines of the parcels containing the uses to be separated.

11.7.5 Retail Store, Cannabis use shall not be located with 300 m of:

a. The boundary of a parcel of land containing a high school; and

b. The boundary of a parcel of land designated as a future high school site. The separation distances are established by measuring the shortest distance between the property lines of the parcels containing the uses to be separated.

11.7.6 Notwithstanding, 11.7.4 and 11.7.5, the separation distances between Retail Store, Cannabis and Schools do not apply within the C-A General Business Land Use, C-1A –Mixed Use District and C-3 – Highway Commercial Districts.

11.7.7 The Development Authority shall not grant a variance to setbacks from schools or Provincial Health Care Facilities.

11.7.8 Retail Store, Cannabis uses, will be limited based on allowing no more than a maximum of three (3) Retail Store, Cannabis uses within a 360 m radium surrounding and including the proposed property. The 360 m radium will be measured from any part of the property boundary. All lots contained wholly or in part within the 360 m radium will be included in this calculation.

11.7.9 In addition to 11.7.6 a Retail Store, Cannabis uses within the C-A General Business Land Use, C-1A –Mixed Use District and C-3- Highway Commercial district will be limited based on a required minimum separation distance of 180 m between Retail Store, Cannabis Uses when facing the same street. The separation distances are established by measuring the shorted distance between property lines of the parcels containing the used to be separated.

11.7.10 Cannabis Production and Distribution use shall not be located within 200 m of:

a. A Residential Land Use District;

b. The Boundary of a Parcel of land designated as a future elementary or high school site; and

c. An Addiction Treatment Facility. The separation distances are established by measuring the shortest distance between the property lines of the parcels contain the uses to be separated.

11.7.11 Cannabis Production and Distribution uses must include an air filtration system to remove odors and must have no odor impact on adjacent properties.

11.7.12 Parking requirements shall lie in accordance with Part 9, Section 9.12 of this Bylaw. The number of parking stalls required for Retail Store, Cannabis shall be the same as those for Retail Store, General. The number of parking Stalls required for Cannabis Production and Distribution uses shall be the same as Manufacturing/Fabrication Plants.

11.7.13 All cannabis related uses must obtain and maintain a valid Town of Fox Creek Business License.

11.8 Landscaping in Non-Residential Districts

11.8.1 As a condition of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority by the end of the first full growing season following building completion or occupancy, whichever occurs first.

11.8.2 As a condition of a development permit, security for landscaping costs may be required under Section 6.7.3.

11.8.3 Additional landscaping requirements for parcels located within the Downtown Overlay District may be required under Section 13.15.

11.8.4 Commercial and industrial developments shall be landscaped as follows:

a. One (1) tree for each 100 m^2 (1076.4 ft^2) and one shrub for each 15.0 m^2 (161.5 ft^2) of landscaped area;

b. Any portion of a site area not occupied by buildings or parking/storage areas shall be landscaped with hard or soft landscaping;

c. The location and spacing of trees and shrubs shall be to the satisfaction of the Development Authority;

d. Trees and shrubs shall be planted in the landscaped area within private property;

e. A sufficient depth of topsoil to shall be provided to facilitate growth in the soft landscaped areas, with areas not planted to trees and shrubs being seeded to grass, or sodded to a turf standard; and

f. If plantings are used for screening, they shall include a mix of deciduous and coniferous trees (with at least 60% coniferous trees) that are at least 2.0 m (6.6 ft.) when planted and at least 6.0 m (19.7 ft.) at maturity.

11.8.5 Off-street parking lots for commercial, and industrial developments shall be landscaped as follows:

a. Trees shall be provided in the amount of at least one tree for every 175 m^2 (1,883.7 ft. ^{2}) of parking lot area;

b. The trees shall be of a type and size approved by the Development Authority; and

c. Trees required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

11.8.6 Institutional developments shall be landscaped to requirements established at the discretion of the Development Authority.

11.9 Projections into Minimum Yard Setbacks

11.9.1 Except as provided for in this Part, projections that are on foundation walls and footings, or are on a grade beam/pile system are deemed to be part of the building, and shall not be considered a projection.

11.9.2 Except as provided in this Section, no portion of a principal building may project over, or onto, a front yard setback, side yard setback, or rear yard setback.

11.9.3 No portion of a structure or building shall project into a public or private right-of-way, and to do so will require an agreement with the City or owner of the right-of-way.

11.9.4 Projections into yard setbacks shall be in accordance with the Districts parcel coverage requirements

11.9.5 At the discretion of the Development Authority, the following projections into required front, side and rear yard setbacks in Non-Residential Land Use Districts may be permitted.

TABLE 11.8: PROJECTIONS INTO NON-RESIDENTIAL MINIMUM SIDE YARDS

All Yards:	
Unenclosed patios, decks, the finished surface of which is not more than 0.6 m (1.9 ft.) above grade	Half (1/2) the minimum yard
Exterior fire escapes with a minimum clearance of 2.4 m (7.8 ft.) should be maintained	2.0 m (6.6 ft.)
Unenclosed landings and/or steps	1.0 m (3.3 ft.)
Eave/overhangs of principle and accessory buildings	1.0 m (3.3 ft.)

a. Rear and Side Yard:

Satellite dishes, radio and television antenna	0.6 m (2.0 ft.)
Balconies, decks (unenclosed) and verandahs, the finished surface of which is more than 0.6 m (2.0 ft.) but less than or equal to 1.8 m (6.0 ft.) above grade	3.0 m (9.8 ft.)
Balconies, decks (unenclosed) and verandahs where the finished surface is more than 1.8 m (6.0 ft.) but less than or equal to 3.8 m (12.4 ft.) above grade	2.0 m (6.6 ft.)
Balconies, decks (unenclosed) and verandahs, where the finished surface is more than 3.8 m (12.4 ft.) above grade	1.5 m (4.9 ft.)
Solar Collectors	See 8.15.6

PART 12. Land Use Districts

12.1 Land Use Classification:

12.1.1 For the purposes of this Bylaw the Town of Fox Creek is divided into the following Districts:

Residential Single Family Class A (R-1A)
Residential Single Family Class B (R-1B)
Residential Estate Residential (R-ER)
Residential Two Family (R-2)
Residential Medium Density (R-3)
Residential Modular Home Subdivision (R-MHS)
Residential Manufactured Home Park (R-MHP)
Neighbourhood Convenience Commercial District (C-1)
Mixed Use District (C-1A)
General Commercial District (C-2)
Highway Commercial District (C-3)
Industrial District (M-1)
Heavy Industrial District (M-2)
Parks and Services District (P-1)
Urban Services District (U-S)
Urban Reserve District (U-R)
Direct Control District (D-C)
Downtown Overlay District (DOD)

12.1.2 The boundaries of the Districts listed in this Bylaw are as delineated in Part 15, Land Use District Map.

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

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

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

c. District boundaries not referenced specifically to items indicated in (a) and (b) shall be determined on the basis of the scale of the Land Use District Map; and

d. Where Land Use Districts have been established in accordance 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.

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

12.2 Residential Single Family Class A (R-1A)

12.2.1 Purpose

This District is generally intended to accommodate single family dwellings in areas where large lots are provided. The rationale of the District is to require a minimum size of dwelling, in a setting which provides for larger homes than may be permitted in other single family Districts.

12.2.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Bed and Breakfast Facility	Boarding or Rooming House
Dwelling, Single Detached	Day Care Facility
Home Office	Group Care Facility
Home Occupation, Minor	Home Occupation, Major
Parks and Playgrounds	Utility Building (not containing offices)
Secondary Suite	Other related uses, which in the opinion of the Development Authority are appropriate.
Sales/Lot Information Centre	
Show Homes	

12.2.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9 and 10, the following regulations shall apply to every development in this District:

a.	**Maximum Site Coverage**	35%
b.	**Minimum Floor Area**	110 m^2 (1,188 $ft.^2$)
c.	**Minimum Site Depth**	34.0 m (111.6 ft.)
d.	**Minimum Site Width**	
	i. Internal Lots	18.0 m (59.1 ft.)
	ii. Corner/Double Fronting	20.0 m (65.6 ft.)
	iii. Pie/Irregular	Measured from Front Yard Setback
e.	**Minimum Site Area**	Product of Minimum Width and Minimum Depth
f.	**Front Yard Setback**	7.5 m (24.6 ft.)
g.	**Side Yard Setback**	
	i. Single Storey	1.5 m (4.9 ft.)
	ii. > Single Storey	2.0 m (6.6 ft.)
h.	**Rear Yard Setback**	7.5 m (24.6 ft.)

i.	**Parking**	A two car parking area shall be provided to the rear, side or front of the dwelling, onsite. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

12.2.4 Other Provisions

a. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.3 Residential Single Family Class B (R-1B)

12.3.1 Purpose

This District is generally intended to accommodate single family dwellings in areas where the lots and dwellings are smaller than those found in R-1A District; thereby, allowing for a broad mix of housing sizes in the community.

12.3.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Bed and Breakfast Facility	Boarding or Rooming House
Dwelling, Single Detached	Day Care Facility
Home Office	Dwelling, Duplex
Home Occupation, Minor	Group Care Facility
Parks and Playgrounds	Home Occupation, Major
Secondary Suite	Modular Home (CSA Certified)
Sales/Lot Information Centre	Secondary Suite
Show Homes	Utility Building (not containing offices)
	Other related uses, which in the opinion of the Development Authority are appropriate.

12.3.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District:

a.	**Maximum Site Coverage**	45%
b.	**Minimum Floor Area**	80 m^2 (864 $ft.^2$)
c.	**Minimum Site Depth**	34.0 m (111.6 ft.)
d.	**Minimum Site Width**	
	i. Internal Lots	13.0 m (42.7 ft.)
	ii. Corner/Double Fronting	14.0 m (45.9 ft.)
	iii. Pie/Irregular	Measured from Front Yard Setback
e.	**Minimum Site Area**	Product of Minimum Width and Minimum Depth
f.	**Front Yard Setback**	6.0 m (19.7 ft.)
g.	**Side Yard Setback**	
	i. Single Storey	1.5 m (4.9 ft.)
	ii. > Single Storey	2.0 m (6.6 ft.)

h.	Rear Yard Setback	6.0 m (19.7 ft.)
i.	Parking	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.

12.3.4 Other Provisions

a. The undercarriage of a modular home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

b. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.4 Residential Estate Residential (R-ER)

12.4.1 Purpose

This District is generally intended to accommodate large, single family residential dwellings on large lots in a country-like setting in Fox Creek, where minimal urban services standards are provided.

12.4.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure Bed and Breakfast Facility Dwelling, Single Detached Home Office Home Occupation, Minor Parks & Playgrounds Sales/Lot Information Centers Show Homes	Accessory Use Day Care Facility Home Occupation, Major Modular Home (CSA Certified) Secondary Suite Utility Building (not containing offices) Other related uses, which in the opinion of the Development Authority are appropriate.

12.4.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District.

a.	**Maximum Site Coverage**	25%
b.	**Minimum Floor Area**	140 m^2 (1,512 $ft.^2$)
c.	**Minimum Site Depth**	60.0 m (196.9 ft.)
d.	**Minimum Site Width** i. Pie/Irregular	38.0 m (124.7 ft.) Measured from Front Yard Setback
e.	**Minimum Site Area**	Product of Minimum Width and Minimum Depth
f.	**Front Yard Setback**	12.0 m (39.4 ft.)
g.	**Side Yard Setback** i. Other Requirements	3.0 m (9.8 ft.) Notwithstanding the above, where a site has vehicular access from the front only, one side yard setback shall be a minimum of 5.0 m (16.4 ft.) to accommodate a driveway for vehicular passage to the rear of the property except where an attached garage or carport is provided.
h.	**Rear Yard Setback**	7.5 m (24.6 ft.)

i.	**Parking**	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.

12.4.4 Other Provisions

a. The undercarriage of a modular home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

b. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.5 Residential Two Family (R-2)

12.5.1 Purpose

This District is generally intended to accommodate up to one two-family dwelling per lot.

12.5.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Dwelling, Duplex	Bed and Breakfast Facility
Dwelling, Row House	Day Care Facility
Dwelling, Semi Detached	Home Occupation
Group Care Facility	Modular Home (CSA Certified)
Home Office	Secondary Suite
Parks & Playgrounds	Utility Building (not containing offices)
Sales/Lot Information Centers	Other related uses, which in the opinion of the Development Authority are appropriate.
Show Homes	

12.5.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District.

a.	**Maximum Site Coverage**	40%
b.	**Minimum Floor Area**	80 m^2 (864 $ft.^2$)
c.	**Minimum Site Depth**	34.0 m (111.6 ft.)
d.	**Minimum Site Width**	
	i. Internal Lots	12.0 m (39.4 ft.)
	ii. Corner/Double Fronting	14.0 m (45.9 ft.)
	iii. Pie/Irregular	Measured from Front Yard Setback
e.	**Minimum Site Area**	
	i. Vertical Duplex	570 m2 (6,156 $ft.^2$)
	ii. Side by Side Duplex	670 m2 (7,236 $ft.^2$) for an internal lot and 740 m2 (7,992 $ft.^2$) for corner and double fronting lots.
	iii. Other Developments	Product of Minimum Width and Minimum Depth
f.	**Front Yard Setback**	6.0 m (19.7 ft.)
g.	**Side Yard Setback**	
	i. Single Storey	3.0 m (9.8 ft.)

	ii. > Single Storey	4.0 m (13.1 ft.)
h.	Rear Yard Setback	7.5 m (24.6 ft.)
i.	Parking	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.

12.5.4 Other Provisions

a. The undercarriage of a modular home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

b. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.6 Residential Medium Density (R-3)

12.6.1 Purpose

This District is intended to provide a variety of low to medium density multi-unit residential dwellings, up to a maximum of 99 units per hectare (40 units per acre). The dwelling forms shall be of a low profile with all units having direct access to grade.

12.6.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Dwelling, Duplex	Apartment
Dwelling, Fourplex	Bed and Breakfast Facility
Dwelling, Row House	Boarding or Rooming House
Dwelling, Semi-Detached	Day Care Facility
Dwelling, Triplex	Dwelling, Single Detached
Group Care Facility	Home Occupation, Minor
Home Office	Modular Home
Parks & Playgrounds	Secondary Suite
Sales/Lot Information Centers	Utility Building (not containing offices)
Show homes	Other related uses, which in the opinion of the Development Authority are appropriate.

12.6.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District.

a.	**Maximum Site Coverage**	40%
b.	**Minimum Floor Area**	
	i. Duplex Dwelling	72 m^2 (775 $ft.^2$)
	ii. Row House Dwelling	75 m^2 (810 $ft.^2$) for a one-bedroom unit and an additional 11.0 m^2 (119 $ft.^2$) for each additional bedroom.
c.	**Maximum Building Height**	10.0 m (32.8 ft.) or two and one-half storeys above grade, whichever is greater.
d.	**Site Area**	
	i. Minimum	680 m^2 (2,231 $ft.^2$)
	ii. Maximum	1.2 ha (129,167 $ft.^2$)

e.	Maximum Dwelling Unit Density	40 units per hectare (16 units per acre) of the site upon which the development is proposed.
f.	Minimum Site Depth	34.0 m (111.6 ft.)
g.	Minimum Site Width	20.0 m (65.6 ft.)
h.	Front Yard Setback	6.0 m (19.7 ft.)
i.	Side Yard Setback	4.5 m (14.8 ft.)
j.	Rear Yard Setback	7.5 m (24.6 ft.)

12.6.4 Other Provisions

a. The undercarriage of a modular home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

b. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.6.5 Multi-unit residential dwellings shall be landscaped as follows:

a. One (1) tree for each 35.0 m^2 (376.7 $ft.^2$) and one (1) shrub for each 15.0 m^2 (161.5 $ft.^2$) of landscaped area;

b. The number of trees may be reduced by 50% by replacing each tree with two (2) shrubs;

c. The location and spacing of trees and shrubs shall be to the satisfaction of the Development Authority; and

d. Trees and shrubs shall be planted in the landscaped area within private property.

12.7 Residential Modular/Manufactured Home Subdivision (R-MHS)

12.7.1 Purpose

This District is generally intended to provide for modular and manufactured home development on subdivided lots with a mixture of single family dwellings. This District shall be applied in those areas where there will be no negative impact on adjacent existing land uses. Manufactured home subdivisions shall also be accessible to the type of community services and facilities normally available in residential areas.

12.7.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Home Office	Bed and Breakfast Facility
Manufactured Home	Day Care Facility
Modular Home	Dwelling, Single Detached
Parks & Playgrounds	Group Care Facility
Sales and Lot Information Centre	Home Occupation
	Secondary Suite (In Single Detached Dwellings only)
	Utility Building (not containing offices) Other related uses, which in the opinion of the Development Authority are appropriate.

12.7.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District.

a.	Maximum Site Coverage	35%
b.	Minimum Floor Area	
	i. Manufactured and Modular	65.0 m^2 (702 $ft.^2$)
	Homes	80.0 m^2 (864 $ft.^2$)
	ii. Single Detached Dwellings	
c.	Minimum Site Depth	34.0 m (111.6 ft.)
d.	Minimum Site Width	
	i. Internal Lots	13.0 m (42.7 ft.)
	ii. Corner/Double Fronting	14.0 m (45.9 ft.)
	iii. Pie/Irregular	Measured from Front Yard Setback
e.	Minimum Site Area	Product of Minimum Width and Minimum Depth
f.	Front Yard Setback	6.0 m (19.7 ft.)
g.	Side Yard Setback	
	i. Single Storey	1.5 m (4.9 ft.)
	ii. > Single Storey	2.0 m (6.6 ft.)
	iii. Other Requirements	Notwithstanding the above, where a site has vehicular access from the front only, one side yard setback shall be a minimum of 3.0 m (9.8 ft.) to accommodate a driveway for vehicular passage to the rear of the property except where an attached garage or carport is provided.
h.	Rear Yard Setback	4.0 m (13.1 ft.)
i.	Parking	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.

12.7.4 Other Provisions

a. Modular and manufactured homes shall meet the relevant CSA Series Standards and have CSA and Alberta Building Standard label numbers.

b. Dwellings shall be finished from the floor level to the ground level within thirty (30) days of being sited on the lot. All finish materials shall either be parged, factory fabricated or of equivalent quality, and be pre-finished or painted so that the design and construction complements the dwelling.

c. Equipment used for transportation of manufactured homes shall be removed from the dwelling and finishing installed within thirty (30) days of placement.

d. Dwellings shall be placed on CSA Standard foundation, an engineer approved foundation, or a basement.

e. All attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be finished or painted so that the design and construction complements the principal building.

f. The roof line of any addition shall not exceed the height of the dwelling.

g. A lot may be used only for the siting of one manufactured home.

h. The undercarriage of a manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

i. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.8 Residential Manufactured Home Park (R-MHP)

12.8.1 Purpose

This District is generally intended to provide for manufactured home parks up to a maximum density of 20 units per hectare (8 units per acre). The District will be applied to those areas where there will be no negative impact on adjacent existing land uses. New parks which are developed shall be serviced by Town water and sewer services in the park area.

12.8.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Residential Building or Structure	Accessory Use
Home Office	Day Care Facility
Laundromat (for primary use by manufactured home park occupants)	Group Care Facility
Manufactured Home	Retail Store (for primary use by manufactured home park occupants)
Modular Home	Utility Building (not containing offices)
Parks & Playgrounds	Other related uses, which in the opinion of the Development Authority are appropriate.

12.8.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 10, the following regulations shall apply to every development in this District.

a. Park Size

i. Minimum	1.0 hectares (2.5 acres)
ii. Maximum	4.0 hectares (9.9 acres)

b.	Maximum Site Coverage	35%
c.	Minimum Floor Area	65 m^2 (702 $ft.^2$)
d.	Minimum Site Width	
	i. Single Wide	12.0 m (39.4 ft.)
	ii. Double Wide	14.0 m (45.9 ft.)
e.	Minimum Site Depth	34.0 m (111.6 ft.)
f.	Minimum Site Area	Product of Minimum Width and Minimum Depth
g.	Front Yard Setback	5.0 m (16.4 ft.)
h.	Side Yard Setback	1.5 m (4.9 ft.)
i.	Rear Yard Setback	1.5 m (4.9 ft.)

12.8.4 Other Provisions

a. An approved comprehensive siting plan shall be required prior to the development of land in this District, and all development shall conform to the comprehensive siting plan. The proposed plan must include the following to the satisfaction of the Development Authority:

i. access, road system, walkway system and site pattern showing dimensions and structures;

ii. provision for on-site containerized garbage collection facilities;

iii. open space, to a maximum of 10% of the park, designated for recreational and playground use, and shall not include any required buffer strip;

iv. provision of a landscaped buffer of 4.6 m (15.1 ft.) or greater between any manufactured home and the lot line bounding the manufactured home park;

v. provisions for outdoor lighting, identification, and directional signs;

vi. location of parking aprons (hard surfaced) for every proposed lot;

vii. proposed location of manufactured home for every lot;

viii. proposed landscaping of the individual lots and throughout the park;

ix. guidelines and standards satisfactory to the Development Authority governing design and materials of carports, patios, storage buildings, skirting, fences, fuel storage and supply facilities and other attached or detached structures, and such other information as deemed necessary by the Development;

x. the development of a manufactured home community must be completed in conformance with the approved plans and related conditions prior to the issuance of an Occupancy Permit;

xi. no standard manufactured home shall be permitted within a block of lots designated for zero lot line placements;

xii. within the manufactured home park no manufactured homes, including attached structures, shall be within 3.0 m (9.8 ft.) from any manufactured

home, including any attached structures or permanent park structures that are located directly on the opposite side of a park street;

xiii. all manufactured homes shall meet CSA Standards and have CSA and Alberta Building Standards label numbers;

xiv. dwellings shall be finished from the floor level to the ground level within thirty (30) days of being sited on a lot. All finish materials shall either be parged, factory fabricated or of equivalent quality, and be pre-finished or painted so that the design and construction complements the dwelling;

xv. equipment used for transportation of manufactured homes shall be removed from the dwelling and finishing installed within thirty (30) days of placement;

xvi. dwellings shall be placed on a CSA standard foundation, an engineer approved foundation, or a basement;

xvii. all attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be a factory prefabricated units or of an equivalent quality and shall be pre-finished or painted so that the design and construction complements the principal building;

xviii. the roof line of any addition shall not exceed the height of the dwelling;

xix. a lot may be used only for the siting of one manufactured home;

xx. all roads in a manufactured home park shall be paved and of sufficient width to accommodate the passage of emergency vehicles; if roads are less than 7.6 m (24.9 ft.) in width, no on-street parking shall be permitted;

xxi. designated visitor parking areas shall be evenly distributed throughout the park, and each visitor parking area shall include a minimum of three parking stalls;

xxii. a second access from a public road shall be provided for emergency access to any park containing more than seventy (70) units;

xxiii. internal pedestrian walkways, where provided, shall have a minimum hard surfaced width of 1.2 m (3.9 ft.) and be constructed to the satisfaction of the Development Authority;

xxiv. pursuant to the *Act*, the owner or agent of every designated manufactured home park in the Town shall notify the assessor of the Town in writing of;

xxv. any manufactured homes locating in the park, or moving to a different site within the park, within ten (10) days of the changes with the following information:

1. name and address of the owner of the manufactured home;
2. make and serial number of the manufactured home
3. site location of the unit within the park; and
4. any change of ownership or any removal of a manufactured home from the park ten (10) days prior to change or removal.

b. The storage area for vehicles, recreational vehicles, water craft and other items that cannot be stored on a manufactured home lot shall, where possible, be provided with a minimum of 19 m^2 (205 $ft.^2$) of storage area per manufactured home lot:

    i. a storage area shall be enclosed or screened by trees, landscape features or fences or a combination thereof to the satisfaction of the Development Authority.

c. No vehicle over 4,536 kg (9,979 lb) or 7.6 m (24.9 ft.) in length shall be parked on a manufactured home park lot or manufactured home park street for longer than is reasonably required to load or unload such vehicle.

d. No more than one recreational vehicle or trailer may be parked on a manufactured home lot within a manufactured home park. A licenced recreational vehicle, owned by a temporary guest of the occupants of a manufactured home, may be parked on that manufactured home lot, regardless of its size, for a period not exceeding two (2) weeks.

e. The outdoor storage of materials, products, equipment or machinery shall not be permitted in this District except in designated storage areas.

f. All utility lines shall be placed underground or as may be stipulated in a development agreement.

g. Manufactured home parks shall be fully serviced with approved common water distribution and sewage collection systems.

h. The undercarriage of a modular or manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

i. The exterior finish of residential buildings shall be completed within one year from the date which the development permit is issued unless otherwise stipulated in the development permit.

12.9 Neighbourhood Convenience Commercial District (C-1)

12.9.1 Purpose

This District provides sites for intense development of convenience retail and personal service outlets, which are intended to serve the day-to-day needs of residential neighborhoods. This reinforces downtown area as the primary business district within Fox Creek. The regulations within the C1 District area are intended to restrict those uses which may be considered obnoxious or involving excessive outside storage of materials, goods, and equipment.

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Cannabis Retail
Accessory Use	Caterer
Bank/Financial Institution	Contracting Services
Convenience Food Store	Dry Cleaning and Laundry Facility
Office	Recreation Facility
Parks & Playgrounds	Restaurant, Drive-Through
Personal Service Shop	Signs
Restaurant, Licenced	Shopping Centre
Restaurant, Takeout/Delivery	Supermarket
Restaurant, Unlicensed	Other related uses, which in the opinion of the Development Authority are appropriate.
Retail Store	

12.9.2 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 11, the following regulations shall apply to every development in this District.

a.	**Maximum Site Coverage**	100%
b.	**Maximum Height**	12.0 m (39.3 ft.), or three storeys
c.	**Minimum Site Depth**	34.0 m (111.6 ft.)
d.	**Minimum Site Width**	15.0 m (49.2 ft.)
e.	**Front Yard Setback**	Zero
g.	**Side Yard Setback**	Zero
	i. Other Requirements	In which case a fire wall shall be constructed to the standards of the *Alberta Safety Codes Act*
h.	**Rear Yard Setback**	Zero

12.9.3 Other Provisions

a. No person shall display goods, products or materials outside of a building without written permission from the Development Authority.

b. All loading, service, and garbage collection hall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

12.9.4 Landscaping Requirements

This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for commercial developments	1 per 175 m^2 of parking lot area	—	—

12.10 Mixed Use District (C-1A)

12.10.1 Purpose

This District provides for a pedestrian-oriented service, retail, and office environment, as well as multi-unit residential dwellings near locations offering high accessibility, to support an active and vital heart of the community. Entertainment and cultural uses may also be included. This district is not intended to accommodate "big box" style commercial development that utilizes significant amounts of surface parking, nor is it intended to be located abutting low density residential districts.

12.10.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Cannabis Retail
Accessory Use	Caterer
Bank/Financial Institution	Contracting Services
Clinic	Day Care Facility
Convenience Food Store	Drinking Establishment
Dwelling, Apartment (above street level)	Dry Cleaning and Laundry Facility
Laundromat	Dwelling, Apartment (street level)
Office	Group Care Facility
Parks & Playgrounds	Hotel
Personal Service Shop	Laboratory
Restaurant, Licenced	Recreation Facility
Restaurant, Takeout/Delivery	Restaurant, Drive-Through
Restaurant, Unlicensed	Shopping Centre
Retail Store	Signs
Theatre, Movie	Supermarket
	Veterinary Clinic
	Other related uses, which in the opinion of the Development Authority are appropriate.

12.10.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 11, the following regulations shall apply to every development in this District.

a.	Maximum Site Coverage	75%
b.	Maximum Building Height	14.0 m (45.9 ft.), or four storeys
c.	Minimum Site Depth	34.0 m (111.6 ft.)
d.	Minimum Site Width	15.0 m (49.2 ft.)

e.	**Front Yard Setback**	Zero, except as specified by the Development Officer or the Municipal Planning Commission.
f.	**Side Yard Setback**	
	i. Lots bound on both sides by a commercial or industrial District	Zero
	ii. Side yards adjacent to a residential District	3.0 m (9.8 ft.) or half the height of the building, whichever is greater, to a maximum of 6.0 m (19.7 ft.).
g.	**Rear Yard Setback**	Zero
	i. Other Requirements	Notwithstanding, for rear yards adjacent to a residential District, setbacks shall be 3.0 m (9.8 ft.) or half the height of the building, whichever is greater, to a maximum of 6.0 m (19.7 ft.).

12.10.4 Other Provisions

a. There shall be no outside storage of goods, materials or equipment.

b. No person shall display goods, products, or materials outside of a building without written permission from the Development Authority.

c. All loading, service, and garbage collection shall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

12.10.5 This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 10.11 and Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Residential, multi-unit dwellings	1 per 35 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs.
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for mixed use and, commercial developments	1 per 175 m^2 of parking lot area	—	—

12.11 General Commercial District (C-2)

12.11.1 Purpose

The purpose of this Zone is to provide for businesses that require large sites and a location with good visibility and accessibility along, or adjacent to, collector and arterial roads.

12.11.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Cannabis Retail
Bank/Financial Institution	Caterer
Clinic	Contracting Services
Dry Cleaning and Laundry Facility	Depot, Taxi/Bus
Funeral Home	Recreation Facility
Gas Bar	Recycling Facility
Hotel	Signs
Laundromat	Other related uses, which in the opinion of the Development Authority are appropriate.
Office	
Park	
Personal Service Shop	
Restaurant, Drive-Through	
Restaurant, Licenced	
Restaurant, Takeout/Delivery	
Restaurant, Unlicensed	
Retail Store	
Shopping Centre	
Supermarket	
Theatre, Movie	
Washing Facility, Car	

12.11.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9 and 11, the following regulations shall apply to every development in this District.

a.	**Maximum Site Coverage**	75%
b.	**Maximum Height**	12.0 m (39.3 ft.), or three storeys
c.	**Minimum Site Depth**	34.0 m (111.6 ft.)
d.	**Minimum Site Width**	15.0 m (49.2 ft.)

e.	Front Yard Setback	Zero, except as specified by the Development Officer or the Municipal Planning Commission.
f.	Side Yard Setback	
	i. Lots bound on both sides by a commercial or industrial District	Zero
	ii. Side yards adjacent to a residential District	3.0 m (9.8 ft.) or half the height of the building, whichever is greater, to a maximum of 6.0 m (19.7 ft.).
g.	Rear Yard Setback	Zero
	i. Other Requirements	Notwithstanding, for rear yards adjacent to a residential District, setbacks shall be 3.0 m (9.8 ft.) or half the height of the building, whichever is greater, to a maximum of 6.0 m (19.7 ft.).

12.11.4 Other Provisions

a. There shall be no outside storage of goods, materials, or equipment.

b. No person shall display goods, products or materials outside of a building without written permission from the Development Authority.

c. All loading, service and garbage collection shall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

12.11.5 Landscaping Requirements

This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for apartment, commercial, and industrial developments	1 per 175 m^2 of parking lot area	—	—

12.12 Highway Commercial District (C-3)

12.12.1 Purpose

The purpose of this Zone is to provide for high quality commercial development along Highway service roads, which serve as entrance routes to the Town or along limited access public roadways intended to provide a connection to Highway 43.

12.12.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Automotive Repair Garage
Accessory Use	Cannabis Retail
Adult Entertainment Facility	Contracting Services
Automotive Service Station	Depot, Taxi/Bus
Automotive Supply Store	Drinking Establishment
Automotive/Recreational Vehicle Sales and Rental	Gaming or Gambling Establishment
Bank/Financial Institution	Light Equipment Sales, Service, and Rentals
Dry Cleaning and Laundry Facility	Recycling Facility
Entertainment Facility	Signs
Gas Bar	Other related uses, which in the opinion of the Development Authority are appropriate.
Hotel	
Laundromat	
Office	
Personal Service Shop	
Recreation Facility	
Restaurant, Drive-Through	
Restaurant, Licenced	
Restaurant, Takeout/Delivery	
Restaurant, Unlicensed	
Retail Store	
Shopping Centre	
Supermarket	
Theatre, Movie	
Truck Stop	
Veterinary Clinic	
Washing Facility, Car	

12.12.3 Site Regulations

In addition to the Regulations contained in Parts 8, 9, and 11 the following regulations shall apply to every development in this District.

a	Maximum Site Coverage	75%
b.	Minimum Site Area	550 m^2 (5,940 $ft.^2$)
c.	Maximum Building Height	14.0 m (45.9 ft.), or four storeys
d.	Front Yard Setback	6.0 m (19.7 ft.)
e.	Side Yard Setback	3.0 m (9.8 ft.)
f.	Rear Yard Setback	6.0 m (19.7 ft.)

12.12.4 Other Provisions

a. There shall be no outside storage of goods, products, materials or equipment permitted within the front yard of this District.

b. Outside storage of goods, products, materials, or equipment in the side or rear yards shall be screened from public thoroughfares to the satisfaction of the Development Authority.

c. All loading, service and garbage collection shall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

12.12.5 Landscaping Requirements

This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for apartment, commercial, and industrial developments	1 per 175 m^2 of parking lot area	—	—

12.13 Industrial District (M-1)

12.13.1 Purpose

To provide for industrial business uses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the District is compatible with any adjacent non-industrial use.

12.13.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Aggregate Stockpiling
Accessory Use	Aggregate Storage Area
Automotive Repair Garage	Asphalt Plant
Automotive Supply Store	Auction Mart
Caterer	Campground, Industrial
Contracting Services	Cannabis Production and Distribution
Contracting Services, Oilfield Support	Communication Tower
Depot, Truck	Concrete Manufacturing Plant
Dry Cleaning and Laundry Facility	Crushing Plant
Gas Bar	Depot, Taxi/Bus
Heavy Equipment Sales, Service, Storage, and Rentals	Industry/Manufacturing, Heavy
Industry/Manufacturing, Light	Signs
Laboratory	Soft Sided Building
Light Equipment Sales, Service, and Rentals	Storage, Bottled Gas
Propane Transfer Facility	Storage, Bulk Fuel and Chemical
Recycling Facility	Other related uses, which in the opinion of the Development Authority are appropriate.
Storage, Automotive, Truck, and Recreational Vehicle	
Storage, Indoor	
Storage, Outdoor	
Storage, Warehouse	
Veterinary Clinic	
Washing Facility, Car	
Washing Facility, Tanker Truck	

12.13.3 Site Regulations

In addition to the Regulations contained is Parts 8, 9 and 11, the following regulations shall apply to every development in this District.

a.	Maximum Site Coverage	60%
b.	Minimum Site Coverage	4%
c.	Maximum Height	10.0 m (32.8 ft.), or two storeys
d.	Minimum Site Depth	75.0 m (246.1 ft.)
e.	Minimum Site Width	25.0 m (82.0 ft.)
f.	Front Yard Setback i. Other Requirements	9.0 m (29.5 ft.) No area for parking, loading or storage, or any other like purpose shall be permitted within 3.0 m (9.8 ft.) of the front yard abutting the road right-of-way.
g.	Side Yard Setback i. Other Requirements	3.0 m (9.8 ft.) Where a site has vehicular access from the front road only, one side yard setback shall be at least 5.0 m (16.4 ft.).
h.	Rear Yard Setback	5.0 m (16.4 ft.).

12.13.4 Other Provisions

a. No operation or activity associated with any use in this District shall be permitted which would create a nuisance factor from noise, odour, earth-borne vibrations, heat, intense light sources or dust, outside an enclosed building.

b. All loading, service, garbage collection and storage areas (where permitted), shall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

c. The Development Officer may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Officer such projections are inconsistent with the character and appearance of surrounding development or intended visual qualities of this District.

d. All buildings shall be constructed and finished with durable materials. The Development Officer may require that the exterior appearance be improved with finishing material that maintains an appearance which is characteristic of surrounding development.

12.13.5 Landscaping Requirements

This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for apartment, commercial, and industrial developments	1 per 175 m^2 of parking lot area	—	—

12.14 Heavy Industrial District (M-2)

12.14.1 Purpose

The purpose of this Zone is to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, collector and arterial roads.

12.14.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Non-Residential Building or Structure	Auction Mart
Accessory Use	Cannabis Production and Distribution
Aggregate Stockpiling	Communication Tower
Aggregate Storage Area	Industry/Manufacturing, Hazardous
Asphalt Plant	Industry/Manufacturing, Petrochemical
Automotive Repair Garage	Landfill Operation
Concrete Manufacturing Plant	Salvage Yard
Contracting Services	Signs
Crushing Plant	Soft-Sided Building
Depot, Truck	Other related uses, which in the opinion of the Development Authority are appropriate.
Heavy Equipment Sales, Service, Storage, and Rentals	
Industry/Manufacturing, Forest Based	
Industry/Manufacturing, Light	
Industry/Manufacturing, Heavy	
Laboratory	
Light Equipment Sales, Service, and Rentals	
Propane Transfer Facility	
Recycling Facility	
Storage, Automotive, Truck, and Recreational Vehicle	
Storage, Bottled Gas	
Storage, Bulk Fuel and Chemical	
Storage, Indoor	
Storage, Outdoor	
Storage, Warehouse	
Veterinary Clinic	
Washing Facility, Car	
Washing Facility, Tanker Truck	

12.14.3 Site Regulations

In addition to the Regulations contained is Parts 8, 9, and 11 the following regulations shall apply to every development in this District.

a.	Maximum Site Coverage	60%
b.	Minimum Site Coverage	4%
c.	Maximum Height	10.0 m (32.8 ft.), or two storeys
d.	Minimum Site Depth	75.0 m (246.1 ft.)
e.	Minimum Site Width	25.0 m (82.0 ft.)
f.	Front Yard Setback	9.0 m (29.5 ft.)
	i. Other Requirements	No area for parking, loading or storage, or any other like purpose shall be permitted within 3.0 m (9.8 ft.) of the front yard abutting the road right-of-way.
g.	Side Yard Setback	3.0 m (9.8 ft.)
	i. Other Requirements	Where a site has vehicular access from the front road only, one side yard setback shall be at least 5.0 m (16.4 ft.).
h.	Rear Yard Setback	5.0 m (16.4 ft.).

12.14.4 Other Provisions

a. No operation or activity associated with any use in this District shall be permitted which would create a nuisance factor from noise, odour, earth-borne vibrations, heat, intense light sources or dust, outside an enclosed building and impact a non-industrial area.

b. All loading, service, garbage collection and storage areas (where permitted), shall be located to the rear and sides of the principle building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Officer.

c. The Development Officer may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Officer such projections are inconsistent with the character and appearance of surrounding development or visual qualities of this District.

d. All buildings shall be constructed and finished with durable materials. The Development Officer may require that the exterior appearance be improved with finishing material that maintains an appearance which is characteristic of surrounding development.

12.14.5 Landscaping Requirements

This table is provided for convenience only. For interpretation of this Bylaw, the regulations provided in Section 11.7 shall prevail.

Use	Minimum Number of Trees	Minimum Number of Shrubs	Notes
Commercial and industrial developments	1 per 100 m^2 of required yard area	1 per 15 m^2 of required yard area	The number of trees may be reduced by 50% by replacing each tree with two shrubs. At least 25% of required trees shall be within the front yard and these trees shall not be replaced with shrubs.
Off-street parking lots for apartment, commercial, and industrial developments	1 per 175 m^2 of parking lot area	—	—

12.15 Parks and Recreation District (P-1)

12.15.1 Purpose

To establish an area 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.

12.15.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Building or Structure	Institutional Use
Accessory Use	Public Use
Parks & Playgrounds	Other related uses, which in the opinion of the Development Authority are appropriate.
Recreation Facility	
Utility Building	

12.15.3 Site Regulations

a. Site and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. 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.

12.16 Urban Services District (U-S)

12.16.1 Purpose

To provide for uses and facilities used by the public including parks & playgrounds, recreation, education, health, government, and other institutional facilities and services.

12.16.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Accessory Building or Structure	Campground, Recreational
Accessory Use	Cemetery
Clinic	Crematorium
Community Hall	Golf Course
Day Care Facility	Signs
Funeral Home	Temporary Use or Building
Government Service	Other related uses, which in the opinion of the Development Authority are appropriate.
Group Care Facility	
Moved-in Buildings	
Park	
Protective and Emergency Services	
Public Use	
Recreation Facility	
School, Public/Separate	
School, Trade/Commercial	
Social Care Facility	
Utility	

12.16.3 Site Regulations

a. All site and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. 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.

12.17 Urban Reserve District (U-R)

12.17.1 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.

12.17.2 Uses

(a) Permitted Uses	(b) Discretionary Uses
Dwelling, Single Detached (on existing parcel)	Greenhouse/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 re-plotting or developing the area in the future.

12.17.3 Site Regulations

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

12.18 Direct Control District (D-C)

12.18.1 Purpose

a. To provide for developments that, due to their unique characteristics, innovative ideas or 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.

12.18.2 District Boundaries

a. This District shall only apply where all the following conditions are met:

   i. That the proposed development is in the opinion of Council considered appropriate for the site, having regard to the Land Use Bylaw, the Municipal Development Plan, applicable statutory plans and the scale and character of the proposed development in relation to the surrounding area.

   ii. That the application be initiated through a bylaw amendment procedure outlined in Part 4 of the Bylaw; or Council may, after the public hearing on any proposed redistricting bylaw amend the proposed bylaw to Development Control District (DCD), and pass the proposed bylaw.

12.18.3 Land Uses

a. Land uses and buildings will be subject to the approval of Council as Development Authority.

12.18.4 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 Fox Creek 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:

   i. the existing and future land use of neighbouring properties;

   ii. the suitability of the site for the proposed use;

   iii. the provision of municipal or on-site services such as water and sewer; and

   iv. 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.

12.18.5 Administration and Procedures

a. Council may review and decide all applications for principal uses on property zoned under this District. Development permit approvals for an individual Direct Control

District may be delegated to the Municipal Planning Commission or the Development Officer at the discretion of Council.

b. There shall be no appeal to the Subdivision and Development Appeal Board on decisions made by Council on applications for proposed development on land zoned under a Direct Control District.

c. Under the provisions of the *Act*, the appeal denial for decisions made by Council does not apply to enforcement provisions such as Stop Order Appeals.

PART 13. Downtown Overlay District

13.1 General Purpose of the Downtown Overlay District

13.1.1 To facilitate the implementation of specific goals and objectives of the Downtown Area Redevelopment Plan.

13.1.2 To regulate new developments, development of major additions, and infill for Commercial Uses in a manner that is functional and ensures compatibility with adjacent properties.

13.1.3 To create streetscape and development patterns that result in an attractive, vibrant downtown with a small town feel.

13.1.4 To encourage a mix of land uses that are appropriate to the current and future needs of the community.

13.1.5 To provide incentives to develop parcels at higher densities and architectural standards through a coordinated approach.

13.1.6 To enhance the quality and appearance of existing developed properties.

13.1.7 To support economic growth by reinforcing the Downtown Overlay area as the central economic and retail destination for Fox Creek.

13.2 Uses

13.2.1 The Permitted and Discretionary Uses in this Overlay District are the Permitted and Discretionary Uses of the applicable underlying District.

13.3 Application

13.3.1 The Downtown Overlay District regulation applies to all development or redevelopment of lands within the Downtown District as delineated on Land Use Map in Part 15.

13.3.2 The Downtown Overlay District regulations are intended to work in collaboration with the policies in the Town Core Precinct and the Highway Avenue Precinct of the Downtown Area Redevelopment Plan.

13.3.3 The Downtown Overlay District regulations are to be applied as a condition of a Development Permit and to guide Town led streetscape improvements.

13.3.4 The Development Officer shall act as the approving authority in accordance with the Land Use Bylaw.

13.3.5 This Overlay is applied and interpreted in the same manner of the underlying district. Where standards or other requirements listed as part of this Downtown Overlay District may conflict with the underlying district, the Downtown Overlay District regulations will apply.

13.3.6 The provisions of the Downtown Overlay District shall take effect upon development or redevelopment. However, property owners are encouraged make aesthetic and façade upgrades at any time, through the Development Permit process.

13.3.7 Applications for Development found within the Overlays are pursuant to Parts 8, 9, 10 and 11.

13.3.8 To determine which lands are subject to the provisions of any of the Downtown Overlay District, the user of this Land Use Bylaw shall refer to and Part 13.21 (Overlay District Map).

13.4 Interpretation

13.4.1 The Development Authority shall determine the use that fits closest to the development's character and purpose based on definitions found in Section 14.1 of this Bylaw.

13.4.2 Definitions relating to signs are listed within Part 14.1 of this Bylaw.

Building Design, Massing and Orientation

13.5 Site and Building Design

The siting and massing of buildings can significantly enhance the pedestrian environment by framing the street to create a sense of alignment with parallel buildings. Building orientation can also assist with the protection of the pedestrian realm from natural elements.

13.5.1 Objective:

a. Ensure building orientation throughout Downtown and Main Street is conducive to activating sidewalks and creating an enjoyable pedestrian experience.

13.6 Building Massing and Height

13.6.1 Provisions:

a. Buildings with a dominant building mass shall be avoided in new development. Methods to address building massing include, but are not limited to:

   i. changes in height;

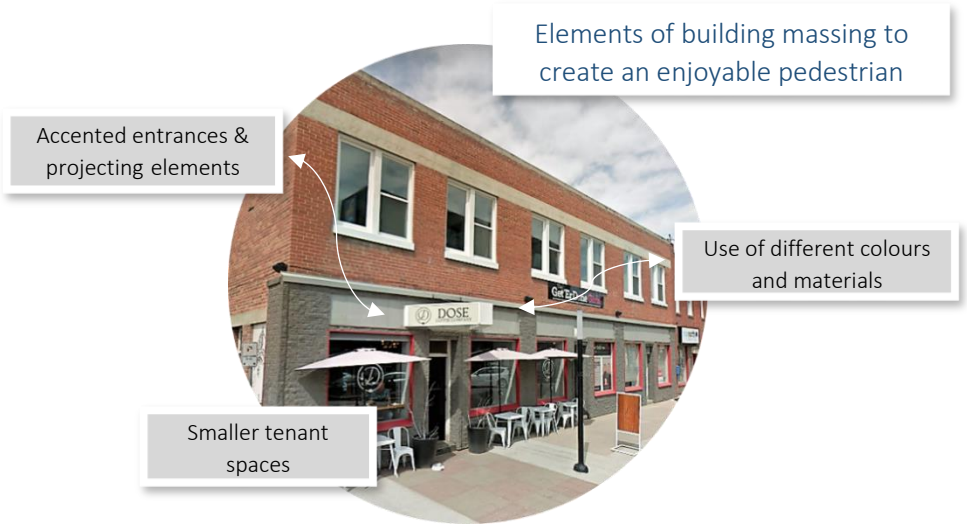
   ii. projecting or recessing of elements;

   iii. accenting entrances; and

   iv. the use of different materials and colours to create the appearance of different building façades.

b. Flexibility in the division of larger buildings into smaller tenant spaces should be considered in the design and articulation of storefronts.

c. Buildings shall be constructed to a minimum height of 2 storeys and a maximum height of 4 storeys and shall not exceed 15 m (49.2 ft.).



13.7 Setbacks

13.7.1 Provisions:

a. Single storey and two storey buildings may be built to a 0 m setback and are subject to site design standards of this Bylaw.

b. Setbacks for all buildings shall not exceed 3 m (9.8 ft.).

c. Notwithstanding Section 13.7.1 (a) and (b) above, the Development Officer may allow building setbacks up to 5.5 m (18.04 ft.) to accommodate street related activities such as sidewalk cafes, architectural features and landscaping that contribute to the desired downtown character and enhanced pedestrian environment of the area.

d. Where a setback larger than 0 m is considered, the application shall include a site plan that identifies features to accommodate street related activities, including landscaping, and the provision of these will be required as part of the Development Permit.

13.8 Building Orientation

13.8.1 Provisions:

a. Buildings shall be located directly adjacent to public streets in order to activate the sidewalk.

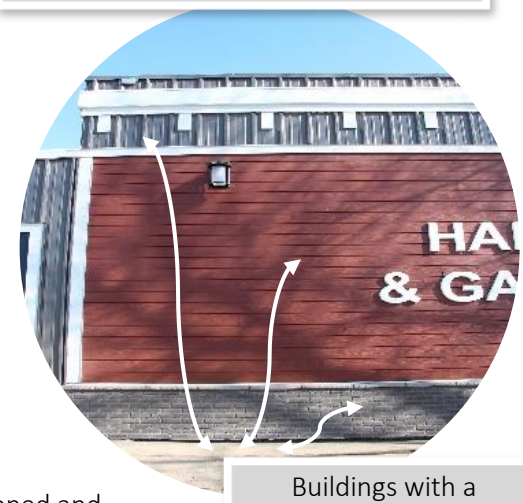
b. Buildings on corner lots should be positioned and designed to showcase frontages on both adjacent public streets.

c. Buildings that are visible from two or more streets shall be designed to showcase frontages on all adjacent public streets (example: Commercial Court and 1 Avenue).

Architectural Building Components

13.9 Building Façade and Building Materials

High quality building materials and architectural features



Buildings with a defined base, middle and top

Buildings in the Downtown District Overlay shall be built using high grade materials and durable materials and designed in such a way that express a base, middle and top in their design. The base is located within the first storey to animate the pedestrian environment through transparency and articulation. The middle body of the building contributes to the overall physical and visual quality of the streetscape. The top – roof, also contributes to the overall visual quality of the streetscape and should be distinguishable from the rest of the building.

13.9.1 Objective:

a. To encourage the development of well-proportioned and well-designed storefronts that create visual interest from the sidewalk and foster commercial and pedestrian activity.

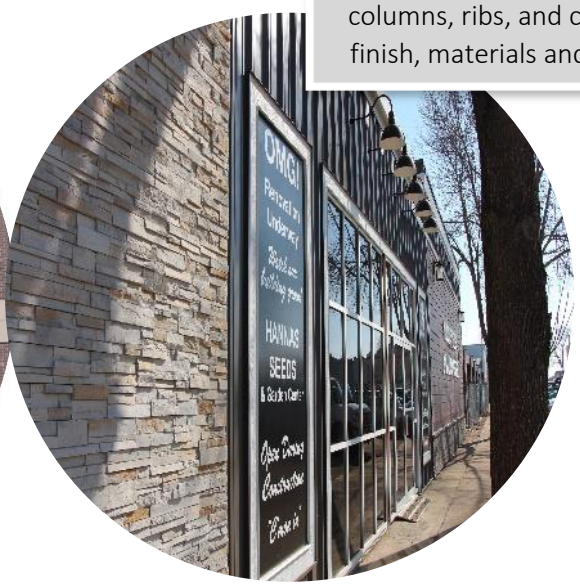
13.9.2 Provisions:

a. All building façades shall use high quality, compatible and harmonious exterior finishing materials that compliment adjacent buildings.

b. Buildings with frontage exceeding 15 m (49.2 ft.) in length should be avoided where possible to maintain a small-scale, pedestrian oriented development pattern.

c. Where walls are greater than 15 m (49.2 ft.) in length, the visual massing shall be reduced through the use of architectural elements such as columns, ribs, pilaster or piers, changes in plane (recesses or projections), changes in building finish, material or texture to address the human scale.

Reduced massing through columns, ribs, and changes in finish, materials and textures



d. Façade treatments of new or substantially renovated buildings should incorporate canopies, awnings or arcades, entrance features or other features to enhance pedestrian comfort and visual interest along the street.

e. Buildings within the same block should consistently use colors, materials, textures, patterns, and rhythms found with adjacent building.

f. Mechanical equipment (including roof top mechanical equipment) shall be screened from view from all sides. Screening should be compatible with the surrounding character of the site.

Renovated storefront with façade treatments, awnings and street furniture.

13.10 Entrances

Entrances establish a desirable and strong residential identity for the development, which contribute positively to the streetscape and integrate into the overall building façade design. Entrances shall be designed to be a functional, accessible, safe area that provides shelter and lighting to pedestrians.

13.10.1 Objective:

a. Ensure building entrances within the Downtown District Overlay provide convenient pedestrian access from public sidewalks and enhance permeability of building façades at ground level.

13.10.2 Provisions:

a. Individual entrances shall be well-defined and designed to face all public roadways, other than a lane to create a livelier pedestrian realm.

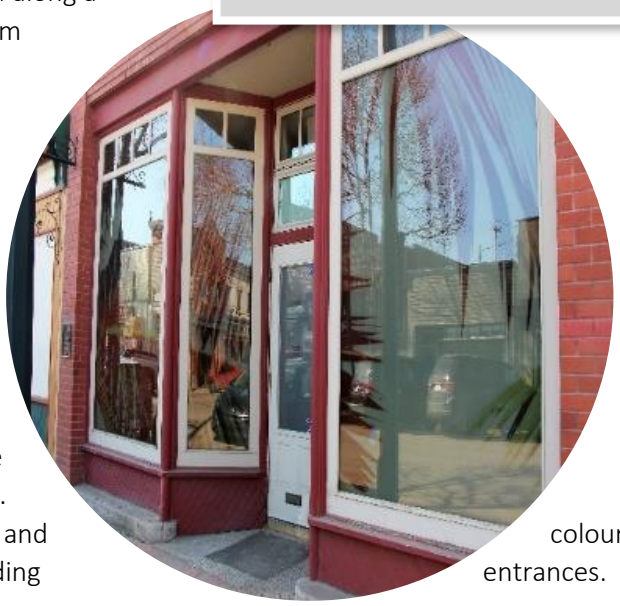
b. If multiple entrances are provided along a commercial building, the maximum recommended distance between two adjacent entrances is 10.0 m (32.8 ft.).

c. Where there are subordinate entrances, the main building entrance should be positioned in a prominent location and enhanced with architectural features.

d. Canopies may be used to distinguish entrances and provide pedestrian shelter from elements.

e. Enhanced landscaping, materials, and colours may be used to differentiate building entrances.

Recessed building entranceway



f. Entrances shall apply Universal Design Principles to accommodate all levels of accessibility.
g. Recessed building entrances are encouraged. Entrances that are recessed back from the window more effectively highlight the display of goods and services within. Recessed entrances also contribute to depth and rhythm of traditional commercial building blocks.

13.11 Windows

Storefront windows and displays are conducive to developing an active and engaging pedestrian experience along sidewalks. Buildings with transparent windows catch pedestrian interest and encourage them to explore within.

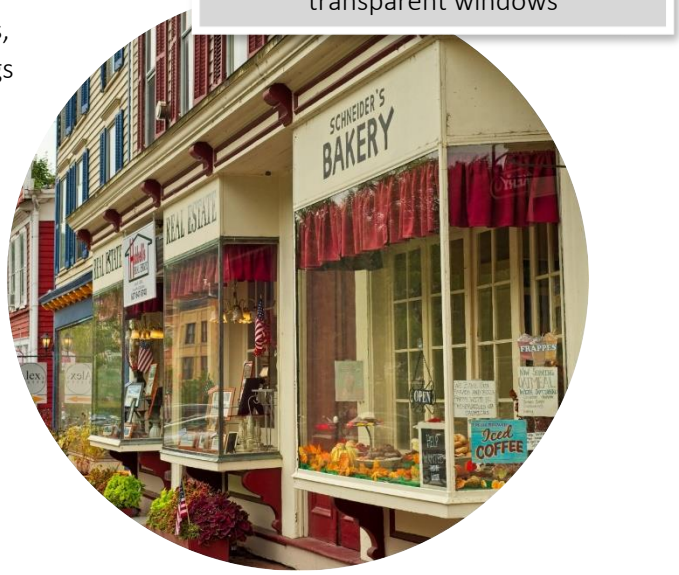
13.11.1 Objective:

a. Create a visually interesting and transparent street wall along the sidewalks where retail commercial buildings are located.

13.11.2 Provisions:

a. Use of reflective/mirror glass is prohibited along the ground floor frontages throughout Downtown District Overlay.
b. Blank walls should be minimized along public street frontages.
c. Sign bands, store front windows, canopies, entrances and awnings shall be aligned with similar features on neighbouring buildings as they are redeveloped.

Engaging pedestrian interest with transparent windows



Streetscaping

13.12 Streetscape Elements

Well-designed downtown streets have the potential to strengthen the economic prosperity and play a significant role in the vitality of downtowns.

13.12.1 Objective:

a. To utilize urban design principles and the implementation of streetscape elements to develop a functional, consistent and appealing aesthetic throughout the Downtown Overlay District.

b. Elements to achieve a desirable streetscape design may include:

i. wayfinding & signage
ii. lighting
iii. landscaping within the public private realm
iv. planting and street trees
v. street furniture
vi. bicycle rack
vii. paving materials
viii. sidewalk patios
ix. surface and street parking

13.13 Wayfinding and Signage

When the design and scale of signage and wayfinding is appropriate for a community context, they can be important tools in downtown navigation, definition of streets and business promotion.

13.13.1 Objective:

a. To provide direction regarding the elements of signs in the Downtown Overlay District that provides effective and suitable wayfinding.

13.13.2 Provisions:

a. All signs shall be subject to the applicable Overlay District requirements contained within Part 8.

b. Encourage simple but creative sign designs with minimal text, the use of symbols, colour and interesting materials that reflect surrounding landscapes and nature in theme.

c. Signs shall be made of attractive materials and may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas, paint or engraving directly on the façade of the building, or other materials approved by the Development Authority.

Wayfinding

d. Electronic signage should be limited in size and number, and use the framing of natural materials.

e. New buildings shall include a distinct signage band along the top of first storey building façades where all fascia and projecting signs are designated for continuity.

f. Promote the use of projecting signs from building façades along Main Street and 1st Avenue.

Projecting Sign

A-Board Sign

g. A-Board signs placed on public sidewalks in accordance with regulations in this Bylaw shall not impede pedestrian access and may only be displayed during the hours of operation of the business.

h. Freestanding signs should incorporate framing or decorative landscaping around the base.

i. Signs that project from the building shall have at least 3.0 m (9.8 ft.) of clearance from grade.

j. Signs may be lit externally from the front. Back lighting and internal lighting of signs is prohibited.

k. Neon flashing lighted signs and moving signs are prohibited.

l. Where possible, reduce the visual clutter of commercial signage along Highway Avenue and encourage a high level of design standard required for future freestanding signs.

13.14 Lighting

Lighting elements add to the visual interest of buildings, create ambience on the sidewalk, and improve safety within the public realm.

13.14.1 Objective:

a. To develop a well-lit pedestrian realm by utilizing unique lighting elements and features on building façades, signs, and streetlight standards.

13.14.2 Provisions:

a. Architectural features such as pillars, ingressions, and cornices should be accentuated by directional lights.

b. Use of wall-mounted lights (sconces) are encouraged. Wall mounted lights should complement building style and character of the public realm.

c. Post-mounted or wall-mounted light fixtures must be kept at an appropriate height so as not to cause glare or result in light spillover into adjacent properties.

d. The use of energy efficient lighting installations is encouraged.

e. The use of concealed lighting fixtures incorporated in public realm features such as benches, seating areas and bollards is encouraged.

f. Where possible Dark Sky Principles should be considered and implemented.

Lighting elements appropriate for the Downtown District

13.15 Landscaping within the Public-Private Realm

Landscaping on private properties is a critical part furthering the Town of Fox Creek downtown improvement initiatives. Landscaping can function as an expression of character of individual property owners and cultivates a unique character for the downtown. Landscaping is an efficient tool to buffer visually unappealing environments, provide shelter from natural elements and contribute to streetscapes.

Planters can effectively replace landscaping strips on narrow sidewalks

13.15.1 Objective:

a. To establish an acceptable landscape and design standard within the pubic-private realm to enhance the pedestrian experience and a strengthened sense of place.

13.15.2 Provisions:

a. Applications for Development Permits that request a change in the intensity or use of a building shall include a landscape plan which provides for planters outside each external front entrance. Planters shall be located in a way that does not impede access to or along the building frontage. The design and approval of the planters shall be to the Development Officer's approval.

b. All new development applications for new buildings in the Downtown District Overlay shall include details of existing landscaping and proposed landscape improvement plans. The approval of a landscaping plan should form part of a Development Permit.

c. As a condition of a Development Permit, an irrevocable letter of credit may be required, up to 125% of the value of the estimated cost of the proposed landscaping or planting to ensure that such landscaping and planting is carried out.

d. The owner shall enter into an agreement with the Town of Fox Creek to ensure maintenance of the landscaping and the survival of planted material beyond the initial two year growth period.

e. Wherever possible, trees existing on the site shall be preserved and protected, or replaced. Notwithstanding the status of the existing vegetation, landscaping of the site shall be subject to the Overlay District.

f. The integration of multiple landscape features is encouraged, such as the combination of vegetation, fencing, planters, low fences and small scale signage.

Buffering the Private Public Realm through Landscaping

g. Landscape designs shall create visual interest through the use of colour and incorporate colour palettes that reflect local vegetation and landscapes.

h. A mix of deciduous and coniferous plant material shall be incorporated into landscape designs.

i. The landscaping plan should include at least one location for the potential storage of snow along the street front.

j. The Development Authority may require that landscaping be provided between public roadways and surface parking facilities, excepting access to the parking facilities. The minimum width of landscaping from the property line to the parking facilities surface should be 2 m (6.5 ft.) when abutting a public roadway.

k. A 2 m (6.5 ft.) landscaped strip on private property should be located along all parcel boundaries adjacent to a public roadway.

l. Unless an agreement has been made with affected parties, landscaping features shall not be placed within a public right-of-way.

13.16 Planting and Street Trees

The design and maintenance of landscape features can have a significant impact on the functionality and aesthetics of outdoor space. Therefore species selection, planting, weather tolerance and maintenance requirements must be considered.

13.16.1 Objective:

a. Ensure landscape features within the Downtown Overlay District areas are planted with weather resilient plants, provide appropriate soil and drainage conditions, and are regularly maintained.

13.16.2 Provisions:

a. Protect all planted and soil areas from compaction and erosion.

b. Use structural soil cells in hardscape areas in order to provide sufficient soil volumes.

c. Provide sub-drainage systems in areas where planting beds and trees may become over saturated due to poor soil infiltration.

Plant species that tolerate winter conditions

13.16.3 Weather Considerations

a. Consider climatic conditions for summer and winter seasons:

i. utilize trees and shrubs as living snow fences to protect the pedestrian realm and seating areas from winter snow drift and wind;

ii. select plant species that incorporate winter characteristics, have a tolerance to salt that are durable throughout seasons, including tall grasses;

iii. utilize grassed or landscaped areas for snow storage.

iv. landscape plans are encouraged to incorporate xeriscaping (drought resistant) and the use of native plant, tree and shrub species for durability.

Commercial Site Design and Access

13.17 Access

The location and design of pedestrian and vehicular access points to buildings and sites from public sidewalks and streets plays an important role in functional downtowns. Façades with multiple pedestrian entrances onto public sidewalks and limited vehicle accesses offer an appealing pedestrian experience.

13.17.1 Objective:

a. Provide ease of access to developments from public sidewalks and streets while prioritizing pedestrian convenience and safety.

13.17.2 Provisions – Vehicular:

a. Properties backing onto a rear alley should have vehicular access via the rear alley.

b. If a property has a vehicle access from a public street, enhanced landscaping along the access shall be provided with special sidewalk treatments to provide for an uninterrupted pedestrian experience.

13.17.3 Provisions – Pedestrian:

a. Where an existing building is located a distance away from a public street, a direct pedestrian walkway should connect the public sidewalk to the building entrance through the use of distinctive walkway surfaces and vegetation plantings.

b. Sidewalks shall be provided along at minimum one side of the lot that abuts a public street, to the discretion of the Development Officer.

13.18 Parking and Loading

Parking facilities in downtown Fox Creek are essential for attracting business patrons, visitors and convenience for business owners. The strategic location of vehicle parking can provide functional, convenient access to businesses and contribute to attractive streetscape design.

Parallel Parking for short term parking

13.18.1 Objective:

a. Provide direction for the preferred location of private off-street vehicle parking within Downtown Overlay District in configurations that promote active building frontages.

b. Provide short-term on street parallel or angle parking throughout the Downtown District Overlay.

13.18.2 Provisions:

a. Additional and future surface level parking areas should be located at, and accessed from, the rear of commercial lots.

b. Vehicle parking located within a front yard shall be screened by landscaping and architectural features. The Development Authority may require that parking facilities located within a front yard be screened by low fences or vegetation (i.e. shrubs) between 0.6 m (1.9 ft.) to 0.9 m (2.9 ft.) in height. The amount of landscaping should be proportionate to the overall parking lot size:

    i. preferred fencing includes wrought iron, wood picket or rope and tie/post and cable fencing.

c. Landscaping of surface parking lots shall comply with Section 11.7 of this Bylaw.

d. Larger parking lots on commercial and institutional sites within the Downtown District Overlay are encouraged to provide enhanced landscaping within parking islands and incorporate pedestrian walkways at regular intervals.

e. Low impact surface materials such as permeable pavers and other alternative materials are encouraged. The use of colours and a diversity of textures in the pavement design of parking lots is encouraged.

f. Property owners shall explore opportunities for shared parking design and or access points in order to minimize number of vehicular access points along street frontages.

g. Sidewalks and walkways from surface parking lots shall connect focal points of pedestrian activity such as street crossings, building entrances, and nearby open spaces.

h. Loading areas and garbage receptacles shall be located along rear property line and appropriately screened from public view.

Enhanced landscaping within parking islands in large parking lots

Landscaping and fencing to buffer rear parking lot

Downtown Commercial District Regulations

13.19 Main Street & 1st Avenue Commercial

Successful Main Street commercial buildings will provide essential space for various uses to operate across the lifespan of the building. Main Street commercial buildings generally include a variety of retail commercial uses including personal shops, boutique shops, cafes, restaurants, health services and similar pedestrian oriented businesses to serve the local community.

13.19.1 Objective(s):

a. Encourage commercial buildings along Main Street and 1st Avenue that are individually distinct, architecturally unified, flexible and responsive to changing market demands.

b. Support existing and future local businesses by making the Downtown Overlay District a destination for commercial and recreational activity.

13.19.2 Provisions:

In addition to the provisions in this Downtown Overlay District and the regulations applicable to the underlying district, the following guidelines shall be considered as part of the redevelopment or development of buildings along Main Street and 1st Avenue:

a. The internal structure and façade of new commercial buildings along Main Street and 1st Avenue shall provide flexible opportunities for multiple sizes and units through the positioning of windows and entrances.

b. Architectural features of new commercial buildings along Main Street and 1st Avenue shall incorporate horizontal architectural elements such as cornices, projections, material bands, windows and signage placed to create a sense of harmony with adjacent buildings.

c. For the redevelopment of commercial buildings, street wall continuity should be strengthened and large physical gaps between buildings avoided.

d. Landscaping, outdoor seating and other amenities are encouraged in pedestrian areas.

13.20 Highway Avenue Commercial

Commercial buildings along Highway Avenue provide opportunities for a variety of uses to serve highway travelers of Highway 43 and the local community. First impressions of Fox Creek are made along Highway Avenue, therefore special attention should be made to the architectural and streetscape elements along this corridor of the District Overlay. Highway commercial uses, retail commercial, cafes, restaurants and personal services are encouraged. Building character for stand-alone commercial buildings are typically low-rise single or multi use commercial retail in 2-4 storey mid-rise buildings.

13.20.1 Objective(s):

a. Ensure the design of new commercial buildings supports the creation of an attractive private-public realm through massing and architectural details that command attention and are visible from a distance. Encourage streetscape design that enhances existing commercial buildings and guides future development of the Highway Avenue corridor to create a stronger sense of arrival.

b. Support businesses that front Highway 43, or are otherwise oriented to serve the users of the highway.

13.20.2 Provisions:

In addition to the provisions set out in this Downtown District Overlay, and the underlying district of the parcel, the following guidelines shall be considered as part of the redevelopment or development of buildings along Highway Avenue:

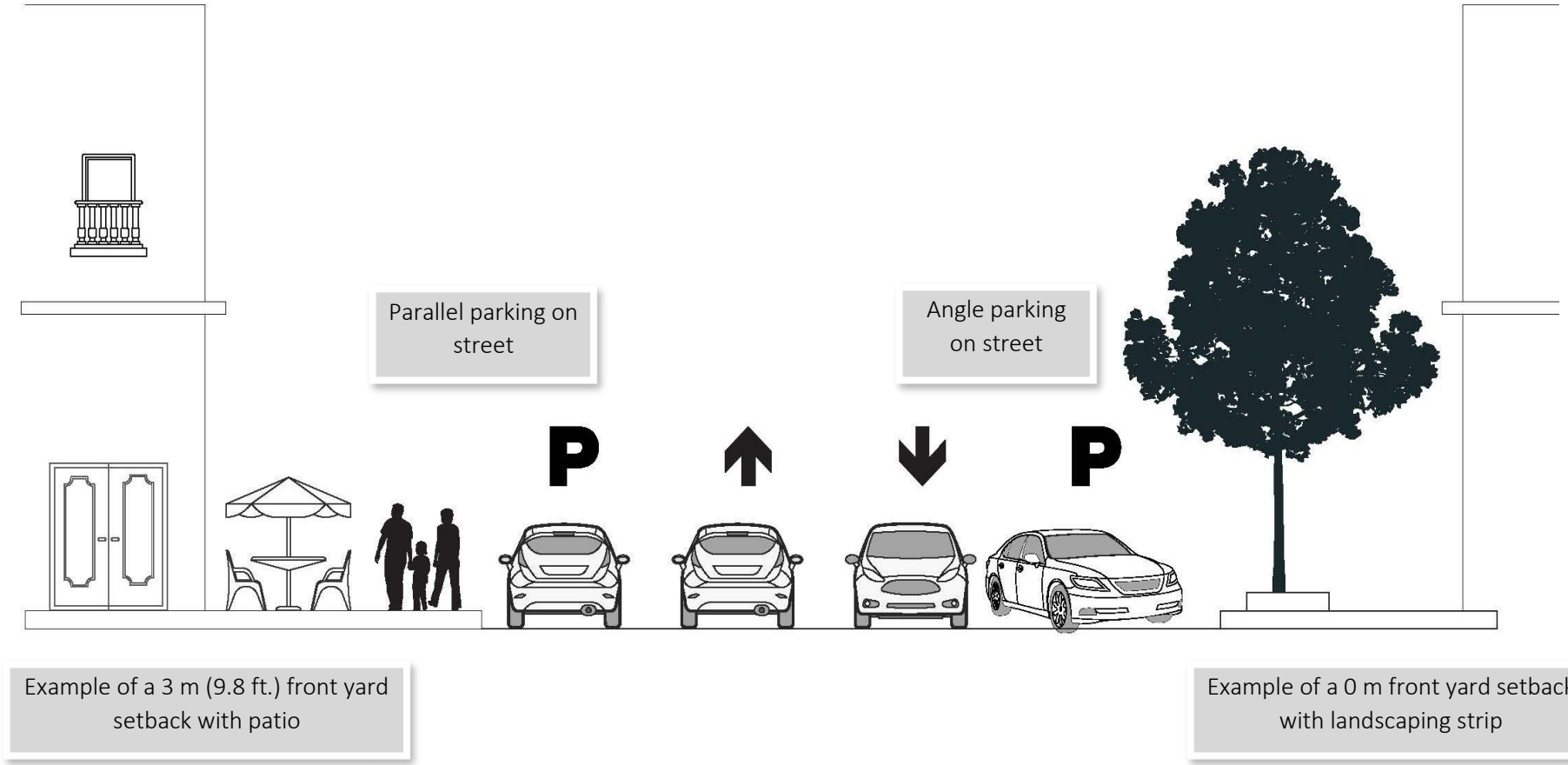
a. The ground floor of multi-storey commercial buildings shall be delineated with horizontal architectural features and different materials than above floors.

b. Main building entrances should provide enhanced architectural features such as larger canopy or other architectural treatments to differentiate itself from other retail commercial entrances at ground floor level.

c. Franchise business commercial buildings are encouraged to incorporate a colour palette and natural elements that reflect Fox Creek's landscape, and incorporate the corporate logo and image creatively in façade design and building massing.

d. Large commercial retail unit buildings shall provide a minimum 3.0 m (9.8 ft.) to 5.0 m (16.4 ft.) wide pedestrian sidewalk between internal parking zone and building façade.

FIGURE 13: EXAMPLES OF OPTIONAL STREET DESIGN



PART 14. Definitions

14.1 Land Use Definitions

"ACCESSORY USE" means a use customarily incidental and subordinate to the main use of land or a building or structure.

"ACCESSORY NON-RESIDENTIAL BUILDING OR STRUCTURE" means a building or structure which is incidental, subordinate and exclusively devoted to the principal use or building and is located on the same parcel. An accessory building or structure does not include extensions that are physically attached to the principal building or any signs.

"ACCESSORY RESIDENTIAL BUILDING OR STRUCTURE" means an accessory building to a residence and includes such things as detached garages, garden sheds, greenhouses, but does not include fabric covered portable structure.

"ACCESSORY RESIDENTIAL SOFT-SIDED BUILDING" means any building or structure that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded.

"ADULT ENTERTAINMENT FACILITY" means a commercial development that features nudity or partial nudity, whether male or female, or the performance of real or perceived sexual acts, or that offers for retail sale any product or recording featuring nudity or sexual acts, and may include the complementary service of food and/or alcohol for consumption on the premises, pursuant to a license from the Alberta Gaming and Liquor Commission.

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

"AGGREGATE STOCKPILING, TEMPORARY" means the temporary use of land for the storage of processed aggregates or other raw materials for a particular project or contract of road construction.

"AGGREGATE STORAGE AREA" means the use of land for the temporary storage of aggregates for sale or use in the production of cement or asphalt.

"AIRPORT" means any area of land or building intended to be used either in whole or in part for the arrival and departure or servicing of aircraft.

"ASPHALT PLANT" means an industry/manufacturing use that produces asphalt, or asphalt products used in building and 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 on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt.

"AUCTION MART" means a development intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment.

"AUTOMOTIVE REPAIR GARAGE" means an establishment for the repair or replacement of parts in a motor vehicle, motorized construction equipment, or tractor trailers. This use does not offer vehicle fuels for retail sale. This use includes auto body repair and tire shops.

"AUTOMOTIVE SERVICE STATION" means an establishment where fuel, oils, antifreeze, tires, spark plugs, batteries, and other accessories for motor vehicles are for sale, or where motor vehicles may be oiled, tires inflated or batteries changed, or where only minor servicing or repairs essential to the actual operation of motor vehicles are executed or performed, but does not include auto body repair.

"AUTOMOTIVE SUPPLY STORE" means a retail store where equipment and parts used to repair, service, or customize motor vehicles are available for retail sale, but does not include any installations or repairs.

"AUTOMOTIVE/RECREATIONAL VEHICLE SALES AND RENTAL" means a development used for the retail sale or rental of new or used automotive vehicles, 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 does not include dealerships for the sale of manufactured homes, or trucks or heavy equipment with a gross vehicle weight (GVW) greater than 4,000 kg.

"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.

"BED AND BREAKFAST FACILITY" means an establishment where overnight accommodation is provided for remuneration to members of the traveling public within a dwelling for a period of no more than fourteen (14) days, and which may include the provision of meals. A bed and breakfast facility is not a boarding or rooming house, bunkhouse, hotel, or restaurant.

"BOARDING OR ROOMING HOUSE" A residential building or part of a residential building where the owner lives and supplies lodging and sleeping accommodation, with or without meals, for remuneration to no less than two (2) and no more than six (6) persons. Only one cooking facility shall be located within a boarding and rooming house. A boarding and rooming house does not include a care residence.

"BUILDING, TEMPORARY" means a building not for habitation purposes, constructed without any foundation, which is temporary and removed when the designated time limit has been reached.

"BUNKHOUSE" means a portable shelter which provides basic residential accommodation, either individually or communally, for industrial workers on a temporary basis, where the length of stay cannot exceed four months for any one individual. A bunkhouse is not a boarding and rooming house.

"CAMPGROUND, RECREATIONAL" means a campground intended for use by travellers for the locating of tents or recreational vehicles for vacation or recreation purposes. May include accessory facilities or amenities to support the principle use.

"CAMPGROUND, INDUSTRIAL" means a campground for temporary accommodation of industrial workers which allows recreational vehicles only and has access to full municipal services. May include accessory facilities or amenities to support the principle use.

"CANNABIS" means a cannabis plant, fresh cannabis, dried cannabis, cannabis oil, cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.

"CANNABIS LOUNGE" means a development where the primary purpose of the facility is the sale of cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

"CANNABIS PRODUCTION AND DISTRIBUTION" means a development or use involving one or more of the following as it relates to cannabis:

a. the production, cultivation or growth of cannabis;

b. the processing of raw materials;

c. the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;

d. the packing, storage, or transportation of materials, goods or products, or;

e. the distribution or sale of materials, goods or products to Cannabis Retail Stores or to individual customers.

"CANNABIS RETAIL" means a retail store licensed by the Province of Alberta where cannabis is sold, and where the consumption of cannabis must not occur. This use may include the ancillary retail sale or rental of merchandise but does not include Cannabis Production and Distribution.

"CARETAKER'S RESIDENCE" means a dwelling unit that is 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.

"CATERER" means an establishment in which food and beverages are prepared for consumption off premises, and are not served to customers on the premises or for takeout. This is not a restaurant use.

"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 cineraria, columbaria, mausoleums, memorial parks and gardens of remembrance.

"CLINIC" means a development used for the provision of physical and mental health services on an outpatient basis for the purposes of consultation, prevention, diagnosis, treatment, rehabilitation, or counselling.

"COMMUNICATION TOWER" means a structure that is used to convey communication, radio, or television signals and may include antennas, dishes or 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 Fox Creek, a local board or agent thereof.

"CONCRETE MANUFACTURING PLANT" means an industry/manufacturing use that produces concrete or concrete products used 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.

"CONVENIENCE FOOD STORE" means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods. Convenience Food Store does not include Cannabis Retail.

"CONTRACTING SERVICES" means a development used for commercial and industrial service support and construction, and may include sales, display, office or technical support uses incidental and necessary for the operation of the principal contracting use.

"CREMATORIUM" means a building where the deceased are cremated, which may or may not be contained within a cemetery or funeral home.

"CRUSHING PLANT" means an industry/manufacturing use where aggregate is processed through a crushing and sorting operation into various grades of gravel.

"DAY CARE FACILITY" means a development licensed by the Province to provide personal care, maintenance, supervision or education, without overnight accommodation, for seven or more children at one time, for more than three (3) but less than 24 hours in a day. This includes day care centres, nurseries, kindergartens, nursery schools, play schools, and other similar uses.

"DEPOT" means a development used for the maintenance, servicing, dispatching, storage or repair of motor vehicles. This may include the dispensing of fuel or petroleum products directly into motor vehicles.

"DEPOT, TAXI/BUS" means a depot used for taxis, limousines or buses which includes an area, site or location intended for the loading and unloading of passengers.

"DEPOT, TRUCK" means a depot for commercial vehicles and/or transport trailers. This may include the sale of accessories or equipment for trucks and similar commercial vehicles, or the loading and unloading of goods from freight carrying trucks.

"DRINKING ESTABLISHMENT" means a building or part of a building where the primary purpose is the sale of alcoholic beverages to the public for consumption on the premises pursuant to a license issued by the Alberta Gaming and Liquor Commission, and may include the provision of food or entertainment. Drinking establishments include bars, taverns, night clubs and lounges, but not restaurants or adult entertainment facilities.

"DRIVE-THROUGH" means a use that provides services to patrons inside a motor vehicle and must be approved with another use.

"DRIVEWAY" means a private road that provides vehicle access from a lot or site to a public road.

“DRY CLEANING AND LAUNDRY FACILITY” 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, APARTMENT” means a dwelling with five (5) or more dwelling units that share a common entrance, and that does not conform to the definition of any other residential use.

“DWELLING, DUPLEX” means a dwelling containing two (2) 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.

“DWELLING, FOURPLEX” means a dwelling containing four (4) dwelling units with each having 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. A fourplex dwelling is not a row housing dwelling.

“DWELLING, MULTI-UNIT RESIDENTIAL” means a dwelling containing three (3) or more dwelling units separated from each other by firewalls. It refers to triplex dwellings, fourplex dwellings, apartment dwellings, and row house dwellings. A multi-unit residential dwelling is not a bunkhouse, boarding and rooming house, or duplex dwelling.

“DWELLING, ROW HOUSE” means a dwelling consisting of a residential building designed and built to contain three or more dwelling units with a separate exterior entrance at grade that shares no more than two party walls with adjacent dwelling units. No part of the dwelling unit is placed over another in part or in whole and every dwelling unit shall have separate, individual direct access to grade. For the purpose of this Bylaw, row and townhouse units are considered to be row housing dwellings. Row housing units are adjoined by a vertical party wall that is insulated against sound transmission.

“DWELLING, SEMI-DETACHED” means a building designed to contain two side by side dwelling units separated by a fire rated wall.

“DWELLING, SINGLE DETACHED” means a dwelling containing one (1) principal dwelling unit, which may contain a secondary suite, and that is constructed upon a permanent foundation or basement. A single detached dwelling is not a manufactured home or modular home.

“DWELLING, TRIPLEX” means a dwelling containing three (3) dwelling units with each having 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.

“DWELLING UNIT” means a self-contained residence with sleeping, cooking, eating, living and sanitary facilities, and with an independent entrance either directly from outside the building or through a common area inside the building.

“ENTERTAINMENT FACILITY” means a facility or establishment which provides entertainment for a gain or a profit. This does not include adult entertainment facilities or drinking establishments.

“FENCE” means a vertical physical barrier constructed to prevent visual intrusion, limit unauthorized access, mark a boundary or provide noise abatement.

"FUNERAL HOME" means a place where funerals are held and/or the deceased are kept until they are released for burial or cremation.

"GAMING OR GAMBLING ESTABLISHMENT" means a building, 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 enclosed accessory building or portion of a primary building used or intended to be used for the private parking or storage of motor vehicles.

"GAS BAR" means a retail outlet that is limited to the sale of gasoline and related automotive products, and may include a "Retail Store". It does not include automotive service stations or automotive repair garages.

"GOLF COURSE" means a golf playing area and accessory buildings and uses related to the playing of the game of golf. This may include a pro shop, club house, restaurant, licensed dining area or lounge, driving range and picnic area.

"GOVERNMENT SERVICE" means a development used by a government agency to provide services directly to the public. This includes a school district office, but does not include protective and emergency services or schools.

"GREENHOUSE/PLANT NURSERY" means a development for the growing, harvesting, storage, and/or selling of plants and may include accessory uses related to the storing, displaying, and selling of related products. Greenhouse/Plant Nursery does not include Cannabis Production and Distribution or Cannabis Retail.

"GROUP CARE FACILITY" means a building which provides residential accommodation for up to seven (7) 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.

"HEAVY EQUIPMENT SALES, SERVICE, STORAGE, AND RENTALS" means a development used for the retail sale or rental of new or used heavy equipment and trucks exceeding 4,000 kilograms, motor homes, and manufactured homes together with incidental maintenance services and the sale of parts and accessories.

"HOME OCCUPATION, MAJOR" 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 principal and/or accessory building, excluding accessory residential soft-sided buildings, and which does not change the residential nature of the building(s) nor the neighbourhood. No exterior evidence of such secondary use is permitted other than a small name plate, not exceeding 0.28 m^2 (3 $ft.^2$) in area. A Major Home Occupation does not include the outside storage of materials, goods or equipment, and no more than two (2) paid employees other than the occupants of the residence. Home Occupation, Major does not include Cannabis Lounge, Cannabis Retail, or Cannabis Production and Distribution.

"HOME OCCUPATION, MINOR" 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, and which does not change the residential nature of the building nor the neighbourhood or have any exterior evidence of such secondary use. A Minor Home Occupation does not include the outside storage of

materials, goods or equipment. No paid employees other than the occupants of the residence are permitted on site. No clients shall access the business at its location. Home Occupation, Minor does not include Cannabis Lounge, Cannabis Retail, or Cannabis Production and Distribution.

"HOME OFFICE" means a minimal space occupied by a secondary use of a principle dwelling unit where no individual other than the resident of the dwelling operates the Home Office, no client or customer is received in the dwelling for business purposes and no storage, signage, or vehicles associated with the business are permitted on site.

"HOSPITAL" means an institutional development used to provide in-patient and out-patient health care to the public, and may include emergency medical services, community health centres, psychiatric care or extended medical care, and accessory food service, office and/or accommodation uses.

"HOTEL" means a building, including a motel, used to provide temporary sleeping accommodation to the public, and which may also include a restaurant, drinking establishment, or meeting rooms.

"INDUSTRY/MANUFACTURING" means an industry engaged in:

a. The assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of various materials into a new product;
b. The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses, or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible elsewhere; or
c. The training of personnel in industrial operations.

Industry/Manufacturing does not include Cannabis Production and Distribution.

"INDUSTRY/MANUFACTURING, FOREST BASED" means an industry/manufacturing use that manufactures or produces forest-based products and generally includes lumber manufacturing facilities, oriented strand board plants, pulp mills and saw mills.

"INDUSTRY/MANUFACTURING, HAZARDOUS" means an industry/manufacturing use that by reason of emissions, noise or storage of goods and materials creates a situation which is offensive or hazardous to human health, safety and well-being. These industries are incompatible with residential, commercial and other land uses.

"INDUSTRY/MANUFACTURING, HEAVY" means an industry/manufacturing use that presents moderate nuisances that require separation from other land uses. These industry/manufacturing uses exhibit one or more of the following characteristics:

a. Requires a large parcel of land;
b. Involves the development of either large buildings or structures;
c. Requires large areas of open space;
d. Emits noise which is audible beyond the parcel boundary;
e. Involves the emission of smoke, dust, flying ash, or other particulate matter;

f. May emit an odour or gas;

g. Involves the use of toxic gases or substances in the manufacture process;

h. Produces heat beyond the parcel boundary;

i. Requires the storage of goods or products which may be hazardous or offensive; or

j. Produces waste materials that may be hazardous or offensive.

"INDUSTRY/MANUFACTURING, LIGHT" means an industry/manufacturing use that operates in such a manner that nuisances are not created or apparent from outside enclosed buildings. These industry/manufacturing uses exhibit one or more of the following characteristics:

a. Can be developed on smaller parcels of land;

b. Is suitable for industrial parks;

c. Most of the activities are confined to the building;

d. Does not require large areas for outdoor storage; and

e. Does not produce emissions which are obnoxious or hazardous.

"INDUSTRY/MANUFACTURING, PETROCHEMICAL" means an industry/manufacturing use that processes or refines gas, oil, or any other petrochemical product from its raw state into a more refined state suitable for transport to market.

"INSTITUTIONAL USE" means a use with the primary purpose of serving the educational, health care, or social needs of the public through government, non-profit, and not-for-profit organizations. Without limiting the generality of the definition, this includes religious assemblies, hospitals, schools, parks, playgrounds, cemeteries, community halls, libraries, and tourist information facilities.

"KENNEL" means a development used for the breeding, boarding, or training of four or more small animals, normally considered as household pets, which are not owned by the occupant of the dwelling on the site.

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

"LANDFILL OPERATION" means, for the purposes of this Bylaw, a waste sorting site, a waste transfer station, a modified sanitary landfill, hazardous waste management facility or dry waste site that is owned and/or operated by the Municipality.

"LAUNDROMAT" means a self-serve clothes-washing establishment containing one (1) or more washing and drying machines and other incidental equipment.

"LIBRARY" means a use where collections of materials are maintained primarily for the purpose of lending to the public. This use may provide meeting rooms, study space and computers for users.

"MANUFACTURED HOME" means a prefabricated, transportable single-unit dwelling suitable for permanent occupancy, built in a certified off-site manufacturing facility in accordance with the Alberta Building Code. It is transported on its own wheels and is ready for occupancy upon arrival at a site,

except for incidental building operations such as placement on foundation supports and connection to utilities. A manufactured home is not a recreational vehicle.

"MANUFACTURED HOME PARK" means a parcel under one title, or distinctive titles under bare land condominiums, which has been designed for the placement of manufactured homes for non-transient use.

"MODULAR HOME" means one or more finished sections of a complete single-unit residential dwelling built in a certified off-site factory for transport to the site for installation on a permanent foundation, all in accordance with the Alberta Building Code and CSA A227 Certified. For the purposes of this definition, finished means fully enclosed on the exterior and interior but need not include interior painting, taping, and installation of cabinets, floor coverings, fixtures, heating system, and exterior finishes.

"MOTEL" see hotel

"MOTOR VEHICLE" means any personal, recreational, or commercial vehicle that uses an internal combustion engine, or in the case of electric automotives, a battery engine, for locomotion and that is generally intended for use on developed roadways. This includes cars, trucks, vans, tractor trailers, motor homes, motorcycles, scooters, travel trailers, buses and similar vehicles, but does not include motorized equipment for construction or similar industrial uses.

"MOVED-IN BUILDING" means a building previously constructed and occupied on a site that is to be relocated from that site and placed on another site.

"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.

"NATURAL RESOURCE DEVELOPMENT" means a use which is governed by the location of a natural resource such as clay, sand, gravel, timber, or petroleum, and which involves the extraction, removal, on-site processing, and/or storage of the natural resource.

"PARKS & PLAYGROUNDS" means an outdoor space accessible to the general public for active or passive recreational use.

"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 parlour, massage therapy shop, 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.

"PETROLEUM FACILITY" means petroleum infrastructure such as oil and gas pipelines, well battery, compressor station, and metering station.

"PORTABLE SIGN" means any sign or advertising device that can be carried or transported from one site to another and is intended to be used or erected on such sites for purposes of advertising or promotion and includes electric or exchangeable copy signs.

"PROPANE TRANSFER FACILITY" means a facility at a fixed location having no 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.

"PROTECTIVE AND EMERGENCY SERVICES" means a development used to provide police, fire protection, and publicly operated emergency medical services.

"PUBLIC ASSEMBLY" means the use of a building or land for meetings open to the general public or restricted to members and guests of clubs, service clubs, religious organizations, or similar organizations.

"PUBLIC USE" means a development which is publicly owned, supported or subsidized and involves public assembly or use. Public uses may include parks & playgrounds, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities.

"RECREATION FACILITY" means a development that provides facilities for sports and active recreation and that involves significant improvement to, or intensive use of, the subject lands. Typical examples include billiard or pool halls, bowling alleys, driving ranges, health and fitness clubs, gymnasiums, curling rinks, indoor golf facilities or batting cages, indoor fields, roller-skating and hockey rinks, rifle and pistol ranges, artificial turf fields, tennis courts and swimming pools.

"RECYCLING FACILTY" means a building or land in which used or waste material is separated and processed prior to shipment for repurposing, reuse or remanufacture, and may include outdoor storage, household drop-off facilities, and/or the handling of hazardous materials.

"RELIGIOUS ASSEMBLY" means a development including any meeting halls used for spiritual worship and related religious, charitable, educational or social activities, but does not include a school. It may include a minister's residence, manse, parsonage, or rectory, provided it is accessory to the principal use. It also means church or place of worship.

"RESTAURANT" means a building or part of a building in which food is prepared and offered for retail sale to the public for immediate consumption.

"RESTAURANT, DRIVE-THROUGH" means a restaurant which includes an exterior method of ordering and picking up food to be consumed on or off the premises.

"RESTAURANT, LICENSED" means a restaurant which is licensed by the Alberta Gaming and Liquor Commission to sell alcoholic beverages for consumption on the premises. Food is prepared and served for consumption on-site, but may include a take-out component as an accessory development.

"RESTAURANT, TAKEOUT/DELIVERY" means a restaurant which provides customers with a takeout and/or delivery service as its primary use, which may or may not be consumed on or off the premises.

"RESTAURANT, UNLICENSED" means a restaurant which is not licensed by the Alberta Gaming and Liquor Commission to sell alcoholic beverages for consumption on the premises. Food is prepared and served for consumption on-site, but may include a take-out component as an accessory development.

"RETAIL STORE" means a development used for the retail sale of consumer goods to the public from within an enclosed building. A retail store shall generally be less than 1,000 m^2 (10,800 $ft.^2$) in floor area. Retail Store does not include Cannabis Retail.

"RETAIL STORE, LIQUOR" means a retail store used for the sale of alcoholic beverages, including hard liquor, wine and beer, and may include the sale of related products.

"SALES/LOT INFORMATION CENTRE" means a temporary building or structure used for a limited period of time for the purpose of marketing land or buildings;

"SALVAGE YARD" means land or buildings where motor vehicles, farm vehicles, equipment, tires and parts are disassembled, repaired, stored or resold. This may include the wrecking of vehicles for scrap metal resale.

"SANITARY LANDFILL" means a site that can be utilized by the public at large for the disposal of solid wastes.

"SCHOOL" means a development used for the education, training, or instruction of students.

"SCHOOL, PUBLIC/SEPARATE" means a school regulated under the public or separate school board system.

"SCHOOL, TRADE/COMMERCIAL" means a school that provides technical instruction to students for profit.

"SECONDARY SUITE" means an accessory self-contained dwelling unit within the same building or on the same lot as the principal dwelling, and which is occupied on a permanent basis. Typical examples include basement suites, garage suites, garden suites, coach houses, and in-law suites.

"SERVICE, AND RENTALS" means a development for the sale, 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.

"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.

"SHOW HOME" means the use of a dwelling unit for purposes of display and sale of same or similar dwelling units;

"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, A-BOARD" means a self-supporting temporary sign comprised of two panels which are joined at the top, and which stand independently of a building or supporting structure.

"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 designed and intended to provide a leasable advertising copy area of 18.0 m^2 (194.4 $ft.^2$) 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 one foot 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 supported on a structure designed to be moved easily from one location to another.

"SIGN, PROJECTING" means any sign other than a canopy or awning sign that projects from the face or wall of a structure but is not attached to the ground.

"SOCIAL CARE FACILITY" means:

a. Places of care for persons who are aged or infirm or who require special care;

b. A building or part of a building, other than a home maintained by a person to whom the children living in that home are related by blood or marriage, in which care, supervision or lodging is provided for more than four or more children under the age of 18 years, but does not include a place of accommodation designated by the Minister of Family and Social Services as not constituting a child care institution.

c. A hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons.

"SOFT-SIDED BUILDING" means a permanent building or structure that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded.

"STORAGE, AUTOMOTIVE, TRUCK, AND RECREATIONAL VEHICLE" means an outdoor storage use specifically for seasonal or temporary storage of cars, trucks, and recreational vehicles.

"STORAGE, BOTTLED GAS" means storage where compressed gas is stored in pressurized portable tanks.

"STORAGE, BULK FUEL AND CHEMICAL" means storage for refined or crude oil, fuel, compressed gas, or liquid or solid chemicals, potentially including dangerous/hazardous substances as defined by the *Dangerous Goods Transportation and Handling Act* and the Major Industrial Accidents Council of Canada. The development may include facilities for cleaning, blending, packaging and distribution of bulk oil, fuel or chemicals, but does not include the manufacture of these products.

"STORAGE, INDOOR" means a self- contained building or group of buildings available for the storage of goods. This use includes mini-storage or private storage facilities and is smaller in scale than "storage, warehouse" (smaller than 10,000 square feet).

"STORAGE, OUTDOOR" means a storage use located outside permanent buildings on the site. This may include the display and sale of goods and materials. This includes lumber storage and lumber yards.

"STORAGE, WAREHOUSE" means storage of commercial or industrial goods and materials provided in a building or portion thereof, on a larger scale than indoor storage (greater than 10,000 square feet).

"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 or movable vehicles.

"SUPERMARKET" means a retail store devoted to the sale of food and associated small household items.

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

"THEATRE, MOVIE" means a theatre used for the showing or viewing of motion pictures.

"TRUCK STOP" means a use that combines a truck depot, gas bar, automotive service station, restaurant, and/or retail store to cater both to the traveling public and commercial truck traffic.

"UTILITY BUILDING" means a building as defined in the *Act* in which the proprietor of a utility maintains its office or offices and/or maintains or houses any equipment or works used in connection with any utility.

"VETERINARY CLINIC" means the use of land and building for the medical care and treatment of small domestic animals, but does not include the keeping of animals in outdoor pens.

"WAREHOUSE STORE" means a building or portion thereof for the wholesale or retail sale of goods. A warehouse store with more than 1,000 m^2 (10,800 $ft.^2$) of floor area.

"WASHING FACILITY" means a facility used for washing vehicles or equipment either by production line methods employing mechanical devices or by hand.

"WASHING FACILITY, CAR" means a washing facility used for washing motor vehicles that are no longer than 6.8 m (22.3 ft.).

"WASHING FACILITY, TANKER TRUCK" means a washing facility used for cleaning the tanks of tanker trucks.

14.2 General Definitions

"ABUT" or "ABUTTING" means immediately contiguous or sharing a property line with.

"*ACT*" means the *Municipal Government Act*, 2000, and amendments thereto and its successors.

"ADJACENT" means land that is contiguous or would be contiguous if not for a public road, railway, reserve land, utility right-of-way, river or stream.

"AREA REDEVELOPMENT PLAN" means a plan adopted by the Council as an area redevelopment plan pursuant to the *Act*.

"AREA STRUCTURE PLAN" means a plan adopted by the Council as an area structure plan pursuant to the *Act*.

"BALCONY" means a horizontal platform, attached to and projecting from the face of a building above the first storey, intended for use as an outdoor amenity space and with access only from within the building.

"BASEMENT" means that portion of a building which is located partly or wholly below grade, with the finished level of the floor directly above it less than 1.85 m (6.07 ft.) above average finished grade.

"BERM" means a landscaped mound of earth.

"BLOCK" means private property surrounded by a public right-of-way. For this Bylaw, a block also refers to private properties fronting onto a cul-de-sac or loop road.

"BOARD" means the Town's Subdivision and Development Appeal Board.

"BOUNDARY" means the registered property line of a parcel.

"BUFFER" means an area where development is restricted, and which includes 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" means 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 HEIGHT" means the vertical distance measured from the average finished grade to the highest point of a building. Building height does not include accessory roof construction not structurally essential to the building, such as an elevator housing, a mechanical skylight, a steeple, or a chimney.

"CARPORT" means a roofed building 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.

"CONDOMINIUM" means a building or lot containing condominium units as defined by the *Condominium Property Act*.

"CONDOMINIUM UNIT" means:

a. 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, and

b. 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.

c. As defined by the *Condominium Property Act*.

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

a. Any preliminary operation such as excavation, filling or draining;

b. Altering an existing building or structure by an addition, enlargement, extension or other structural change; and

c. Any work which requires a building permit.

"COUNCIL" means the Council of the Town of Fox Creek.

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

"DANGEROUS GOODS" means a product, substance or organism listed in the *Dangerous Goods Transportation and Handling Act*.

"DARK SKY PRINCIPLES" means the design principles of Dark Sky Lighting developed by the International Dark Sky Association to address the inappropriate or excessive use of artificial light which can have serious environmental consequences for humans, wildlife and our climate. Principles include the minimization of amount, area, and duration of illumination and minimize the use of 'cold' wavelength illumination.

"DECK" means an uncovered horizontal platform with a surface height greater than 0.6 m (2.0 ft.) above grade at any point that is intended for use as an outdoor amenity space. This does not include a balcony.

"DEVELOPMENT" means:

a. An excavation or stockpile and the creation of either of them;

b. Clearing or grading on a parcel of land greater than one (1) hectare in size;

c. A building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;

d. A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

e. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

"DEVELOPMENT AUTHORITY" means a Development Authority established pursuant to the *Act* that has been authorized to exercise development powers on behalf of the municipality.

"DEVELOPMENT PERMIT" means a document that is issued under the Land Use Bylaw and authorizes a development.

"DISTRICT" means a land use district established under this Bylaw as described in Part 12.

"ENVIRONMENTAL IMPACT ASSESSMENT" means a comprehensive site analysis to determine:

a. The potential impact of the proposed development on the site;

b. The potential environmental impact of the proposed development upon adjacent properties or land uses; and

c. The potential environmental impact of the proposed development upon the future land use potential of the property.

"ENVIRONMENTAL SITE ASSESSMENT" means a written report prepared by a qualified professional conducted according to Canadian Standards Association (CSA) guidelines to describe and assess the overall environmental status of a site, including:

a. Whether there is or may be any conditions or circumstances that could create a risk to the environment or to human health either on or off the site, and if present, the nature and extent of that risk; and

b. Whether there is, or has been, any enforcement action relating to the environmental conditions of the site.

"FINISHED GRADE" means the finished level of the ground adjacent to the foundation of the principal building, not including artificial embankments, stairways or window wells.

"FINISHED GRADE, AVERAGE" means the average elevation of the finished grade of a building or structure.

"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.

"GROSS FLOOR AREA" means the total floor area of every room and passageway contained in a building including the floor area of basements but not including areas used exclusively for storage or mechanical/electrical services.

"HARD SURFACING" means asphalt, concrete, interlocking brick/paving stones or similar material satisfactory to the Development Authority that is used in the construction of a driveway, parking facilities, pedestrian walkways and trails but does not include gravel or granular materials.

"HEAVY EQUIPMENT SALES, SERVICE, STORAGE, AND RENTALS" means a development used for the retail sale or rental of new or used heavy equipment and trucks exceeding 4,000 kilograms, motor homes, and manufactured homes together with incidental maintenance services and the sale of parts and accessories.

"HIGHWAY" means Alberta Highway 43, a primary highway as designated under the *Public Highways Development Act*.

"LANDING" means an entrance area which is attached to a dwelling and is located at the top or bottom of a set of exterior stairs. A landing is no greater than 1.5 m^2 (16.1 $ft.^2$).

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

a. Unoccupied by any building, structure, garbage container, storage, parking lot, or driveway;

b. Situated at finished grade on a lot;

c. 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, screening, facilities for outdoor recreation, ornamental ponds, play areas, surfaced walks, plazas, patios and other hardscaping; but

d. 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 the modification or enhancement of a site through the use of any or all of the following elements:

a. Soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, ground cover, and ornamental ponds; and,

b. Hard landscaping consisting of non-vegetative materials such as brick, stone, rock, tile, and wood, excluding monolithic concrete or asphalt in the form of patios, walkways, driveways, and parking lots.

"LANE" means a narrow public right-of-way which provides secondary access to buildings and parcels of land and which is registered in a Land Titles Office. Lanes are considered to be alleys under the *Traffic Safety Act*.

"LOT" means:

a. A quarter section;

b. A river lot shown on an official plan, as defined in the *Surveys Act* that is filed or lodged in a Land Titles Office;

c. A settlement lot shown on an official plan, as defined in the *Surveys Act* that is filed or lodged in a Land Titles Office;

d. 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; or

e. 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 Area includes any area dedicated to an easement or a right-of-way.

"LOT DEPTH" means the average horizontal distance between the front lot line and the rear lot line. If there is no rear lot line, lot depth shall be the average horizontal difference between the front lot line and the intersection of the two other lot lines.

"LOT LINE" means a legally defined limit of any lot.

"LOT LINE, FRONT" means the lot line that abuts a public road, or on a corner lot, the shortest property line that adjoins a public road.

"LOT LINE, REAR" means the lot line opposite the front lot line.

"LOT LINE, SIDE" means the property line that connects the front lot line and rear lot line.

"LOT, CORNER" means a lot at the intersection of two public roadways, excluding lanes.

"MUNICIPAL DEVELOPMENT PLAN" means the Town of Fox Creek Municipal Development Plan and any associated amendments.

"MUNICIPAL PLANNING COMMISSION" means a Municipal Planning Commission established pursuant to the *Act*.

"MUNICIPALITY" means the Town of Fox Creek.

"NON-CONFORMING BUILDING" means a building:

a. 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

b. That on the date the Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

"NON-CONFORMING USE" means a lawful specific use:

a. Being made of land, a building, a structure, or any combination thereof, or intended to be made of a building lawfully under construction at the date the Land Use Bylaw becomes effective; and

b. That on the date the Land Use Bylaw becomes effective does not, or in the case of a building or structure under construction, will not, comply with the Land Use Bylaw.

"NUISANCE" means any activity or effect that is offensive to the senses, including smoke, airborne emissions, vapours, odours, noise, earthborn vibrations, glare, flashing light, heat, dust, unsightly storage of materials, excessive traffic, or any other impact that may become hazardous to health and safety, or which adversely affects the amenities of the neighbourhood or the normal enjoyment of any land or building, whether public or private.

"OFFICE" means a use where business people, professional, clerical and administrative staff work in fields other than medical or counselling fields, and which does not have facilities for the production or sale of goods directly to the public.

"OWNER" means the Registered Owner of a lot.

"PARCEL" means the aggregate of one or more areas of land described in a certificate of title, or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office.

"PARKING FACILITY" means an area or areas of land or a building or a part thereof which is provided for the parking of motor vehicles.

"PARKING LOT" means an area of land providing for the parking of motor vehicles. Parking lots are to be developed in association with other permitted and discretionary uses and in accordance with the regulations found in Part 9.12 of this Bylaw.

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

"PATIO" means an uncovered horizontal platform with a surface height no greater than 0.6 m (2.0 ft.) above grade at any point intended for use as an outdoor amenity space.

“PERMITTED USE” means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw, and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued, with or without conditions;

“PORCH” means an unenclosed, covered structure forming an entry to a building.

“PRINCIPAL BUILDING” means a building which:

a. Occupies the major or central portion of a site;
b. Is the chief or main building amongst buildings on a site; or
c. Constitutes, by reason of its use, the primary purpose for which the site is used.

“PRINCIPAL USE” means the primary or main use of land or a building or structure.

“PROJECTION” is a portion of a building which extends horizontally beyond the foundation of a building, but is not constructed on the building’s foundation. Examples of projections include balconies and decks.

“PROPERTY LINE” means the legal boundary of a parcel.

“PUBLIC UTILITY LOT” means a lot owned by the Town that may accommodate one (1) or more public utilities.

“REAL PROPERTY REPORT” means a legal document prepared by an Alberta Land Surveyor that illustrates, with measurements, the location of all relevant visible public and private improvements relative to property boundaries.

“RECREATIONAL VEHICLE” means a vehicle, motorized or towable, intended to provide temporary living accommodation for travel and recreation purposes. Recreational vehicles do not include off-road vehicles, portable industrial trailers, manufactured homes, or any vehicle or trailer over 2.5 m (8.2 ft.) in width while being transported.

“REGISTERED OWNER” means

a. 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
b. In the case of other land,
    i. 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
    ii. 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.

“RESERVE LAND” means a municipal, school, municipal-school, or environmental reserve that has been dedicated in accordance with the *Act*.

"ROAD" means land:

a. Shown as a road on a plan of survey that has been filed or registered in a Land Titles Office; or

b. Used as a public road; and

c. Includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway.

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

"ROAD, PUBLIC" means a roadway subject to the direction, control and management of the Town.

"SCREENING" means some combination of structural and/or landscaping features employed to form a dense or opaque screen for the purposes of visual and/or noise mitigation and separation between sites, incompatible land uses, roadways or Districts. Screening may include berms, walls, fences, or continuous rows of trees, evergreens, or shrubs.

"SERVICED" means that approved development uses municipal water, stormwater and sanitary services (including treatment), where such services have been installed and are operating in accordance with municipal requirements.

"SETBACK" means the minimum horizontal distance required between a development and a lot line or any other features specified by this Bylaw.

"SIGHT TRIANGLE" means the triangle formed by a straight line drawn between two points, one located along the front lot line and the second along a side lot line at a distance of 6.0 m (19.7 ft.) from the point where the lot lines intersect.

"SOLAR ENERGY DEVICE" means structures, accessory buildings, and equipment designed to convert solar radiation into electrical or thermal energy.

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

"SITE COVERAGE" means the ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings or structures (including verandas, porches, or deck) on a site to the total lot area. Such buildings and structures do not include steps, eaves, cornices, landings or patios.

"STATUTORY PLAN" means a Municipal Development Plan, Intermunicipal Development Plan, Area Structure Plan, or Area Redevelopment Plan pursuant to the *Act*.

"STEPBACK" means the horizontal distance a building façade is recessed on a horizontal plane from the building façade immediately below it.

"STREET" means any category of road except a lane.

"STRUCTURAL ALTERATION" means altering the main building components that support a building.

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

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" means the Town's Subdivision and Development Appeal Board established pursuant to the *Act*.

"SUBDIVISION AUTHORITY" as established pursuant the *Act*, means that person(s) or body defined by the Subdivision Authority Bylaw of the Town of Fox Creek.

"URBAN RESERVE" means lands presently within the Town which are intended for future development to accommodate the Town's long-term industrial or residential land requirements.

"USE" means the purpose for which land, a building, a structure, or any combination thereof, is designated, arranged, erected, intended, occupied, and/or maintained, as determined by the Development Authority.

"USE, DISCRETIONARY" means a use of land, buildings or structures for which development permits may be issued only at the discretion of the Development Authority, with or without conditions.

"USE, PERMITTED" means the use of land or a building or structure for which a development permit must be issued by the Development Authority, with or without conditions, provided the use, building, or structure complies with the regulations of this Bylaw. Permitted uses are listed in this Bylaw for the Land Use Districts in which they are permitted.

"USE, TEMPORARY" means a use of land, building or structure which is permitted for a temporary basis by the Development Authority, with or without conditions.

"UTILITY" means the right-of-way and/or use of land or a building for one or more of the following:

a. Telecommunication systems;
b. Waterworks systems;
c. Irrigation systems;
d. Systems for the distribution of gas;
e. Systems for the distribution of electric power;
f. Stormwater management systems;
g. Heating systems; and
h. Sewage systems.

"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 DEPTH" means the shortest horizontal distance between a lot line and building or structure other than a boundary fence or specifically permitted accessory building.

"YARD, EXTERIOR SIDE" means a side yard abutting a street, lane or other right-of-way.

"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 a building or structure not permitted in a yard.

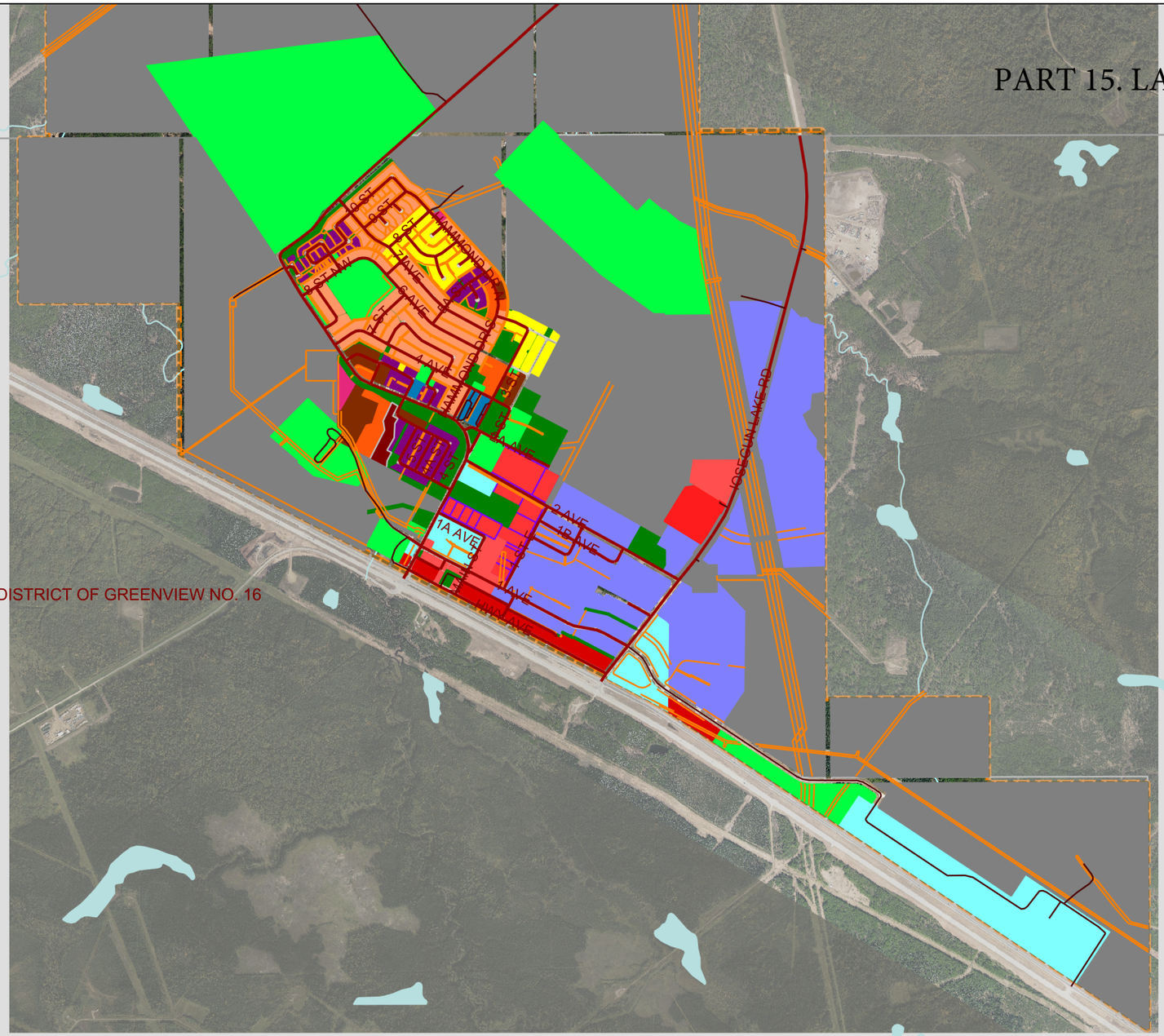
"YARD, INTERIOR SIDE" means a side yard other than an exterior side yard.

"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 a building or structure not permitted in a yard.

"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 a building or structure not permitted in a yard.

"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 line

PART 15. LAND USE DISTRICTS MAP



Legend

- Roads
- Indian Reserves
- Creeks
- Township Grid
- Town Boundary
- Surrounding Municipalities
- Railway
- Cadastre
- Landuse
  - C-1 Central Bus.Com.
  - C-2 Service Comm.
  - C-3 Highway Comm.
  - DC Direct Control
  - M-1 Industrial
  - P-1 Parks_Rec
  - R-1A SFD Residential
  - R-1B SFD Residential
  - R-1C Two Family
  - R-3 Med.Density Res.
  - R-4 High Density Res
  - R-ER Estate Res.
  - R-MHP Man. Home Com.
  - R-MHS Man. Home Res.
  - U-R Urban Reserve
  - U-S Urban Services
  - C-1A Downtown Mixed Use
- Right of Ways

Scale 1: 24,888

1 Mi
1 Km

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PART 16. Downtown Overlay District Map

PART 17. Effective Date

This Bylaw Shall come into effect upon the date it is give its third and final reading.

READ THE FIRST TIME ON THE 28 DAY OF OCTOBER., 2019

PUBLIC HEARING HELD ON THE 18 DAY OF November, 2019

READ A SECOND TIME ON THIS 18 DAY OF November, 2019

READ A THIRD AND FINAL TIME THIS 18 DAY OF November, 2019

JIM HAILES
Mayor

Kristen Milne
Chief Administrative Officer