

## **SEVEN: General Regulations**

### **Section 33: Applicability**

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

### **Section 34: Accessory Buildings and Structures**

#### 34.1 General Conditions:

- 34.1.1 All Accessory Buildings must meet the provisions of the Alberta Safety Codes Act.
- 34.1.2 Where an accessory building is attached to the principal building on a parcel by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said building is to be considered part of the principal building and not as an accessory building and shall, therefore, adhere to the setback requirements for the principal buildings as specified in the land use districts.
- 34.1.3 An accessory building or structure on a corner lot or double fronting lot, in any District, shall be subject to the front yard requirements for the lot as determined by Section 40 of this Bylaw, and the Land Use District in which the lot is situated.
- 34.1.4 Accessory buildings shall not be used as dwellings,
- 34.1.5 There shall be no more than two accessory buildings per site.

#### 34.2 Residential Districts:

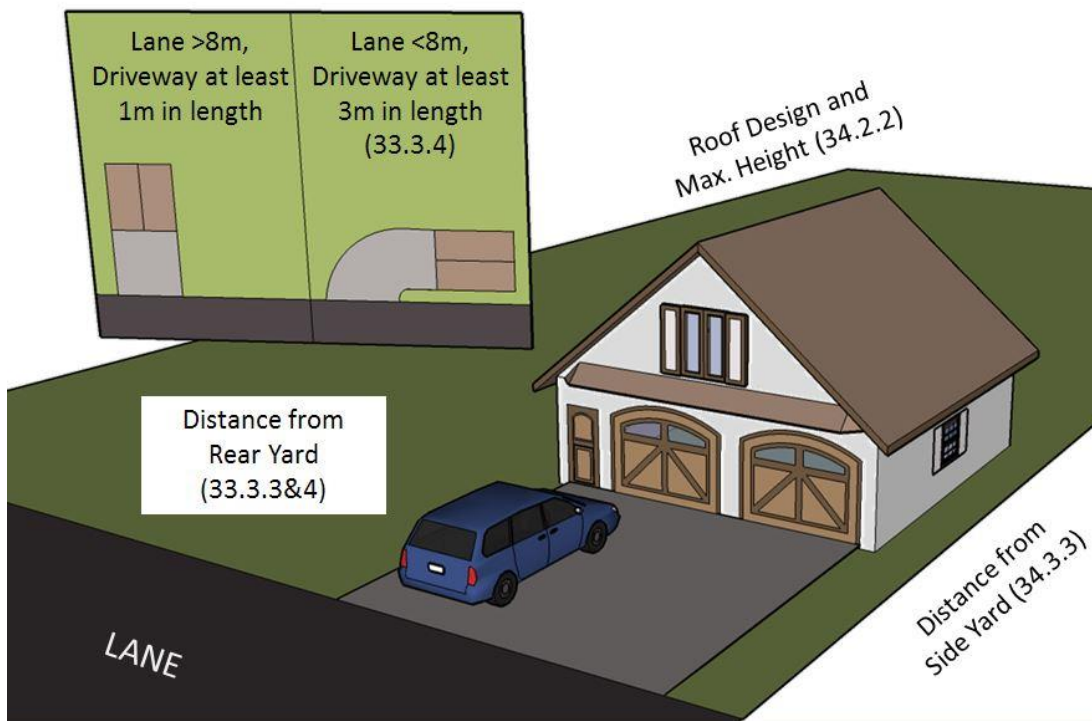
- 34.2.1 Accessory buildings and structures include garages, carports, shed, storage buildings, decks, covered patios or covered balconies, permanently installed private swimming pools and hot tubs, garden suites and other accessory structures such as television and radio antennas, poles, satellite dishes and towers.
- 34.2.2 An accessory building shall not exceed 6.5 m, or the height of the principal dwelling, whichever is less. In mobile home districts an accessory building must not exceed 4.5 m in height.
- 34.2.3 In no case shall the floor area or combined floor area of accessory buildings on a property exceed the main floor area of the principal dwelling.
- 34.2.4 In no case shall the floor area or combined floor area of accessory buildings and principal dwelling result in the site coverage of the parcel exceeding the requirements of the District.

#### 34.3 Siting of Detached Garages:

- 34.3.1 When a detached garage is proposed to be 2.0 m or closer from the dwelling, the Development Officer shall ensure that the buildings will meet the requirements of the Alberta Safety Codes Act.
- 34.3.2 Not in a front yard;

- 34.3.3 No closer than 0.6 m to the side and rear property line (plumb line of the eaves is not less than 0.3 m (except where an agreement exists between the owners of adjoining properties to build their garages centered on the property line, in which case a fire wall shall be constructed to the standards of the Alberta Safety Codes Act, and regulations pursuant thereto, and any amendments made from time to time);
- 34.3.4 A garage which accesses a lane shall have a driveway on a parcel of at least 1.0 m in length where a driveway enters a 8.0 m or larger lane in width; all lanes under 8.0 m in width shall have a minimum driveway of 3.0 m in length.
- 34.3.5 Garages that access a lane must have the driveway and/or garage ramps and/or aprons entirely contained within the property lines and cannot extend into the Town of Stettler Lane Right of Way.
- 34.3.6 A garage which accesses a street shall have a driveway on the parcel which is equal to or greater than the minimum front yard requirement of the building.
- 34.3.7 All work on public property pertaining to garage driveway improvements and access must be undertaken under direct supervision of the Director of Operational Services.

**Figure 34-1: Detached Garages**



**34.4 Accessory Buildings in Non-residential Districts:**

- 34.4.1 In any District other than a Residential District, an accessory building or structure is subject to the development regulations for that District;
- 34.4.2 An accessory building or structure on a site in a non-residential district which abuts a site in a residential district shall not be less than 1.5 m from the boundary line of the site in the residential district.

**Section 35: Basement Suites**

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

**Section 36: Bed and Breakfast Facility**

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

**Section 37: Boarding Facility**

- 37.1 A boarding facility may only be permitted in a single detached dwelling.
- 37.2 One on-site parking stall shall be provided for each bedroom provided for compensation.
- 37.3 A boarding facility shall be operated only by the permanent resident(s) of the principal dwelling.

- 37.4 No rooms for rent are permitted to have separate kitchen facilities from the principal dwelling.

### **Section 38: Building Design, Character, Orientation and Appearance**

- 38.1 The design, character, location, external finish, architectural appearance and landscaping of all buildings, including accessory buildings or structures shall be to the satisfaction of the Development Officer/Municipal Planning Commission. Where applicable, buildings shall comply with any architectural/design guidelines in an Area Structure Plan.
- 38.2 The exterior finish of a building in all residential districts shall be completed by October 31st of the year following the year in which the development permit is issued unless otherwise stipulated in the development permit.
- 38.3 The undercarriage of a mobile home shall be screened from view by skirting or such other means satisfactory to the Development Officer/Municipal Planning Commission.
- 38.4 All accessory structures to a mobile home such as patios, porches, additions, skirting and storage facilities shall be fabricated so that the appearance complements the mobile home to the satisfaction of the Development Officer/Municipal Planning Commission.
- 38.5 The exterior finish of commercial structures shall be of wood, prefabricated materials, stone, brick, architecturally finished block or concrete, stucco or other durable aesthetically pleasing material that is appropriate to the development style and to the satisfaction of the Development Authority.
- 38.6 Roof lines and building facades within commercial districts shall be articulated and varied to reduce perceived mass and linear appearance of large buildings.
- 38.7 The orientation of buildings within a cul-de-sac shall be placed in a fashion that is conducive to the streetscape as a whole. The orientation shall not adversely affect the access, sightlines, or amenities of an adjacent parcel including daylight, sunlight and privacy. The orientation of buildings within a cul-de-sac shall be subject to the approval of the development officer.

### **Section 39: Cannabis Retail Sales and Production**

- 39.1 A Cannabis Retail Sales or Production Facility must comply to provisions of the Gaming, Liquor and Cannabis Act.
- 39.2 Owners/Applicants must obtain and submit a copy of the Retail Cannabis Store License from the Province of Alberta.

39.3 The Development Authority may permit a Cannabis Retail Sales or Production Facility only if, in their opinion it complies with the following regulations:

39.3.1 As Described in the Gaming, Liquor and Cannabis Act:

39.3.1.1 A premises described in a Cannabis License may not have any part of an exterior wall that is located within 100 meters of:

- a) A provincial health care facility or a boundary of the parcel of land on which the facility is located,
- b) A building containing a school or a boundary of a parcel of land on which the building is located, or
- c) A boundary of a parcel of land that is designated as school reserve or municipal reserve under the Municipal Government Act.

39.4 The Development Authority shall consider the following matters as part of the decision making process for an application for a Cannabis Retail Sales or Production Facility:

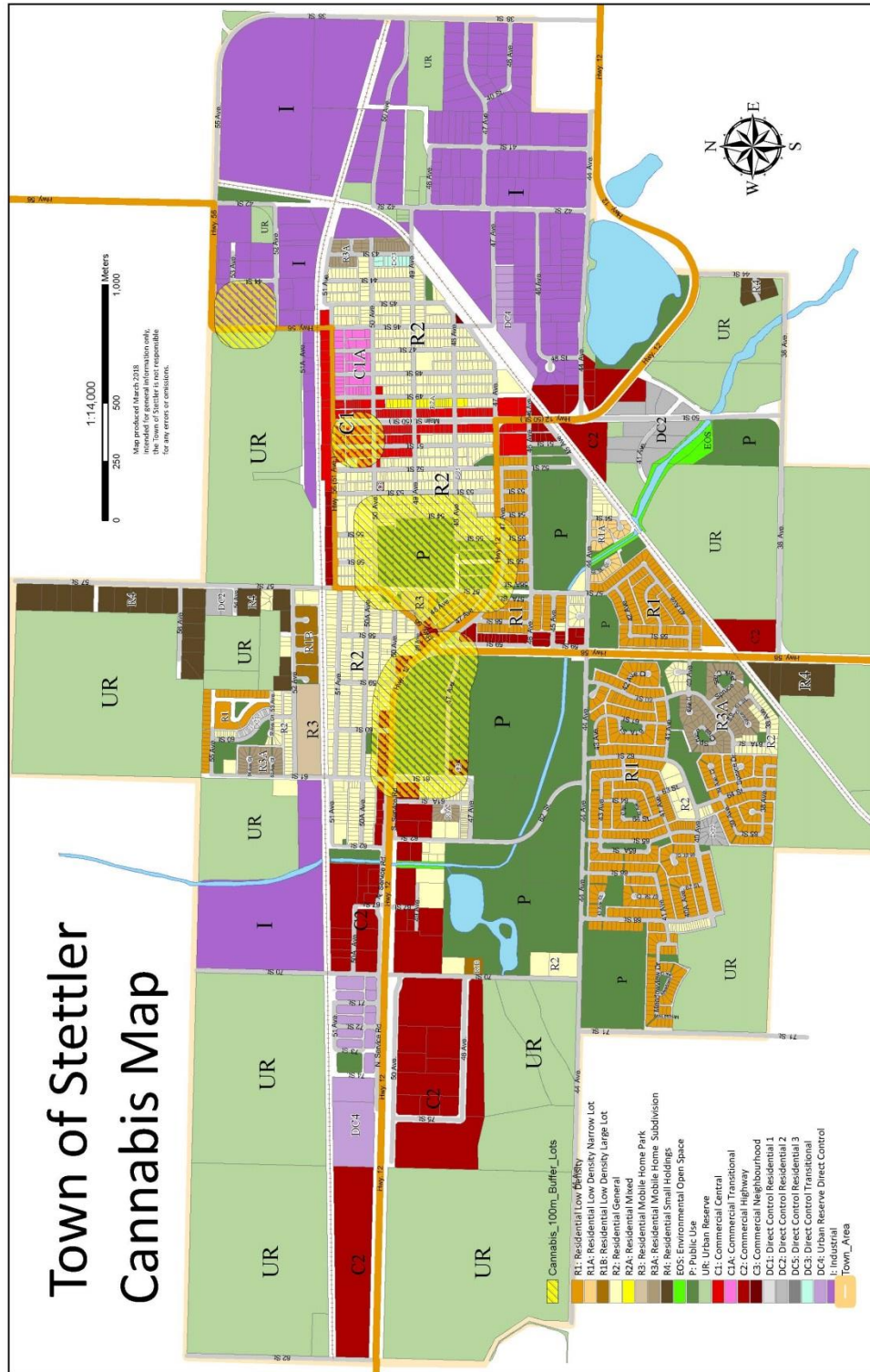
39.4.1 Proximity and relevance of impact to facilities frequented by Children and Youth, including but not limited to:

- a) Day Care Facilities
- b) Parent Link Centers
- c) Parks
- d) Recreation Facilities
- e) Youth Centers

39.4.2 Day Homes and Home Schools do not require a separation distance from a Cannabis Retail Sales Use.

39.4.3 Compatibility of the use in relation to the site, surrounding development and the potential effect of the development on the adjacent properties.

Figure 39-1: Cannabis Retail Sales and Production Facility Setbacks



## Section 40: Communication Towers

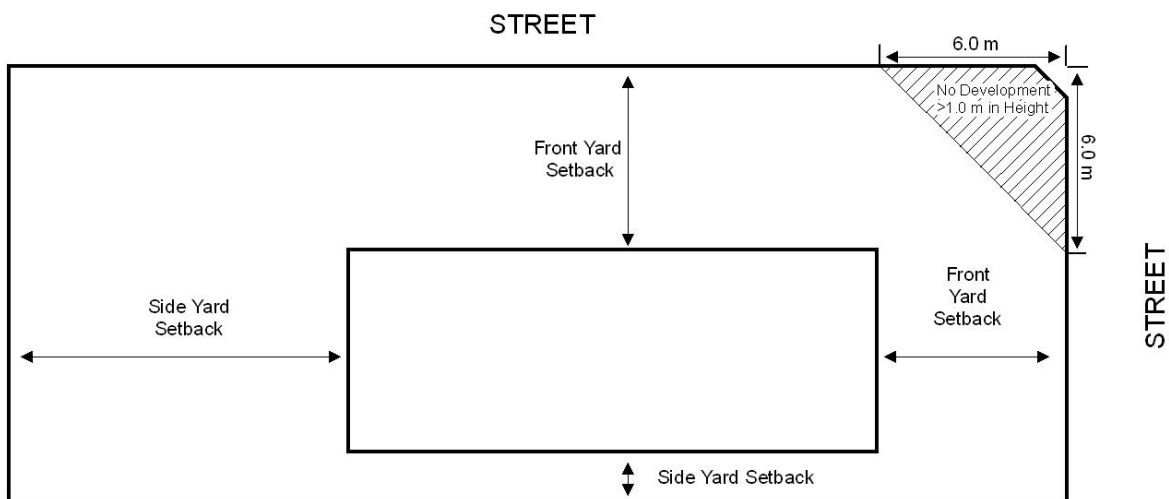
- 40.1 Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities Industry Canada considers the following:
- 40.1.1 The input provided by the land-use authority;
  - 40.1.2 Compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
  - 40.1.3 Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
  - 40.1.4 An environmental assessment may be required in order to comply with the Canadian Environmental Assessment Act.
- 40.2 The participation of the Town in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.
- 40.3 An antenna and supporting structure for the following uses are subject to Industry Canada requirements:
- 39.3.1 Ham radio;
  - 39.3.2 Citizen band radio; and
  - 39.3.3 A telecommunication device that only receives signals (e.g. satellite dishes).
- 40.4 An antenna and supporting structure for the following uses are discretionary in all districts:
- 39.4.1 Radio and television transmission;
  - 39.4.2 Two-way radio;
  - 39.4.3 Common carriers;
  - 39.4.4 Land-mobile systems; and
  - 39.4.5 Fixed point microwave.
- 40.5 Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.
- 40.6 The tower base shall be setback from abutting parcels and roadways by a distance of 20 percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
- 40.7 Guy wire anchors shall be setback at least 1.0 m from the property line.
- 40.8 Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing, etc.

- 40.9 Sites for commercial communication towers shall be fenced with suitable protective anticlimb fencing as required by the Town.
- 40.10 Communication antennae and structures to be located in all allowable districts shall obtain a development permit where they exceed 4.6 m in height from grade.
- 40.11 An application for a development permit shall include a site plan drawn to scale and identifying the site boundary; tower; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses and structures on the site and abutting properties.

**Section 41: Corner / Double Fronting Lot Restrictions**

- 41.1 No person on a corner lot in any District shall erect, place or maintain, within a triangle formed by the boundaries of the site common with the streets abutting them and a straight line connecting points on each of the said boundaries a distance of six metres from the point where they intersect, a wall, fence, shrub, trees, hedge or any object over one metre in height above the lowest street grade adjacent to the intersection.
- 41.2 In all districts, a site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
- 41.3 Notwithstanding Section 40.2, one front yard setback may be reduced to 3.0 m taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist, and having regard for the variances allowed.

**Figure 41-1: Restrictions on Corner/Double Fronting Lot**





## **Section 42: Dwelling Units on a Parcel**

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

## **Section 43: Easements**

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

## **Section 44: Environmental Policy**

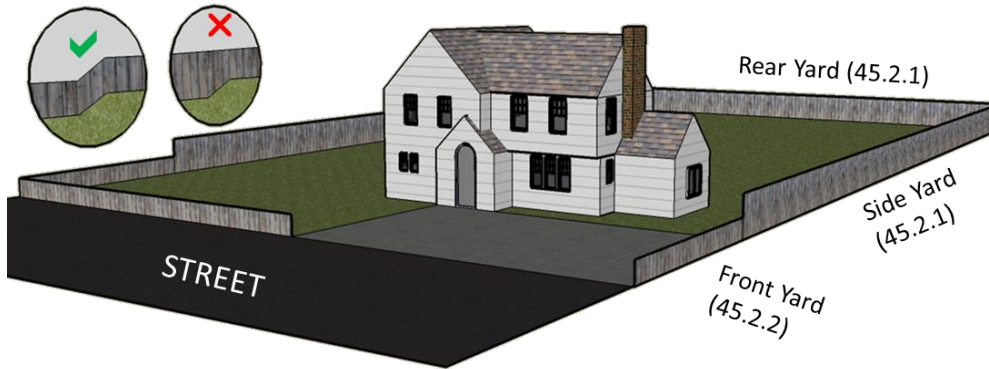
- 44.1 Within developing areas, existing trees and shrubs should be conserved to the maximum extent possible.
- 44.2 The following areas shall be retained in their natural state:
- 44.2.1 Swamps, gullies and natural drainage courses;
  - 44.2.2 Unstable land;
  - 44.2.4 Land with a natural gradient of 15% or greater; and
  - 44.2.5 Any lands designated as Environmental Reserve.
- 44.3 Development within the 1:100 year flood areas shall be limited to:
- 44.3.1 Non obstructive development within the floodway may be permitted in accordance with Alberta Environment and Sustainable Resource Development Legislation. Non obstructive development may include, green space or parkland, golf courses, parking facilities, open structures such as gazebos, and other non-obstructive development that in the opinion of the development authority does not change the elevation of the flood way and does not negatively impact the natural flow of water.
  - 44.3.2 Development within the Flood Fringe that is subject to flood proofing measures and may require preventative engineering and construction methods recommended by a qualified professional as part of the development permit application process.

## **Section 45: Fencing and Screening**

- 45.1 Fences shall complement the character and quality of the principal building.
- 45.2 The maximum height of a fence as measured from grade shall be:
- 45.2.1 2.0 m for that portion of the fence which does not extend beyond the most forward portion of the principal building on the lot;
  - 45.2.2 1.2 m for that portion of the fence which extends beyond the most forward portion of the principal building on the lot; and
  - 45.2.3 In the case of corner lots pursuant to Section 40.
- 45.3 Fence construction in all districts must be confined to the property line and shall not encroach onto any adjoining property including road and lane rights-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments, are expressly approved by the Development Officer.
- 45.4 Commercial buildings adjacent to residential areas must be screened by a fence of not less than 2.0 m in height on those sides of the commercial lot adjacent to residential area or would be adjacent if not for a railway, road, utility right of way, or reserve land.
- 45.5 In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Officer. Solid fences shall be provided at least 2.0 m in height adjacent to residential areas.
- 45.6 Notwithstanding 45.2, a higher fence or a fence with barbed or other security features may be approved for public safety, security, privacy or buffering purposes within the industrial and highway commercial land use districts.
- 45.7 No barbed wire fences shall be permitted within residential areas.
- 45.8 The electrification of any fences within Stettler shall not be permitted.
- 45.9 Unless required as part of the sale, promotion or display of the vehicle, equipment or product, all outdoor storage of vehicles, equipment, or products shall be screened from public view to the satisfaction of the Development Officer/Municipal Planning Commission.
- 45.10 Screening in the form of fences, hedges, landscaped berms or other means is required along the property lines of all commercial and industrial lots where such lines share the same boundary with a residential property line or are adjacent to lanes that abut a neighbouring residential property. Such screening shall be at least 2.0 m high. Length and width of the screening shall be at the discretion of the Development Officer/Municipal Planning Commission.

- 45.11 For bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof to the satisfaction of the Development Officer/Municipal Planning Commission, shall be required.

**Figure 45-1: Constructing a Fence**



## Section 46: Garden Suites

- 46.1 A garden suite means a separate secondary dwelling unit located on the same site and serviced by the same utilities as a single detached dwelling.
- 46.2 The Municipal Planning Commission shall consider the following matters as part of the decision making process for an application for a garden suite:
- 46.2.1 Compatibility of the use in relation to the site, grade elevations, height, building types and materials characteristic of surrounding development;
  - 46.2.2 The potential effect of the development on the privacy of adjacent properties; and
  - 46.2.3 The on-site and neighbourhood impacts on parking and traffic.
- 46.3 Where approved, garden suites shall be developed and operated in accordance with the following regulations:
- 46.3.1 All garden suites must meet the requirements of the Alberta Safety Codes Act;
  - 46.3.2 Shall not be located in the front yard;
  - 46.3.3 The resident owner shall submit and sign a statutory declaration stating that he/she is the principal resident of the principal dwelling and occupancy of the principal dwelling by the owner shall be a condition of the development permit;
  - 46.3.4 A minimum of one on-site parking space shall be provided for a garden suite;
  - 46.3.5 The number of persons occupying a garden suite shall not exceed two;
  - 46.3.6 A minimum floor area of 44.0 square metres (480 square feet) and a maximum floor area of 65 square metres (700 square feet), providing that the combination of the principal dwelling, garden suite and other accessory buildings does not result in the site coverage of the parcel exceeding the requirements of the District.

### **Section 47: Home Occupations**

- 47.1 Any persons wishing to operate a home occupation from their residence shall be required to apply for a development permit, and must meet all the criteria in Sections 47.2 and 47.3.
- 47.2 All home businesses shall comply with the following general regulations:
- 47.2.1 All home businesses shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
  - 47.2.2 One professionally non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.275 square metres in an area placed within the dwelling unit or any accessory building is permitted.
  - 47.2.3 The applicant shall obtain a business license after to the issuance of a development permit.
  - 47.2.4 A home occupation, whether or not a development permit has been issued, shall be reviewed by the Town, when complaints are registered against a home occupation by an affected landowner. A permit issued for a home occupation is liable to recall on the basis of non-compliance on 60 days notice.
- 47.3 Home businesses shall meet all the requirements of 47.2 above and shall comply with the following regulations:
- 47.3.1 The home business shall be operated by the permanent resident(s) of the principal dwelling and may employ one non-resident on-site employee.
  - 47.3.2 The home business shall not occupy more than 30% of the gross floor area of the principal dwelling.
  - 47.3.3 Any storage of materials or goods related to the minor home business must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
  - 47.3.4 The home business shall have no more than two (2) home business vehicles used in conjunction with the home business, parked and maintained on the site. There shall be no heavy vehicles (as defined in the traffic bylaw) used in conjunction with a minor home business.

### **Section 48: Landscaping**

- 48.1 Except in the CI, R1, R2, R3A and R4 Districts, landscaping shall be provided in accordance with the following:
- 48.1.1 A minimum of 5 percent of the site area, or a 3 m strip of land adjacent to a public roadway, whichever is greater, shall be landscaped.
  - 48.1.2 All boulevards adjacent to the development site shall be seeded or sodded, excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall receive prior approval. All boulevard landscaping shall be in accordance with the standards of the Town.

- 48.1.3 Trees shall be provided at the rate of one tree for every 45 m<sup>2</sup> of the required landscaped area. All plant material shall be of a species capable of healthy growing in the Stettler area.
  - 48.1.4 Minimum tree height specifications shall be: coniferous - 1 m high; and deciduous - 1.5 m high.
  - 48.1.5 All landscaping shall be protected by concrete curbs or other approved barriers having a minimum height of 150 mm or separated from the street or parking area by a paved, curbed sidewalk.
  - 48.1.6 Landscaping is to be completed to the satisfaction of the Development Officer or the MPC by the end of the first full growing season following completion of construction of the use.
- 48.2 In the case of the R1, R2, R3A and R4 Districts, landscaping shall be completed to the satisfaction of the Development Officer or Municipal Planning Commission by the end of the first full growing season following completion of construction or the commencement of the use, whichever occurs first. All landscaping shall be of a type and quality that is satisfactory to the Development Officer or Municipal Planning Commission.
- 48.2.1 A maximum of 50 percent of the required landscaped area may be hard landscaped.
- 48.3 The Commercial and Industrial Site and Building Design Guidelines”, contained within the “Highways Overlay District”, set standards for appearance and quality of building design and landscaping for lands adjacent to Highway 12 and Highway 56.
- 48.4 The Meadowlands by the Park Overlay District, sets additional landscaping standards for lands contained within Meadowlands by the Park.

#### **Section 49: Laneless Subdivisions**

- 49.1 In a laneless subdivision in a residential district, one side yard shall not be less than 3.0 m. This does not apply to an accessory building where it is located to the rear of the main building and separated a minimum distance of 6.0 m.
- 49.2 In a laneless subdivision in a commercial or industrial district one side yard shall not be less than 6.0 m. This does not apply to an accessory building where such building is located to the rear of the main building and separated by a minimum distance of 12.0 m.

#### **Section 50: Lighting**

- 50.1 Appropriate lighting of multi-attached residential, commercial, industrial and institutional development shall be required to provide security and add visual interest.
- 50.2 Lighting standards and fixtures shall be of consistent design and complement the architectural theme of the buildings located on the site.
- 50.3 Outdoor lighting shall be located so that rays of light:

- 50.3.1 Are not directed at an adjacent site or skyward;
- 50.3.2 Do not adversely affect an adjacent site;
- 50.3.3 Do not adversely affect traffic safety.

### **Section 51: Lot Grading, Storm Water Management and Drainage**

- 51.1 The Development Officer/Municipal Planning Commission may require, as a condition of a development permit, that a developer submit a storm water management plan or lot grading plan to the Town for approval.
- 51.2 The grading of a lot associated with an approved development shall conform to the storm water management plan or lot grading plan approved by the Town.
- 51.3 No on-site drainage, including from overland, a sump pump, roof or high water, shall flow to the sanitary sewer system, either directly or through pumping (including downspouts).
- 51.4 On-site drainage, including drainage from overland, a sump pump, roof or high water, shall not be permitted to flow onto an adjoining private property or onto Town sidewalks or onto a lane or street, except in accordance with an approved grading plan. The land owner shall direct on-site drainage, including drainage from a sump pump, roof or high water onto the yards of their property and eventually to a street or lane. Suitable methods of on-site retention shall be in accordance with the Town's Engineering Design Guidelines and subject to the approval of Director of Operational Services.
- 51.5 All landscaping, topographic reconstruction, retaining walls, or site grading shall be confined to the property and shall not encroach onto any adjoining property including road and lane rights-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments, are expressly approved by the Development Officer.
- 51.6 All finished landscaped lot elevations shall be a minimum of 2 inches above the elevation of the lane to ensure positive drainage.
- 51.7 If a person alters lot drainage on a site so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighbouring properties.
- 51.8 Any retaining wall over 1.0 m in height must be designed and inspected after construction by a professional engineer. The land owner shall provide to the municipality the design and inspection report, both bearing the seal and signature of a professional engineer.
- 51.9 A temporary fence shall be erected around all excavations which in the opinion of the Development Officer/Municipal Planning Commission may be hazardous to the public.

- 51.10 Where storm water systems exist, any paved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must have appropriate and maintained drainage and catchment mechanisms, such as oil-water separators. Any unpaved areas used for vehicle, engine, equipment, appliance and vessel construction or repairs must be protected by an impervious barrier or container to prevent any spill onto or contamination of the unpaved area.

### **Section 52: Objects Prohibited or Restricted in Yards**

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

### **Section 53: Permitted Projections**

- 53.1 Projections into the required front, side and rear yard setbacks in land use districts may be permitted for: canopies; balconies; eaves; box-outs; chimneys; gutters; sills; air conditioning units, wheelchair ramps and steps/stairs. Cantilevers may be permitted to encroach into the front and rear yards only.
- 53.2 Front Yard Projections:
- 53.2.1 2.0 m for balconies; and
  - 53.2.2 1.0 m for cantilevers, eaves, gutters, landings, wheelchair ramps and window sills.
- 53.3 Rear Yard Projections:
- 53.3.1 2.0 m for balconies; and
  - 53.3.2 1.0 m for box-outs, cantilevers, eaves, gutters, landings, ; air conditioning units, wheelchair ramps and window sills.
- 53.4 Side Yard (Interior) Projections:
- 53.4.1 0.6 m for box-outs, eaves, gutters, landings; air conditioning units, wheelchair ramps

and window sills.

53.5 Side Yard (Exterior) Projections:

53.5.1 1.0 m for balconies, air conditioning units; and

53.5.2 0.6 m for box-outs, cantilevers, eaves, gutters, landings; wheelchair ramps and window sills.

53.6 For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.

53.7 No projection will be permitted if, in the opinion of the Development Officer/Municipal Planning Commission, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.

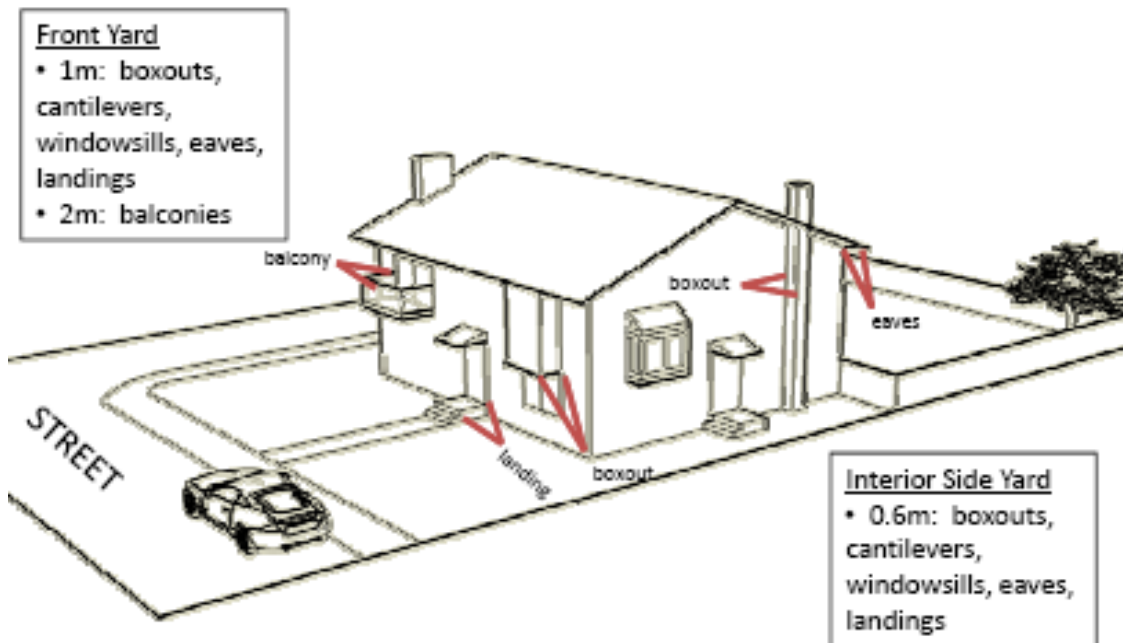
53.8 No projections will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection encroachment is maintained.

53.9 The projection length limitations are as follows:

53.9.1 The individual encroachment maximum length shall not exceed 3.0 m; and

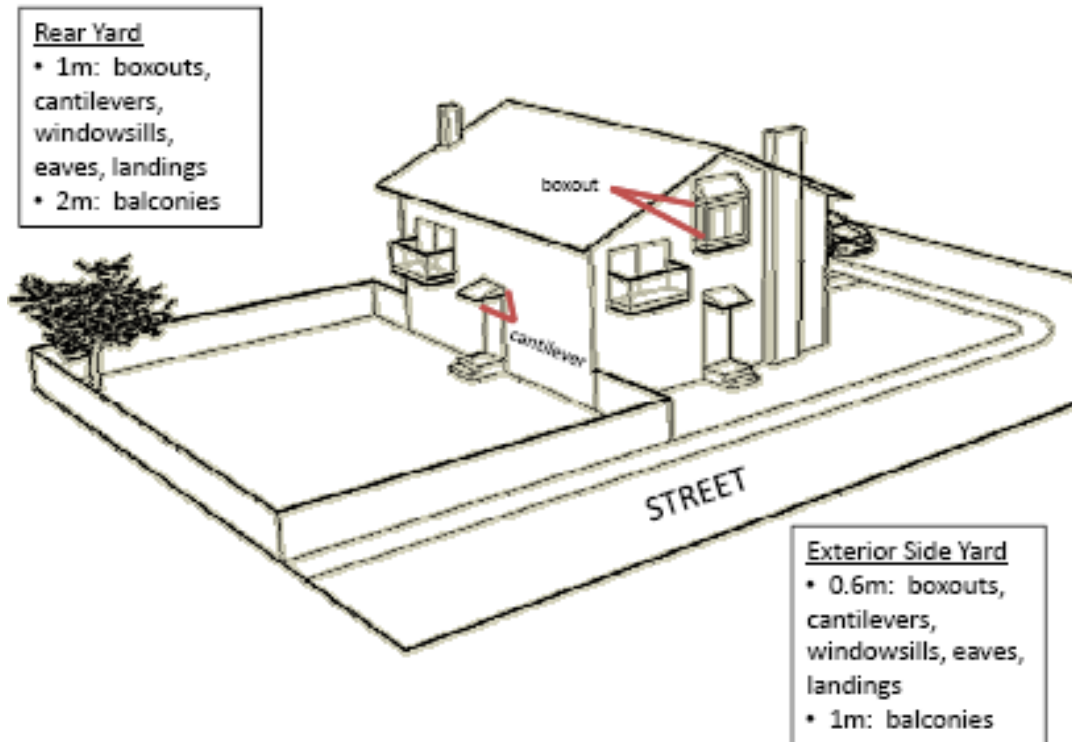
53.9.2 The sum of all encroachments maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

**Figure 53-1: Permitted Projections - Front and Interior Side Yard Setbacks**





**Figure 53-2: Permitted Projections - Rear and Exterior Side Yard Setbacks**



#### **Section 54: Satellite Dish and Amateur Radio Antennas**

- 54.1 All satellite dish and amateur radio antennas shall be located on the same site as the intended signal user.
- 54.2 Satellite dishes that conform to all other provisions of the Land Use Bylaw do not require a development permit.
- 54.3 No satellite dish antenna which is accessory to the principal use of a site shall be located in, or encroach onto, a front or side yard in any residential district.
- 54.4 A satellite dish antenna larger than 1.0 m in diameter shall not be located on a roof top except for apartment buildings and buildings in non-residential districts.
- 54.5 Where any portion of a satellite dish antenna is more than 3.0 m above grade, it shall be screened and located to the satisfaction of the Development Officer/Municipal Planning Commission.
- 54.6 Location restrictions for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Authority that compliance would interfere with signal reception.

- 54.7 An applicant for a development permit for an amateur radio antenna shall notify and provide comments of all landowners located within 75 m from the boundary of the property.
- 54.8 An amateur radio antenna shall conform to the site regulations respecting accessory buildings and uses as per Section 34 of this Bylaw.
- 54.9 The maximum height of an amateur radio antenna in residential districts shall be 19.0 m.
- 54.10 Antennas shall not be illuminated unless required by Transport Canada regulations, and except for a manufacturer's logo shall not exhibit or display any advertising.

### **Section 55: Stripping, Filling, Excavation and Grading**

- 55.1 Where, in the process of development, areas require levelling, filling or grading, the topsoil shall be removed before work commences, stockpiled and replaced following the completion of the work.
- 55.2 Developments involving the construction of artificial water bodies or dugouts may require as a condition of development approval, that it shall be the sole responsibility of the developer to ensure that such signs, fences and boarding are put in place as the developer shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the construction or installation of the artificial water body or dugout on the developer's property.
- 55.3 The placing of fill or the storage of fill may be allowed, in any land use district providing:
  - 55.3.1 A Development Permit has been issued for that use; and
  - 55.3.2 The fill does not contain construction rubble or any hazardous substances.
- 55.4 Section 55.3 does not apply for developments less than 1 acre, providing there is no negative impact on water flows to or from adjacent lands to:
  - 55.4.1 The placing of clean topsoil for landscaping purposes; and
  - 55.4.2 The placing of up to 0.6 m of fill adjacent to or within 15.0 m of a building under construction that has a valid building permit.
- 55.5 Providing there is no negative impact on water flows to or from adjacent lands, Section 55.3 does not apply:
  - 55.5.1 To the placing of clean topsoil for agricultural purposes;
  - 55.5.2 To the placing of up to 1.0 m of fill including topsoil providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced;
  - 55.5.3 When the topsoil is seeded to natural grass or agricultural crop within the same growing season; and
  - 55.5.4 When no fill is placed in natural wetlands or drainage courses.

## Section 56: Temporary Structures

- 56.1 A temporary structure may not be erected without permission of the Municipal Planning Commission which may be granted as follows:
- 56.1.1 Any district other than a residential district subject to the owner agreeing to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;
  - 56.1.2 A residential district provided that:
    - (a) No such temporary building shall have a floor area of 20.0 square metres, be more than 3.0 metres in height or set back less than 1.2 metres from the side and rear property lines; and
    - (b) The owner enters into an agreement to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;
    - (c) There shall be no more than one temporary structure per site;
    - (d) A temporary building being used as a garage must be placed in the rear yard only;
    - (e) In the case of a pre-manufactured temporary building, the elevations shall be subject to approval of the Municipal Planning Commission; and
    - (f) The building is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary building permit shall expire at the end of 24 months, unless renewed by the Development Officer for a further term, and that such building will comply with this Bylaw.
- 56.2 Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.
- 56.3 If an owner fails to comply with the terms and conditions of a temporary building development permit, the Development Officer/Municipal Planning Commission may remove or cause to be removed such building as the case may be, the costs of which shall be charged against the lands upon which the temporary building is situated and shall be payable by the owner to the Town on demand.
- 56.4 A temporary structure shall not be used as a dwelling.