



LAND USE BYLAW

TOWN OF WHITECOURT



Schedule "A"
Bylaw 1577
July 2024

Land Use Bylaw 1577

OFFICE CONSOLIDATION

Consolidated September 23, 2024



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Land Use Bylaw Amendments

The following amendments have been passed by Whitecourt Town Council. These amendments have been included here for convenience of information, and reference should be made to the original bylaw for legal interpretation and accuracy.

Final Reading Date	Bylaw No.	
September 23, 2024	1577-1	Section 10.28 'D-C1' Direct Control 1 - The Meadows Manufactured Home Park rescinded and was replaced with Section 10.28 'D-C1' Direct Control 1 - The Meadows.

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**GENERAL
CONDITIONS**

1 GENERAL CONDITIONS

1.1 Title

- 1.1.1 This Bylaw is entitled the “Whitecourt Land Use Bylaw”.

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within Whitecourt, and to achieve the orderly and economic development of land, and for that purpose, amongst other things:
- 1.2.2 To divide Whitecourt into Districts;
- 1.2.3 To prescribe and regulate for each District the purpose for which land and buildings may be used;
- 1.2.4 To establish a method of making decisions on applications for development permits including the issuing of development permits;
- 1.2.5 To prescribe a procedure to notify owners of land likely to be affected by the issuance of a development permit; and
- 1.2.6 To establish the number of dwelling units permitted on a lot.

1.3 Application

- 1.3.1 The provisions of this Bylaw apply to all lands and buildings within the boundaries of Whitecourt.

1.4 Other Legislative & Bylaw Requirements

- 1.4.1 Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required by this Bylaw or to obtain any other permit, license or other authorization required by any Bylaw, Act or any regulation according to those Acts.
- 1.4.2 In addition to the requirements of this Bylaw, an applicant must comply with all federal, provincial and municipal legislation.

1.5 Transitional Provisions

- 1.5.1 An application for a development permit, which is received in its complete and final form before the effective date of this Bylaw, shall be processed, and any permit issued shall be in accordance with Bylaw 1506 and the amendments thereto.

1.6 Interpretation

- 1.6.1 Notwithstanding the meanings listed in Section 1.8, the MGA takes precedence in a case of dispute on the meanings of all words or clauses.
- 1.6.2 Where used in this Bylaw, the words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to the MGA or this Bylaw.
- 1.6.3 Unless there is an explicit statement to the contrary in a Direct Control District any reference in a Direct Control District to a Land Use Bylaw shall be deemed to be a reference to the Land Use Bylaw that was in effect at the time of the creation of the Direct Control District.

1.7 Definitions

- 1.7.1 In this Bylaw:

“**A-BOARD SIGN**” - See Section 9.2.1

“**ABUTTING**” means immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.

“**ACCESSORY BUILDING**” means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land.

“**ACCESSORY USE**” means a use incidental and subordinate to a permitted or discretionary use in the same district and for which a development permit has been issued for the principal use on that site.

“**AGRICULTURE, GENERAL**” means the farming and cultivation of land, but does not include such agricultural pursuits as feed lots, or fur farms.

“ **AISLE**” means that portion of a parking lot or structure that accommodates the circulation of vehicles.

“**AMENITY**” means an aesthetic or other physical characteristic or facility that enhances the desirability of an environment. Amenity may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation or generally attractive site design.

“**AMENITY AREA**” means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a development. Such areas may be for either private or communal use and may be under either individual or common ownership.

“**APARTMENT**” means a residential building consisting of six or more dwelling units when two or more units share a common building entrance.

“ASSISTED LIVING FACILITY” means a facility where meals, lodging and continuing nursing or supportive care are provided. This use includes nursing homes, retirement homes and medical receiving homes. Typical developments may include a community health centre, accommodations for the overnight care of patients, eating establishments, offices and any other uses which are accessory to the principal use.

“AUCTIONEERING ESTABLISHMENT” means development intended for the auctioning of goods and equipment, including Temporary Storage of such goods and equipment.

“AUTOMOTIVE VEHICLE REPAIR AND SERVICE” means development for the repair, painting and servicing of motor vehicles for retail sale, installation, servicing or machining of automotive parts and accessories or auto detailing or drive-through vehicle repair and servicing facilities. This use includes alignment, muffler, automotive glass, transmission repair and vehicle upholstery shops, tire stores, damaged motor vehicle appraisal services, car wash and vehicle towing services.

“AUTOMOTIVE VEHICLE SALES AND RENTAL” means development used for the retail sale, lease and/or rental of new or used motor and recreational vehicles and may include incidental repair and maintenance services and sales of parts and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service as accessory uses.

“AVERAGE FINISHED GRADE” means for the purposes of measuring building height, the arithmetic mean of the elevations of the finished grade at the two outermost corners of a wall on the respective side of a building.

“BALCONY” means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as a porch or sundeck with access only from within the building.

“BANNER SIGN” – See Section 9.2.1

“BASEMENT” means that portion of a building that is located wholly or partially below grade, the ceiling of which does not extend more than 0.9m above grade.

“BED & BREAKFAST” means an establishment where overnight accommodation is provided in up to three (3) bedrooms in a residential home for a fee, with length of stay not to exceed two (2) weeks, and meals are provided for the guest(s).

“BILLBOARD SIGN” – See Section 9.2.1

“BOARDING OR LODGING HOUSE” means development where the primary use is to provide lodging or sleeping accommodation, with or without meals, for remuneration for four or more people. Typical uses include student residences and crew housing.

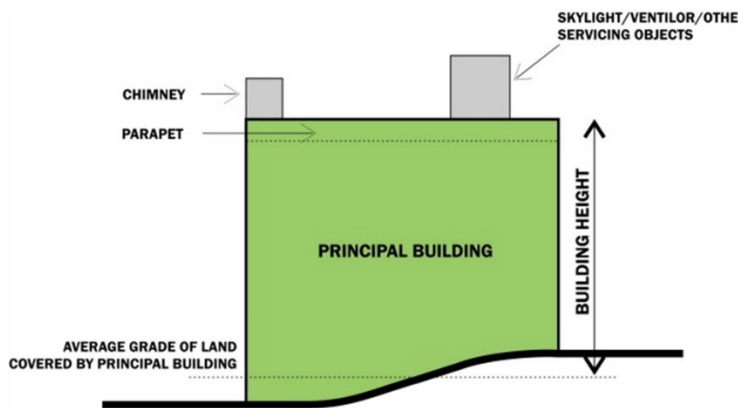
“BOULEVARD” means:

- (a) that portion of the right-of-way of a public roadway lying between the curb line of the carriageway and the abutting fronting property line, excepting that portion occupied by a sidewalk; or
- (b) where there is no curb, that portion of the right-of-way lying between the edge of the carriageway ordinarily used by vehicles and the abutting fronting property line, excepting that portion occupied by a sidewalk

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

“BUILDING HEIGHT” means the vertical distance between the average finished grade and the highest point of a building; excluding elevator housing, mechanical skylights, sacral architecture, chimneys, smokestacks, firewalls, parapet walls, flagpoles or similar devices not structurally essential to the building.

Figure 1.7.2 Building Height



“BUILDING PERMIT” means a formal permission to begin construction or demolition related work project, on condition of compliance with the National Building Code, Alberta Edition.

“BULK CHEMICAL STORAGE AND DISTRIBUTION” means development where refined or crude oil, fuel, or liquid or solid chemical is stored outdoors and includes the storage of dangerous/hazardous substances, as defined by the Dangerous Goods Transportation and Handling Act. The development may include facilities for cleaning, blending or packaging of bulk oil, fuel or chemicals, but does not include the manufacture of any of these products.

“BULK FUEL SERVICE” means development for the bulk storage and sale of oil and fuel products on a site, with or without key-lock or card-lock service, and may include propane products.

"CAMPGROUND" means development for the purpose of providing temporary overnight accommodation for recreational vehicles or tents, for a period not exceeding sixty (60) days. Related facilities that are necessary to and support the campground such as an administrative office, laundromat, caretaker residence, day-use areas, and playgrounds may be located on-site.

"CANOPY" means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

"CANOPY SIGN" – See Section 9.2.1

"CEMETERY" means development of a parcel of land primarily as landscaped open space for the entombment of deceased persons, and may include the following accessory developments: crematoria, columbaria, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

"CHATTEL" means a moveable item of personal property.

"CLUSTER HOUSING" means a group of dwellings, detached or attached, located on a single parcel with shared yard and parking provisions.

"COLLECTOR" means a roadway so designated in a statutory plan and constructed to the municipal standards of the day.

"COMMERCIAL SCHOOL" means development used for classroom-oriented training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, culinary, hairdressing, or beauty schools. The use class does not include Commercial Schools, Industrial.

"COMMERCIAL SCHOOL, INDUSTRIAL" means development for training in an industrial trade, skill or services for the financial gain of the individual or company owning the school. Typical uses include health and safety and industrial training schools that may require the use of heavy equipment, machinery and large vehicle parking areas for their training facility. This use also includes construction and safety certification training

"CONDOMINIUM" means a building or lot containing bare land units or other units as defined in the Condominium Property Act.

"CONTRACTOR, GENERAL" means development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer, or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

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

“CORNER” means the intersection of any two property lines of a site.

“CORNER SITE” means a site at the intersection of two abutting streets provided that the intersection of the two streets is less than 135 degrees. A site abutting upon a curved street(s) shall be considered a corner site if the arc of the inside boundary of the street is less than 45.0m in radius over an angle of more than 135 degrees.

“CORPORATE HEAD OFFICE” means development primarily used for the provision of corporate management and associated administrative, consulting, and financial services, pertaining to an industrial or commercial use, that still requires larger tracts of land for onsite industrial storage and yard space.

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

“CREMATORIUM” means a building, or part thereof, used for the purpose of the cremation of remains.

“CUL-DE-SAC” means a public road, as defined in this Bylaw, that “dead ends” or terminates at one end resulting in public road access to and public road egress from an area occurring or being located at the same point.

“CURB CUT” means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a lot or roadway.

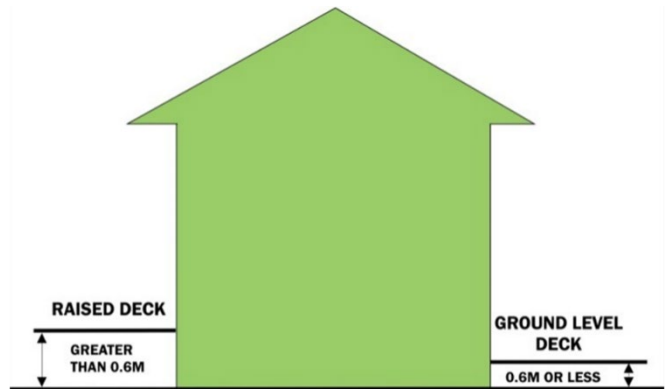
“DANGEROUS OR HAZARDOUS GOODS” means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act.

“DATA CENTRE” means the industrial use of a building, dedicated space within a building, or a group of buildings to house computer systems and associated components, such as telecommunications and storage systems. It generally includes backup components and infrastructure for power supply, data communication connections, environmental controls (e.g. air conditioning, fire suppression) and various security devices. This use includes the mining of cryptocurrency.

“DAY CARE FACILITY” means development intended to provide temporary care and supervision for children. This Use typically includes early learning and child care programs that are facility-based such as daycares, out-of-school care and preschools.

“DECK, GROUND LEVEL” means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. The overall height (H) of a ground-level deck shall be 0.6m or less measured from the finished grade to the upper surface, as illustrated in Figure 1.7.3.

Figure 1.7.3 Decking



“DECK, RAISED” means an unenclosed amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height (H) of a raised deck is greater than 0.6m measured from the finished grade to the upper surface of the supporting structure, as illustrated in Figure 1.7.1.

“DENSITY” means the average number of persons, families or dwelling units per unit of area.

“DEVELOPER” means an owner, agent or any person, firm or company responsible for a development.

“DEVELOPMENT” means

- (a) an excavation or stockpile and the creation of either of them,
- (b) 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,
- (c) 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
- (d) a change in the use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building

“DEVELOPMENT PERMIT” means a document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit.

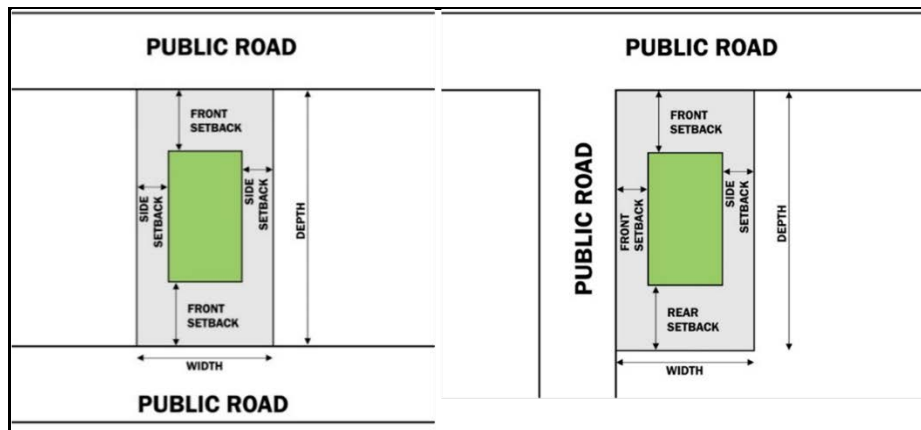
“DIGITAL DISPLAY” – See Section 9.2.1

“DISCONTINUED” means the time at which, in the opinion of the Development Authority, substantial construction activity, a non-conforming use, or conforming use has ceased.

“**DISCRETIONARY USE**” means a use of land or buildings provided for in this Bylaw for which a development permit may be granted by the Municipal Planning Commission.

“**DOUBLE FRONTING SITE**” means a site which abuts two public streets (except lanes) which are parallel or nearly parallel where abutting the site. It may also refer to a corner lot which has site frontage onto two (2) public roads, as shown in Figure 1.7.4.

Figure 1.7.4 Double Fronting Sites



“**DRIVEWAY**” means a private road that provides vehicle access from an individual lot or site to a public road.

“**DUPLEX**” means a dwelling containing two dwelling units either sharing one common wall in the case of side-by-side units or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry.

“**DWELLING, PERMANENT**” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and also includes multiple dwellings, apartments, lodging and boarding houses.

“**DWELLING, TEMPORARY**” see TEMPORARY BUILDING.

“**DWELLING UNIT**” means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

“**EASEMENT**” means a right to use land, generally for access to other property or for a public utility.

“**EATING AND DRINKING ESTABLISHMENT**” means development where prepared food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered. This use includes the following and similar uses such as restaurants, lounges, bars, and fast-food outlets.

“EDUCATION FACILITY” means development that is publicly supported and involves public assembly for education, training or instruction purposes, and may include dormitories and the administration offices required for the provision of such services on the same site. Typical uses include but are not limited to, public and separate schools, community colleges, universities, and technical and vocational schools, but do not include commercial schools.

“EMERGENCY SERVICES FACILITY” means development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of equipment and vehicles, which is necessary for the provision of emergency services. An emergency services facility may include provisions for overnight accommodation as an accessory use. Uses include police stations, fire stations, emergency medical services, and ancillary training facilities.

“EMERGENCY ACCOMMODATION” means development sponsored by a non-profit agency or public authority for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. Typical uses include overnight shelters.

“ENCROACHMENT AGREEMENT” means a legal agreement between a property owner and the owner of an adjacent property, either the Town or a private landowner, confirming that development beyond a property line has occurred, has been reviewed, and is authorized to remain. An encroachment agreement between the Town and the property owner shall be registered on title.

“ENTRANCE FEATURE SIGN” – See Section 9.2.1

“ENVIRONMENTALLY SENSITIVE AREA” means those lands which because of their environmental sensitivity cannot withstand intensive uses. Without restricting the generality of the foregoing, this shall include steep slopes, unstable soils, flood plains, certain wildlife habitats and wetlands, and lands which are unique natural environments.

“EQUIPMENT SALES, RENTAL AND REPAIR, HEAVY” means development used for the sales, rental and repair of large scale tools, heavy vehicles, and industrial or mechanical equipment with a gross vehicle weight of more than 4,500 kg. This use may also include a truck wash establishment.

“EQUIPMENT SALES, RENTAL AND REPAIR, LIGHT” means development used for the sales, rental and repair of tools/parts/light equipment, automotive parts and accessories, appliances, office machines and, furniture, home appliances, or similar items, such as work and safety apparel, but does not include the rental or repair of motor vehicles or industrial equipment.

“EXCAVATION” means any breaking of ground, except common household gardening and ground care.

"EXPLOSIVES MANUFACTURING AND STORAGE" means development that provides the manufacturing and/or storage of explosives. This development can be a fixed site for the manufacture of blasting explosives, ammunition, or fireworks, etc., or, in the case of bulk explosives, it can be the base of operations with the facilities necessary to clean, decontaminate and repair vehicles that support satellite sites, customer sites, and temporary factories from which trials and demonstrations may be conducted and where the manufacture of the product occurs.

"FAMILY CARE FACILITY" means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These facilities shall cater to people with disabilities, older adults, or individuals in need of assistance but not medical care, on a temporary or long-term basis, in accordance with their individual needs. This use includes the following and similar uses such as foster or boarding homes for children, group homes, transitional housing, and family homes. This use does not include such uses as open custody young offender facilities, detoxification centre, or psychiatric care facilities.

"FASCIA SIGN" – See Section 9.2.1

"FENCE" means a physical barrier constructed for the purposes of limiting intrusion, sound abatement, and to prevent unauthorized access.

"FIRE SMART" or **"FireSmart"** means a framework created to educate residents and stakeholders and provide risk mitigation strategies related to wildfires near communities and critical infrastructure.

"FIXTURE" means building material securely, and usually permanently, attached or appended to a building.

"FLEET SERVICE, LIGHT" means development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease. This includes taxi services, bus lines, messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 4,500 kg.

"FLEET SERVICE, HEAVY" means development that uses vehicles with a gross vehicle weight of more than 4,500 kg, for the delivery of goods or services, where such vehicles are not available for sale or long term lease.

"FLOOD FRINGE" means the portion of the flood hazard area outside of the floodway. Water in the flood fringe is generally shallower and flows more slowly than in the floodway.

"FLOOD HAZARD AREA" means the area of land that will be flooded during a design flood event under encroached conditions. Once this area is defined the flood hazard area is typically divided into two zones the floodway and the flood fringe.

"FLOODWAY" means the portion of the flood hazard area where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area.

"FLOOR AREA" means the greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the glass line of exterior walls and the centre-line of firewalls, but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

"FOUNDATION" means the lower portion of a building, usually concrete, masonry or preserved wood, and includes the footings which transfer the weight of and loads on a building to the ground.

"FREESTANDING SIGN" – See Section 9.2.1

"FRONTAGE" means the length of a street boundary measured along the front lot line. On double-fronting lots all sides of the lot abutting streets shall be considered frontage.

"FUNERAL HOME" means development used for the preparation of the dead for viewing, or burial, and the holding of funeral services.

"GARAGE" means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

"GARAGE SUITE" means an accessory building containing a dwelling connected to a garage, either beside or above the garage area, which has cooking, food preparation, sleeping and sanitary facilities separated from those in the principal dwelling.

"GARDEN CENTRE" means development primarily for the retail sales of plants and may include the sale of associated hardware, or garden supplies.

"GARDEN SUITE" means an accessory building containing a dwelling, which has cooking, food preparation, sleeping, and sanitary facilities which are separate from those in the principal dwelling.

"GAS BAR" means development used for the retail sale of gasoline, other automobile fuels, motor vehicle accessories, and incidental accessories.

"GOVERNMENT SERVICE" means development providing Crown Corporation, municipal, provincial or federal government services directly to the public. Typical uses include but are not limited to municipal offices, taxation offices, courthouses, postal stations, staffing and employment offices, school board offices, First Nation services, health authority offices, and social service offices, which result in significant client visitation. It does not include essential public services, correctional centres and schools.

"GRADE, DRAINAGE" means the ground elevations established in a drainage plan for a lot attached to the application for a development permit as approved by the Development Authority for the purpose of controlling the flow of surface water on the lot.

“GREENHOUSE” means development for the cultivation, raising, storage, basic processing and sale of fruits and vegetables, bedding, edible household and ornamental plants in a structure, where the temperature and humidity can be controlled. This use includes nurseries, hydroponics, vertical farming and the sale and storage of landscaping materials, but does not include a Garden Centre which is a separate use.

“GROSS LEASABLE AREA” means the total floor area of the building contained within the outside surface of the exterior and basement walls and includes enclosed and heated halls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators.

“HABITABLE ROOM” means a room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens, excluding non-habitable rooms which include bathrooms, laundries, pantries, foyers, hallways, entryways, storage areas and rooms in basements or cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy.

“HIGHWAY” means Highway 32 or 43 within the Town limits.

“HOME OCCUPATION” means any occupation, trade, profession or craft, other than a bed and breakfast as defined in this Bylaw, 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 character of the building. May include uses such as a Family Day Home as defined by the province of Alberta.

“HOME OFFICE” means a home occupation, which is limited to the operation of an office in the residence and employs only occupants of the residence in the office operation.

“HOSPITAL” means development that provides in-patient and out-patient health care to the public. Typical developments may include a community health centre and accommodation for the overnight care of patients. This use includes accessory uses such as eating establishments, laboratories offices and/or any other uses which are ancillary to the principal use.

“HOTEL” means development used for the provision of rooms or suites for temporary accommodation where the rooms obtain access from a common interior corridor but may have a meal service for guests. Hotels may include meeting rooms and eating and drinking establishments.

“HOUSEHOLD” means one or more individuals living together as a single housekeeping unit.

“INDUSTRIAL SUPPORT” means development that provides office support services to industry or cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industry. Uses may include the storage or shipping of such materials, goods and equipment, including petrochemical products and supplies. This definition applies to industry support operations and includes, but is not limited to, seismic and surveying, printing and duplication services, well servicing, oilfield haulers, pipeline contractors and welding operations.

"INDUSTRIAL USE, GENERAL" means the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, finished goods, products or equipment. General industrial use does not include uses listed under heavy industrial use.

"INDUSTRIAL USE, HEAVY" means the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of concrete, asphalt, gravel, cement, lime, brick, tar or forestry products

"INFLATABLE SIGN" – See Section 9.2.1

"LAND AND PROPERTY RIGHTS TRIBUNAL" means the Land and Property Rights Tribunal established under the Land and Property Rights Tribunal Act.

"LANDSCAPED AREA" means an area designed, constructed and laid out so as to maintain, change or modify the natural features of a lot to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing and walks.

"LANDSCAPING" means the modification and 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 and ground cover; and
- (b) hard landscaping consisting of non-vegetative materials such as brick, stone, tile, and wood, excluding monolithic concrete and asphalt.

"LANE" means a narrow road intended to give vehicular access to the rear of a building or lot.

"LIBRARY" means an institutional use containing an organized collection of sources of information and similar resources, made accessible to a defined community for reference or borrowing.

"LAUNDROMAT" means a for-profit commercial business providing laundry facilities with multiple washing and drying facilities.

"LOADING SPACE" means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

"LOT" means:

- (a) a quarter-section;
- (b) a river lot or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;
- (c) 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

- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

"LOT, INTERIOR" means a lot which is bounded by only one road.

"MANUFACTURED HOME" means a transportable dwelling unit suitable for permanent occupancy designed to be transported on wheels, and upon arrival at the site at which it is to be located, is ready for occupancy apart from incidental operations such as placement on foundation supports and connection to utilities.

"MANUFACTURED HOME PARK" means a site designated for Manufactured homes under this Bylaw, which contains sites designated for leasehold tenure, which has not been subdivided by plan of survey.

"MANUFACTURED HOME SALES AND SERVICE" means development used for the sale or rental of new or used Manufactured homes, including maintenance and servicing, and the sale of parts and accessories.

"MANUFACTURED HOME SUBDIVISION" means a subdivision of lots specifically for the development or placement of Manufactured homes.

"MINI-STORAGE FACILITY" means the commercial use of a building for the rental of small-compartmentalized indoor storage units to the general public, with each unit in the building not exceeding 50m² in area.

"MIXED USE DEVELOPMENT" means a building designed for more than one type of land use on the same parcel of land, such as residential and retail development, residential, and office and retail development, or office and warehouse development.

"MODULAR HOME" means a dwelling which is partially constructed in a factory as separate parts and shipped to a homeowner's lot for assembly. The sections or units have neither chassis, running gear, nor wheels, but units may be connected side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy. A modular home herein defined does not include, as defined elsewhere in this Bylaw, a manufactured home, a holiday trailer or a recreational vehicle.

"MOTEL" means development used for the provision of rooms or suites for temporary accommodation where each room or suite has its own exterior access, may be equipped with individual kitchen facilities, and may have a meal service for guests. Motels may include eating and drinking establishments.

"MULTI-UNIT HOUSING" means a group of three or more dwelling units having a common wall or structural feature, where each dwelling unit has its own exterior access.

"MUNICIPAL DEVELOPMENT PLAN" means the Town of Whitecourt Municipal Development Plan and any amendments thereto.

"MUNICIPAL GOVERNMENT ACT" or **"MGA"** means, unless otherwise described, the Municipal Government Act and amendments thereto and the regulations passed pursuant thereto.

"MUNICIPAL PLANNING COMMISSION" means a municipal planning commission as established by Bylaw.

"MUSEUM OR GALLERY" means the use of a building or part of a building, and any use accessory to the principal use, 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 those uses of lands or buildings, which are governed by the location of a natural resource and which involve the extraction, removal, or on-site processing, and/or storage of a natural resource. Typical uses include sand and gravel excavation, sand and gravel processing, logging, forestry operations, petroleum exploration, petroleum extraction, and mining.

"NOISE SENSITIVE LAND USES" means places of worship, schools, hospitals, dwellings and other land uses where activities would be adversely affected by high noise levels from abutting land uses.

"NON-ACCESSORY PARKING" means a stand-alone parking lot not associated with a principal or accessory use on the site.

"NON-CONFORMING BUILDING OR USE" means a building or use:

- (a) that is lawfully constructed or lawfully under construction at the date of this Bylaw or any amendment thereof affecting the building or land on which the building or use is situated becomes effective; and
 - (b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw.
- "OCCUPANCY"** means the use or intended use of a building or part thereof for the shelter or support of persons or property.

"OCCUPANCY" means the use or intended use of a building or part thereof for the shelter or support of persons or property.

"OFF-SITE LEVIES" means a cost recovery tool used by municipalities to fund infrastructure projects that are required for the growth of the community.

"OFF-SITE SIGN" – See Section 9.2.1

"OFF-STREET PARKING LOT" means an off-street facility or area for the parking of three or more vehicles.

"ON-SITE SIGN" – See Section 9.2.1

“OWNER” means:

- (a) in respect of unpatented land, the Crown,
- (b) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, and
- (c) in respect of any property other than land, the person in lawful possession of it.

“PARAPET WALL” means that part of an exterior, party wall or firewall extending above the roofline, or a wall, which serves as a guard at the edge of a balcony or roof.

“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.

“PARK” means land developed for public recreational activities that do not require major buildings or facilities, and may include picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

“PARKING STALL” means a space set aside for the parking of one vehicle.

“PERMITTED USE” means the use of land or a building provided for in this Bylaw for which a development permit must be issued, with or without conditions, by the Development Authority.

“PERSONAL SERVICE ESTABLISHMENT” means development used for the provision of personal services to an individual, which is related to the cleaning and repair of personal effects or for the care and appearance of the body. Typical uses include the following and similar uses as hairdressers, shoe repair, dressmakers, dry cleaning facilities, and jewellers.

“PLACES OF WORSHIP” means development used by a religious organization for worship and related religious, philanthropic, or social activities including rectories, manses, and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries, and similar uses that are accessory to the principal use.

“PORCH” means an entrance structure typically attached to the front or sides of a building at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure may be enclosed by solid walls or windows or unenclosed where the front and/or sides remain open to the elements.

“PORTABLE SIGN” – See Section 9.2.1

“PORTABLE SIGN, OFF-SITE” – See Section 9.2.1

“POWER GENERATION FACILITY” means development for the generation of electrical power.

"PRINCIPAL BUILDING OR USE" means a building or use which, in the opinion of the Development Authority,

- (a) occupies the major or central portion of a site;
- (b) is the chief or main building or use among one or more buildings or uses on the site; or
- (c) constitutes by reason of its use the primary purpose for which the site is used.

There shall be no more than one principal building on each site unless specifically permitted in this Bylaw.

"PRINCIPAL LIVING ROOM WINDOW" means the main or largest window in the living room.

"PRIVATE CLUB OR LODGE" means development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include any on-site residence(s).

"PRIVATE SWIMMING POOL" means a swimming pool as defined in the National Building Code - Alberta Edition.

"PROFESSIONAL, FINANCIAL, OFFICE, HEALTH AND BUSINESS SUPPORT SERVICE" means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the following and similar uses as offices of lawyers, accountants, engineers, planners, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; banks, credit unions, loan offices and similar financial uses; printing establishments, janitorial firms, medical practitioners and business equipment repair shops.

"PROJECTING SIGN" – See Section 9.2.1

"PUBLIC ART" means art of any form which is created for the general public through a public process.

"PUBLIC UTILITY" means development used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water; wastewater or stormwater;
- (b) public transportation operated by or on behalf of Whitecourt;
- (c) communication;
- (d) natural gas;
- (e) electric power; or
- (f) heat.

This use does not include administration or office uses.

“PUBLIC UTILITY LOT” means a lot or parcel of land used in the distribution, maintenance and housing of a public utility.

“QUASI-PUBLIC USE” means a privately-owned development for the meeting, social, recreational or educational activities of its members, which may or may not include the general public. Typical quasi-public uses include private schools, hospitals, and cemeteries. Quasi-public use does not include commercial schools.

“QUEUING SPACE” means a vehicle maneuvering space used to form a line, typically used to access drive-through services.

“RECREATIONAL, ARTS AND CULTURE FACILITY, INDOOR” means development providing facilities that are available to the public for sports, recreational, arts and cultural activities conducted indoors. Typical uses include indoor games, indoor swimming pools, ice rinks, gymnasiums, indoor tennis courts, indoor athletic fields, and music and dance schools.

“RECREATIONAL, ARTS AND CULTURE FACILITY, OUTDOOR” means development providing facilities that are available to the public for sports, recreational, arts and cultural activities conducted outdoors. Typical uses include golf courses, outdoor swimming pools, ice rinks, sports fields, parks, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, drive-in movie theatres, bowling greens, and fitness trails.

“RECREATION, NATURAL LAND” means uses which take advantage of natural physical features and provide for non-facility oriented recreational activities such as boating, trail riding, snowmobiling, golf course, hiking, skiing, rustic camping and similar uses.

“RECREATION VEHICLE” means a vehicle or portable structure designed to be carried on a motor vehicle, towed behind a motor vehicle, or designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and/or recreational purposes. This includes such vehicles as motor homes, fifth-wheel trailers and holiday trailers, but does not include a manufactured home.

“RETAIL – CONVENIENCE” means development used for the retail sale of those goods required by area residents on a day-to-day basis in an enclosed building which does not exceed 372.0 m² of public floor area. Typical uses include small food stores, drug stores, video sales and rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceuticals, personal care items, hardware or printed matter.

“RETAIL – GENERAL” means development used for the retail sale of groceries, beverages, liquor, cannabis, household goods, furniture and appliances, clothing, work and safety apparel, home improvement supplies, garden supplies, printed matter, confectionery, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery, and other similar goods from within an enclosed building.

"RETAIL – HILLTOP COMMERCIAL" means development used for the retail sale of beverages, liquor, cannabis, printed matter, confectionery, tobacco, personal care items, automotive parts and accessories, stationery, and similar goods from within an enclosed building. Personal apparel shall be excluded from this use, with the exception of work and safety apparel.

"RETAIL - PET STORE" means development for the sale of small animals, household pets, and pet supplies as well as grooming of animals. This use does not include kennels or small animal breeding and boarding establishments.

"ROAD" means a government road allowance or road plan under the jurisdiction and control of providing public road access/egress to/from parcels of land. The terms "road-right-of-way" and "road" may have the same meaning.

"ROOF SIGN" – See Section 9.2.1.

"SALVAGE ESTABLISHMENT" means development used for the collection and temporary storage of materials including recycling depots. These developments operate out of doors within a fenced compound.

"SCREENING" means, without restricting the generality of the following, a row of trees, shrubs, earth berm or fencing that provides visual screening and separation and/or noise attenuation between lots and/or between lots and roadways.

"SECONDARY SUITE" means a self-contained dwelling unit within a development, which meets the requirements of Section 7.10 and any other applicable requirements or regulations.

"SEPARATION DISTANCE" means the horizontal distance provided around dwellings to provide adequate light, privacy and air for various activities within a dwelling. The minimum separation distance varies depending on the nature of the dwelling space such as living rooms, habitable rooms and non-habitable rooms. The separation distance may be calculated entirely within a parcel of land or may be applied between two (2) adjacent buildings located on two (2) separate parcels.

"SERVICES" means installations/programs providing for and/or relating to the treatment and distribution of potable water, the management of storm water, the collection and treatment of sewage, roads, sidewalks, street lighting and shallow services such as electricity, gas and telephone; and education, recreation, fire protection, policing, health, welfare and other social programs that support the community.

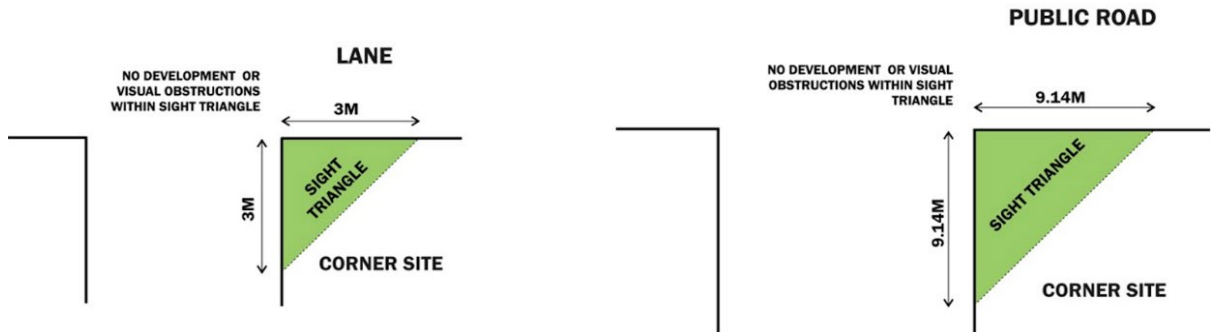
"SETBACK" means the distance that a development or a specified portion of it must be set back from a property line. The setback shall be measured perpendicularly from the applicable front, rear or side property line to any portion of the building foundation.

"SHIPPING CONTAINER" means a container, originally used to transport goods, now used as a structure provided that a building permit can be issued under National Building Code Alberta Edition.

“**SHOPPING CENTRE**” means an architecturally unified group of commercial retail and personal service establishments on a site planned and developed and managed as a single operating unit or group of owners or tenants and characterized by the sharing of common parking areas and driveways.

“**SIGHT TRIANGLE**” means a triangle formed by a straight line drawn between two points on the exterior boundaries of the said lot a specified distance from the point where they intersect. Sight Triangle distances are as outlined in Figure 1.7.6.

Figure 1.7.6 Sight Triangles for Lanes and Public Roads



“**SIGN**” – See Section 9.2.1

“**SIGN AREA**” – See Section 9.2.1

“**SIGN ILLUMINATION**” – See Section 9.2.1

“**SIMILAR USE**” means a specific use of land or of a building that is not expressly mentioned or delineated in this Bylaw but which the Development Authority or Subdivision Authority, as the case may be, has determined to be similar in character, purpose, intent and/or impact to a use listed as a Permitted or Discretionary Use in the land use District in which such use is proposed and where this Bylaw has expressly authorized the Development Authority or Subdivision Authority, as the case may be, to consider applications as similar use application.

“**SINGLE DETACHED DWELLING**” means a dwelling intended for occupancy by one household which is constructed upon a permanent foundation and/or basement but does not include a Manufactured home.

“**SITE**” means one or more lots or parcels for which an application for a development permit is made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

“**SITE AREA**” means the total area of a site.

“**SITE COVERAGE**” means the combined area of all buildings or structures upon the lot, measured at the approved grades, including all porches, cantilevers and verandahs, enclosed terraces, and non-permeable decks, sheds; such area shall include stairwells and all other space within a building. Such buildings and structures do not include steps, eaves, cornices, pathways and similar projections. In residential districts, with the exception of the R-3 and R-4 District, site coverage shall also include hard-surfaced areas with the exception of pathways.

"SITE DEPTH" means the average distance between the front and rear site boundaries.

"SITE, INTERIOR" means a site, which is bounded by only one street.

"SITE PLAN" means a plan showing the boundaries of the site, the location and use(s) or proposed use(s) of all existing and proposed buildings upon the site, the use(s) or the intended use(s) of the portions of the site on which no buildings are situated, and showing drainage, fencing, screening, grassed areas, any fixtures and any other significant features located on the site and abutting public roadways, sidewalks and above-grade public utilities.

"SITE WIDTH" means the average distance between the side boundaries of a site. The minimum site width is measured at the distance between the side boundaries of the site, at the permissible front setback.

"SOCIAL CENTRE" means an indoor facility designed for multipurpose activities including social gatherings, multicultural programs and community activities for all age groups in a manufactured home park. A typical Social Centre may also include a kitchen facility as an accessory use.

"SOLAR COLLECTOR" means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy.

"SOLAR COLLECTOR FARM" means a grouping of multiple (more than 5) devices or structures and the substation that is capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical grid transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformers or substations required for the operation.

"SPECTATOR ENTERTAINMENT" means development specifically intended for an assembly of people to view live performances, and/or motion pictures. Typical uses include auditoria, cinemas, and concert halls.

"SPLIT LEVEL" means a dwelling that has three or more living areas, each separated from the next by one half-storey, not including the basement.

"STATUTORY PLAN" means an Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, or Area Redevelopment Plan pursuant to the Act.

"STOREY" means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. The first storey of a building shall be considered any habitable space with a lower ceiling face that is more than 1.5m above grade.

"STOREY, HALF" means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor.

“STRUCTURAL ALTERATION” means any development or construction, including a renovation or addition to a building that affects the structural integrity or access to or within a building, unless determined otherwise by a Safety Codes Officer.

“STRUCTURE” means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings.

“SUBDIVISION” means the creation or consolidation of one or more parcels of land created by a plan of subdivision or other instrument.

“SUBDIVISION AUTHORITY” means the Municipal Planning Commission and, as the case may be, any other designated person or persons responsible for receiving, considering and deciding on subdivision applications and any other related duties pursuant to the Act, the Subdivision and Development Regulation and this Bylaw.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means the Town of Whitecourt Subdivision and Development Appeal Board as established by Bylaw.

“TEMPORARY” means permitted for a maximum of six (6) months, or such period of time as determined by the Development Authority.

“TELECOMMUNICATION TOWER” means a structure for transmitting or receiving television, radio, telephone, internet or other electronic communications.

“TRAVEL INFORMATION CENTRE” means a use that provides visitors and the travelling public with information on local attractions, lodgings, maps and other relevant items.

“USE” means a use of land or a building as determined by the Development Authority.

“VARIANCE” means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Subdivision and Development Appeal Board.

“VETERINARY CLINIC” means development for the purpose of medical care, treatment, training, or grooming of animals and includes retail sales of associated products. This includes such uses as veterinary clinics, groomers, and animal shelters, but does not include the sale of animals.

“VIOLATION TICKET” means a ticket wherein the person alleged to have committed a breach of the provisions of this bylaw is given an opportunity to pay a voluntary penalty to Whitecourt in lieu of prosecution for the offence.

“WALKWAY” means a public right-of-way in which no motor vehicle, as defined in the Motor Vehicle Administration Act, is permitted to operate.

“WAREHOUSE, DISTRIBUTION AND STORAGE” means the use of a building and site primarily for the keeping of goods, merchandise, or parts, including trucking terminals and inter-modal transfer areas.

“WASTE MANAGEMENT” means a site used primarily for the storage, processing, treatment and disposal of solid and liquid wastes, which may have adverse environmental impacts on sites either abutting or in the vicinity by virtue of potential emissions and appearance. Typical uses include sanitary landfills, garbage transfer and compacting stations, facilities for the recycling of materials, incinerators, sewage lagoons, wrecking and scrap metal yards, and similar uses.

“WATERBODY/WATERCOURSE” means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, or other body of water whether it contains or conveys water continuously or intermittently.

“WHITECOURT” means the Town of Whitecourt.

“WHOLESALE ESTABLISHMENT” means the use of a building and site primarily for the sale of commodities to retailers or wholesalers and shall include the sale of commodities for the purpose of carrying on any trade or business.

“WORK AND SAFETY APPAREL” means protective clothing, helmets, goggles, or other garments or equipment worn for job-related occupational health and safety purposes and designed to protect the wearer’s body from injury or infection. Examples of work and safety apparel include steel toe footwear, hardhats, hearing and eye protection, high visibility wear, flame resistant wear, and other protective apparel designed to impose a barrier between the wearer and the working environment and/or natural elements (protection from wind, water heat/cold, chemicals, biohazards, airborne particulate matter, physical impact, etc.)

“YARD” means an open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot.

“YARD, FRONT” means that portion of the site extending across the full width of the site from the front property boundary of the site to the closest foundation wall of the building. A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

“YARD, REAR” means that portion of the site extending across the full width of the site from the rear property boundary of the site to the closest rear foundation wall of the building.

“YARD, SIDE” means the yard between the side boundary of a parcel and the closest side foundation wall of the principal parcel and the closest side foundation wall of the principal building and lying between two imaginary lines representing the extensions of the front and rear foundation walls of the principal building to the front and rear property lines.

“ZERO SIDE SETBACK” means a case in which a development is permitted to be built on the side lot line, with no required side setback.

“ZOO” means development that maintains a collection of wild animals, typically in a park or garden setting, for study, conservation, or display to the public.



02

**DEVELOPMENT
CONTROL
AGENCIES**

2 DEVELOPMENT AUTHORITY

2.1 Development Authority

- 2.1.1 The Development Authority shall be:
- a. The Development Officer;
 - b. The Municipal Planning Commission; or
 - c. Council, where this Bylaw permits.

2.2 Development Officer

- 2.2.1 The office of the Development Officer is hereby established and includes:
- a. The Town of Whitecourt Development Officers; and
 - b. The Town of Whitecourt Planner.

which herein will be referred to as the Development Officer.

- 2.2.2 The Development Officer shall perform such duties that are specified in Section 3 of this Bylaw.
- 2.2.3 The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and keep a register of all applications for development, including the decisions thereon and the reasons therefore.
- 2.2.4 For the purposes of the MGA, the Development Officer is hereby declared to be an authorized person of Council.

2.3 Municipal Planning Commission

- 2.3.1 The Municipal Planning Commission established by Bylaw No. 1113 shall perform such duties as are specified in this Bylaw, Bylaw No. 1113, and the MGA.

2.4 Council

- 2.4.1 Council for the Town of Whitecourt shall perform such duties as specified in this Bylaw and the MGA, which include:
- a. Issue decisions and state terms and conditions for Development Permit applications within Direct Control Districts, unless Council has otherwise delegated this authority to another Development Authority;
 - b. Review and make decisions on all amendments to the provisions of this Bylaw pursuant to the MGA.

2.5 Subdivision and Development Appeal Board

- 2.5.1 The Subdivision and Development Appeal Board established by Bylaw No. 1112 shall perform such duties as are specified in Section 4 of this Bylaw, Bylaw No. 1112, and the MGA.
- 2.5.2 Review and make decisions on all amendments to the provisions of this Bylaw pursuant to the MGA.

2.6 Subdivision and Development Appeal Board

- 2.6.1 The Subdivision and Development Appeal Board established by Bylaw No. 1112.



03

**DEVELOPMENT
PERMITS,
RULES &
PROCEDURES**

3 DEVELOPMENT PERMITS, RULES & PROCEDURES

3.1 Control of Development

- 3.1.1 No development, or use of Land or Buildings other than that designated in Section 3.3 shall be undertaken within Whitecourt unless an application for it has been approved and a development permit has been issued.
- 3.1.2 No person shall perform any work differing from or enlarging any of the work for which a development permit has been issued.
- 3.1.3 If during the process of the work the applicant desires to deviate in any way from the terms of the approved development permit, amended drawings shall be submitted and, if deemed necessary by the Development Authority, shall make an application for approval of the plan as amended.
- 3.1.4 In addition to the requirements of this Bylaw, an application must comply with any and all federal, provincial and municipal legislation including the requirement to obtain permits. The applicant/owner is also obligated to comply with the terms and conditions of any easement, right-of-way/ or covenant that affects the lands.
- 3.1.5 No persons(s) shall be allowed to develop, construct, fence, park or store goods on any road allowances or undeveloped road allowances, berms, or any other public lands, unless specifically approved by the Town.
- 3.1.6 A development permit shall not be issued for an accessory use prior to the approval of a primary use.

3.2 Permit Fees

- 3.2.1 All fees and charges under and pursuant to this Bylaw with respect to development permits shall be as established by Council Resolution.

3.3 Where a Permit is Not Required

- 3.3.1 Except as provided in Section 3.3.2, no person shall commence any development unless they have been issued a development permit in respect thereof.
- 3.3.2 The following developments shall not require a development permit provided that the proposed development complies with the applicable regulations of this Bylaw:
- a. The erection or construction of gates, fences, walls or other means of enclosure of less than 1.0m in height in front yards and less than 1.8m in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure. This provision does not apply to corner sites which are required to obtain a permit;
 - b. A temporary building, not to be used for residential purposes and no greater than 20.0m², the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw; provided that the temporary building meets all setbacks, site coverage, height restrictions and aesthetics as outlined in this Bylaw, and provided the temporary building is removed within 30 days of substantial completion of the principal building or as determined by the Development Authority.
 - c. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal public authorities on land which is publicly owned or controlled;
 - d. Hard-surfacing of any yard area on a residential lot for the purposes of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing complies with Section 8.9, does not exceed 7.5m in width between the front property line and the principal dwelling, and would not cause a property to be in non-compliance of site coverage regulations, or drain onto abutting properties;
 - e. The erection of towers, flag poles and other poles not exceeding 4.5m in height provided that the structure is not located in a front yard or on a building or structure;
 - f. The construction of an accessory building less than 10.0m² in area, or a ground-level deck less than 15.0m², provided that the side and rear setbacks and site coverage regulations are maintained;
 - g. Landscaping where the proposed grades will not adversely affect the subject of abutting properties, except where landscaping forms part of a development or the property is within an Environmental Constraints District, which requires a development permit; or
 - h. Home offices, provided they meet the requirements of Section 7.8.

3.4 Conforming and Non-Conforming Uses and Buildings

- 3.4.1 If on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued where the enactment of this Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect, notwithstanding the enactment of this Bylaw.
- 3.4.2 A non-conforming use of land or non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.
- 3.4.3 The non-conforming use of part of a building may be extended throughout the building, whether or not it is a non-conforming building but shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 3.4.4 A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 3.4.5 A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a. As may be necessary to make it a conforming building;
 - b. As the Development Authority considers necessary for the routine maintenance of the building; or
 - c. In accordance with the minor variance powers of the Development Authority granted by this Bylaw.
- 3.4.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in conformance with this Bylaw.
- 3.4.7 The use of land or the use of a building is not affected by reason only of a change of ownership or tenancy of the land or building.

3.5 Application for Development Permit

- 3.5.1 An application for a development permit shall be made to the Development Authority in writing and shall include:
- a. A completed application form;
 - b. Applicable fees, as determined by Council;
 - c. The signature of the owner and, where applicable, the agent authorized by the owner to make application;
 - d. State the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
 - e. The address and legal lot information for the subject site of development;
 - f. The value and size of the proposed construction;
 - g. The estimated dates of commencement and completion of the proposed development;
 - h. Confirmation of abandoned wells that may exist on the subject site;
 - i. Site plans at a scale satisfactory to the Development Authority, showing the following:
 - i. Legal descriptions of parcel;
 - ii. Front, side and rear setbacks;
 - iii. North point;
 - iv. Floor plans and elevations of sections;
 - v. Where applicable, the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
 - vi. Where applicable, location, access, and screening of all refuse storage areas; and
 - vii. Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, fences, driveways, parking, paved areas, amenity areas and major landscaped areas including buffering and screening areas where provided.
 - j. At the discretion of the Development Authority, site plans may also be required to show any or all of the following:
 - i. Outlines of the roof overhangs on all buildings;
 - ii. The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable;

- iii. On a vacant parcel in a residential District, the suggested location for a future driveway and garage, if the application itself does not include such building as part of the proposal;
 - iv. Easements, caveats, rights-of-way, restrictive covenants, registered on site;
 - v. Location of all lighting and light standards, catch basins, utility poles, hydrants, community mailbox, signage, and utility fixtures;
 - vi. The location and dimensions of any existing and proposed parking stall, drive aisle, loading area or entrance or exit abutting any public road;
- k. Other information as the Development Authority may reasonably require to ensure compliance with the provisions of this Bylaw, which may include:
- i. A Real Property Report (RPR) relating to the building for which a permit is applied including the Top of the Bank or the Bottom of the Bank, where applicable;
 - ii. A site grading and storm drainage plan;
 - iii. The grades of the abutting streets, lanes and sewers servicing the property;
 - iv. A landscaping plan ;
 - v. A site servicing plan;
 - vi. Soil testing or geotechnical report;
 - vii. An environmental assessment;
 - viii. An engineering study for the use or impact upon municipally owned and operated utility systems;
 - ix. Photographic documentation showing the site in its current condition;
 - x. Visual display of how the form, mass and character of the proposed Development will relate to neighbouring Developments;
 - xi. A noise evaluation study;
 - xii. A parking, access management or transportation study;
 - xiii. Proof of a roadside development permit from Alberta Transportation and Economic Corridors;
 - xiv. A current land title, along with copies of any caveat, right of way, easement or restrictive covenant registered on the title;
 - xv. Turning radius details to accommodate the maneuvering of a fire fighting apparatus and any commercial vehicle, where applicable;

- xvi. Information describing any noxious, toxic, hazardous, radioactive, flammable or explosive materials that may be included in the proposed development;
- xvii. Any other pertinent information or tests required by the Development Authority respecting the site of abutting lands;
- xviii. A current corporate registry search; and
- xix. Any other information, study or assessment required by the Development Authority to determine how a proposed Development may affect land use in the area.

- l. Documentation required as part of a development permit application must be provided to the satisfaction of the Development Authority.

3.5.2 In addition to the relevant requirements in Section 3.5.1., a site grading and drainage plan must:

- a. Be designed by an professional engineer registered in the Province of Alberta; and
- b. include:
 - i. Any existing or proposed surface elevation, contour or surface grade of the Lot at any lot line corners, at an interval along any lot line or adjacent to any foundation wall or concrete slab-on-grade for each existing or proposed;
 - ii. Pre-development and post-development runoff calculations and storage provisions where applicable;
 - iii. The existing or proposed direction of surface drainage flow, indicated by arrows;
 - iv. Any existing or proposed surface conditions including but not limited to sod, asphalt, concrete and gravel;
 - v. Any provision necessary to accommodate an overland flow from an adjacent undeveloped land;
 - vi. The location and dimensions of any existing and proposed private storm drainage system; and
 - vii. Any unusual or special requirement information based on any associated geotechnical report or soil testing.

3.5.3 In addition to the relevant requirements in Section 3.5.1., a site servicing plan must:

- a. Be submitted as an engineering design drawing or set of drawings;
- b. Be signed and stamped by a professional engineer in the province of Alberta; and
- c. include:
 - i. The location of any existing and proposed wells, septic tanks, disposal fields, culverts and crossings;

- ii. Location and elevations of existing and proposed deep utilities and appurtenances including but not limited to water lines, hydrants, valves, sanitary sewer lines, storm water sewer lines, manholes, and catch basins;
- iii. Location and type of existing and proposed shallow utilities including overhead and underground, which may include power lines, gas lines and telecommunications; and
- iv. Pipe size, length, slope and material for all deep utilities including any anticipated water demands and sanitary flow rates.

3.6 Decision on a Development Permit Application

- 3.6.1 Upon receipt of a development permit application, the Development Officer will refer the application to any relevant municipal department or external agencies.

Permitted Use Applications

- 3.6.2 The Development Authority, in making a decision on a Development Permit application for a Permitted Use:
- a. Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw; or
 - b. May approve the application, with or without conditions, even if the proposed development does not conform with this Bylaw, if, in the opinion of the Development Authority there would not be an undue impact on the use, enjoyment, amenity and value of the adjacent properties and/or neighbourhood, or if the impact on such properties could be mitigated through the adherence of specific conditions of approval.
 - c. May refuse the application if the proposed development does not conform to this Bylaw.
 - d. Where in the opinion of the development authority, the proposed use is of a temporary nature, a temporary development permit may be issued.

Discretionary Use Applications

- 3.6.3 Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall:
- a. Review the application and refer the application with recommendations to the Municipal Planning Commission for decision;
 - b. The Municipal Planning Commission shall approve, with or without conditions, or refuse the application, giving reasons for the refusal; or
 - c. The Municipal Planning Commission may, prior to making a decision, refer any application of permitted or discretionary uses to any municipal department or agencies for further comment; and
 - d. Where the Municipal Planning Commission is of the opinion that the proposed use is of a temporary nature, the Commission may issue a temporary development permit; and
 - e. The Municipal Planning Commission may refuse or approve with conditions any development if, in the opinion of the Commission, the proposed development will detract from the character or appearance of the general development in the area.

Variations

- 3.6.4 Notwithstanding Section 3.6.1 and 3.6.2, the Development Officer may approve a variance to an approved permitted use development that does not comply with this Bylaw if, in their opinion the proposed development would not:
- a. Unduly interfere with the amenities of the neighbourhood; or
 - b. Materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - c. Involve the variance of any setback or regulation by more than 20%, with the exception of the following:
 - i. The Development Officer shall have the discretion to allow a variance for a fence in a front yard up to a height of 1.8m; and
 - ii. The Development Officer shall have the discretion to allow a driveway up to 18.0m in width at the property line, up to a maximum of 30.0m at the curb in commercial and industrial land use Districts.
 - d. Involve the variance of floor area as stipulated in the applicable land use District, and the proposed development conforms to the use prescribed for that land or building in this Bylaw.
- 3.6.5 The Development Officer shall refer all applications that require a variance for any setback or regulation by more than 20% to the Municipal Planning Commission for a decision.
- 3.6.6 In approving an application for a permit under this Section, the Development Authority shall adhere to the following:
- a. A variance shall be considered only in cases of undue hardship or practical difficulties particular to the use, character or situation of land or building which are not generally common to other land in the same District;
 - b. There shall be no variance from the regulations prescribing use;
 - c. There shall be no variance from the regulations prescribing maximum height, floor area, or density; and

Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Authority to relax a regulation of a District or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in this Section, and the general purpose and intent of the appropriate District.

3.7 Development Authority Discretion

- 3.7.1 The Development Authority may impose conditions of approval upon any development permit to ensure compliance with any provision of this bylaw.
- 3.7.2 The Development Authority may require a letter of guarantee or an irrevocable letter of credit from the applicant to secure performance of any of the conditions of a development permit.
- 3.7.3 In accordance with Section 650 of the MGA, the Development Authority may require as a condition of issuing a development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, utilities, landscaping and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may:
 - a. register a caveat against the said lands in favour of the Town; or
 - b. where, in the opinion of the Development Authority, the proposed use is of a temporary nature, a temporary development permit may be issued.

3.8 Development Permit Application Status

- 3.8.1 In accordance with Section 683.1(1) of the MGA, the Development Authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.
- 3.8.2 The Development Officer may deem a development permit application incomplete where the information required by Section 3.5. has not been supplied or where, the quality of the material supplied is inadequate to properly evaluate the application.
- 3.8.3 An application for development permit may be deemed incomplete by a Development Officer in situations where subdivision is required, until the appropriate subdivision is registered pursuant to the subdivision regulations.
- 3.8.4 A Development Officer shall provide written notice of a development permit application deemed complete or incomplete, and notice of decision of a development permit.
- 3.8.5 The notice of an application deemed incomplete must provide a deadline to provide the information required to complete the application, the Development Officer and the applicant may agree to an additional extension in writing with a specified date.
- 3.8.6 Written notice must be given using the following methods within 24 hours of the notice being issued:
 - a. By electronic mail, if the applicant has provided an email address on their application and has given consent to receive correspondence by electronic mail; or
 - b. By regular mail.

3.9 Notice of Proposed Development

- 3.9.1 Prior to a decision being rendered on an application for a discretionary use or variance, the Development Authority may require the applicant to pursue one or more of the following:
- a. Post a notice in a conspicuous place on the site of the proposed development not less than seven (7) days prior to the date of consideration of such an application for a decision; or
 - b. Post a notice in a newspaper circulating in the municipal area, at the expense of the applicant; or
 - c. Mail a notice to all abutting landowners not less than seven (7) days prior to the date of consideration of the application for a decision.
- 3.9.2 When considering applications under Section 3.8.1 for which notices have been served, the Development Authority may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the application.
- 3.9.3 The notice required pursuant to this Section shall state:
- a. The proposed use of the building or site;
 - b. That an application respecting the proposed use will be considered by the Development Authority;
 - c. That any person who is deemed to be affected by, and has an objection to, the proposed use of the site may deliver to the Development Authority a written statement of their objections indicating:
 - i. Their full name and address for service of any notice to be given to them in respect of the objection; and
 - ii. The reasons for their objections to the proposed use.
 - d. The date by which objections must be received by the Development Authority; and
 - e. The date, time and place the application will be considered by the Development Authority.

3.10 Notice of Decision

- 3.10.1 All decisions on applications for a development permit shall be given in writing to the applicant.
- 3.10.2 If the Development Authority refuses an application, the notice of decision shall contain the reasons for the refusal.
- 3.10.3 When an application for a development permit is approved for a permitted or discretionary use requiring a variance, or a discretionary use without a variance:
 - a. A notice shall be published in a newspaper circulating in the municipal area;
 - b. A notice shall forthwith be posted on the site of the property for which the application has been made and the use approved;
 - c. A notice shall be posted on the Town website; and
 - d. At the discretion of the Development Authority, any abutting property owners or occupants and any other parties deemed affected may also be notified.
- 3.10.4 A notice issued under Section 3.8.3 shall indicate:
 - a. The legal description and street address of the proposed development;
 - b. The date the development permit was issued;
 - c. The nature of the approval; and
 - d. The opportunities available to appeal the decision.

3.11 Effective Date of Permit

- 3.11.1 The Development Authority must issue a development permit to the applicant on the day the decision to approve an application is made.
- 3.11.2 A development permit for a Discretionary Use or for a Permitted Use for which a variance has been granted comes into force and effect:
 - a. Only after the time for an appeal to the appropriate appeal body has expired; or
 - b. If an appeal has been filed, once a decision has been rendered in writing by the appropriate appeal body in favour of the issuance of the development permit subject to any variance or change to any condition of approval directed by the appropriate appeal body.
- 3.11.3 In accordance with the MGA no appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of a land use bylaw were relaxed, varied or misinterpreted.
- 3.11.4 Any work undertaken prior to the expiry of the appeal period of a development permit is at the risk of the landowner.

3.12 Validity of Development Permit

3.12.1 A development permit is valid unless:

- a. The development permit is suspended or cancelled, pursuant to section 3.14 of this bylaw;
- b. The development is not commenced within twelve (12) months from the date of permit issue, or completed within 2 years of permit issuance (unless an extension to the period has been granted by the Development Authority);
- c. The development is not commenced within such a shorter period than shown in Subsection b) if the Development Authority has specified that the development permit is to remain in effect for less than twelve (12) months.

3.13 Development Permit Deemed Refused

3.13.1 In accordance with Section 684(1) of the MGA, the Development Authority must make a decision on the application for a deemed complete development permit:

- a. Within 40 days after the receipt by the applicant of an acknowledgment from the municipality that it is deemed complete.
- b. The time period referred to in subsection (a) may be extended at the option of the applicant by an agreement in writing between the applicant and the Development Authority.

3.13.2 If the development authority does not make a decision referred to in subsection 3.12.1 within 40 days, or the time period agreed as per section 3.12.1, the development permit is deemed to be refused.

3.14 Subsequent Applications

3.14.1 If a development permit application is refused by the Development Authority or on an appeal to the Subdivision and Development Appeal Board, the Development Officer may refuse to accept subsequent development permit applications on the same lot for the same or similar use for a period of six (6) months after the date of refusal unless in the opinion of the Development Officer:

- a. The reasons for refusal have been adequately addressed; or
- b. The circumstances of the application have changed significantly.

3.15 Suspension or Cancellation of Development Permits

- 3.15.1 If, after a development permit has been issued, the Development Authority becomes aware that:
- a. The application for the development permit contains a misrepresentation;
 - b. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
 - c. The development permit was issued in error.
- 3.15.2 The Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of the notice of decision or the development permit.
- 3.15.3 If a person fails to comply with a notice under the MGA, the Development Authority or Council may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- 3.15.4 A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

3.16 Transfers

- 3.16.1 A development permit is automatically transferable with the transfer of land between different parties.

3.17 Developer's Responsibility

- 3.17.1 The person to whom a development permit has been issued shall notify the Development Authority, upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
- 3.17.2 The person to whom a development permit has been issued shall obtain all other federal, provincial, and municipal permits and approvals.
- 3.17.3 The Development Authority may require that further to Section 3.16.1 the applicant arrange with the Development Authority for an on-site inspection before commencing construction.
- 3.17.4 The applicant shall prevent soil or debris from being spilled on public streets, lanes, and sidewalks, and shall not place soil or any other materials on abutting properties without permission in writing from abutting property owners.
- 3.17.5 Sections 3.16.3 may be enforced pursuant to the MGA. Any costs incurred as a result of neglect to public property may be collected where a security or development agreement has been required pursuant to Sections 3.6.7.
- 3.17.6 During construction and installation of all municipal improvements, the Developer and/or the Developer's representative must take all measures necessary to minimize damages to, and interference with, existing infrastructure within the municipal rights of way, and is responsible for ensuring that any repairs/restoration required is completed to pre-construction conditions, or better, within a timely manner or as directed by the Town of Whitecourt.
- 3.17.7 The Developer is responsible for ensuring that adequate signage, fencing, barricades, and/or other safety measures are adequately in place if required during construction.
- 3.17.8 The Town may, on twenty-four (24) hours written notice, or sooner if the likelihood of harm to persons is imminent, suspend work performed by or on behalf of the Developer where there appears to be a lack of compliance with safety rules or where conditions of danger exist that could result in injury. Such suspension will continue until the lack of compliance or danger is eliminated.
- 3.17.9 Within one year of substantial completion of the development, the applicant must notify the Development Authority, who may require a RPR at this stage, before the development may proceed
- 3.17.10 No building or use shall be occupied or used and no change in the existing occupancy classification of a building shall be made until substantial completion has been undertaken, as determined by the Safety Codes Act and the National Building Code - Alberta Edition.
- 3.17.11 A person in receipt of a Permit Services Report issued pursuant to the National Building Code - Alberta Edition is not absolved from complying with or satisfying any conditions or requirements of a Development Permit or Development Agreement pursuant to this Bylaw.



04

APPEALS AND AMENDMENTS

4 APPEALS AND AMENDMENTS

In accordance with the provisions of the MGA, this section of the Land Use Bylaw outlines the procedure and associated requirements for appealing a decision on a Development Permit to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, or the Court of Appeals. The intent of this section is to inform applicants of their rights and procedures pertaining to development appeals.

In accordance with the provisions of the MGA, the Town has established a Subdivision and Development Appeal Board.

4.1 Grounds for Appeals

- 4.1.1 In accordance with the MGA, the person applying for the permit or affected by an associated Stop Order may appeal to the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal if the Development Authority:
- a. Fails or refuses to issue a Development Permit to a person;
 - b. Issues a Development Permit subject to conditions; or
 - c. Issues an order under the MGA.
- 4.1.2 No appeal lies in respect of the issuance of a Development Permit for a Permitted Use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
- 4.1.3 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.

4.2 Procedure for Appeals

- 4.2.1 Appeals under the jurisdiction of the Land and Property Rights Tribunal will adhere to the requirements set out in the Land and Property Rights Tribunal Act, as amended.
- 4.2.2 In accordance with the MGA, an appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of the appeal, containing reasons, with the board within twenty-one (21) days:
- a. In the case of an appeal made by a person referred to in Section 685(1) of the MGA, after:
 - i. The date on which the person is notified of the order or decision or the issuance of the Development Permit; or
 - ii. If no decision is made with respect to the application within the forty (40) day period or within any extension under Section 684 of the MGA, the date the period or extension expires; or
 - b. In the case of an appeal made by any other affected person, within twenty one (21) days after the date on which the notice of the issuance of the permit was given in accordance with this Bylaw.

- 4.2.3 The Subdivision and Development Appeal Board must hold an appeal hearing within thirty (30) days after receipt of a notice of appeal.
- 4.2.4 The Subdivision and Development Appeal Board must give at least five (5) days' notice in writing of the hearing:
 - a. To the appellant;
 - b. To the Development Authority whose Order, decision or Development Permit is the subject of the appeal; and
 - c. To those Owners required to be notified under this Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.
- 4.2.5 The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including:
 - a. The application for the Development Permit, the decision and the notice of appeal; or
 - b. The order under the MGA.

4.3 Hearing and Decision

- 4.3.1 In accordance with the MGA, at a hearing, the Subdivision and Development Appeal Board must hear:
 - a. The appellant or any person acting on behalf of the appellant;
 - b. The Development Authority from whose order, decision or Development Permit the appeal is made, or a person acting on behalf of the Development Authority;
 - c. Any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person; and
 - d. Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on behalf of that person.
- 4.3.2 The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.
- 4.3.3 In determining an appeal, the Subdivision and Development Appeal Board:
 - a. Must act in accordance with any applicable Alberta Land Surveyors' Association (ALSA) regional plan;
 - b. Must comply with the Land use policies and statutory plans and this Bylaw in effect;
 - c. Must have regard to but is not bound by the Subdivision and Development regulations;

- d. May confirm, revoke, or vary the order, decision or Development Permit or any condition attached to any of them or make or substitute an order, decision or permit of its own; and
- e. May make an order or decision or issue or confirm the issue of a Development Permit even though the proposed Development does not comply with this Bylaw if, in its opinion:
 - i. The proposed Development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring Parcels of Land; and
 - ii. The proposed Development conforms to the use prescribed for that Land or Building in this Bylaw.

4.4 Court of Appeal

- 4.4.1 Pursuant to the MGA, an appeal lies to the Court of Appeal on a question of jurisdiction or law with respect to:
 - a. A decision of the Subdivision and Development Appeal Board; or
 - b. A decision made by the Land and Property Rights Tribunal
- 4.4.2 An application for leave to appeal must be filed with the Court of Appeal within thirty (30) days after the issue of the decision sought to be appealed, and notice of the application must be given to:
 - a. The Town of Whitecourt;
 - b. The Land and Property Rights Tribunal or the Subdivision and Development Appeal Board; and
 - c. Any other person(s) that the judge directs.

4.5 Land Use Bylaw Amendment

Procedure for LUB Amendments

- 4.5.1 Any person may apply to amend this Bylaw, in writing, to the Development Authority by way of submission of the proper form. All proposed amendments to this Bylaw shall be made in accordance with the MGA.
- 4.5.2 Notwithstanding Section 4.5.1, a person who makes a redistricting application must be the registered owner of the lands affected as shown on the certificate of title; or where applicable show written proof that they are the agent authorized by the owner to make the application.
- 4.5.3 As part of the application referred to in Section 4.5.1, the Applicant must provide the following information:
 - a. Reasons in support of the application;
 - b. The use to be made of the Land that is the subject of the application; and
 - c. The method of land servicing.
- 4.5.4 A signed consent shall accompany any redistricting application, authorizing the Development Authority to enter such lands or buildings as may be required for investigation of the proposed amendment.
- 4.5.5 An application for an amendment to this Bylaw shall be made to the Development Authority on the amendment application form in effect at the date of the application and shall be signed by the applicant, or the applicant's agent authorized in writing and shall include the appropriate fee as established by the Fees, Rates, and Charges Bylaw 1551.
- 4.5.6 In addition to the requirements outlined on the application form, the Development Authority may require other information to evaluate the application properly as outlined in Section 3.5.
- 4.5.7 Where the proposed amendment is for a change in text and no property is singularly affected, the requirements outlined above shall be applied by the Development Officer as necessary to ensure that the application's purpose, scope, and potential impacts are clearly defined.

Direct Control Districts

- 4.5.8 Direct Control Districts are intended to be used under this Bylaw to allow for flexibility with development regulations where the proposed development is not otherwise captured or cannot reasonably be facilitated within an existing land use district.
- 4.5.9 Direct Control Districts are not intended to function as a method for varying or waiving the standard site and development requirements of an otherwise-equivalent land use district. Direct Control Districts are intended to include:
 - a. Innovative development concepts that provide a fine integration of a variety of forms and uses;
 - b. Development that requires a different or specialized form to respond to significant site-specific features or constraints.

- 4.5.10 An application for a Direct Control District shall provide a rationale in support of the District, identifying the features of the development or site which make a traditional district unfeasible or undesirable.

Investigation by Development Authority

- 4.5.11 Upon receipt of an application to amend this Bylaw, the Development Authority shall:
- a. Initiate or carry out any necessary investigation or analysis of the issues involved in or related to the amendment; and
 - b. Prepare a detailed report including all maps and relevant material for Council to consider;
 - c. May also circulate to other departments and external agencies.

Procedure by Applicant

- 4.5.12 Upon receiving the preliminary advice of the Development Authority, the Applicant shall advise the Development Authority if:
- a. The Applicant wishes Council to proceed with the amendment as submitted by the Applicant or an alternative amendment proposed by the Council; or
 - b. The Applicant wishes to withdraw the application for an amendment.

Decision by Council

- 4.5.13 As soon as reasonably convenient, the Development Authority shall submit the proposed amendment to Council, accompanied by the report of the Development Authority and other relevant material, if any, and Council shall then consider the proposed amendment.

Council May Direct Repayment

- 4.5.14 If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town of Whitecourt at large or most of the persons affected in one area, or to the entire Land Use District, then Council may direct that the application fee be returned to the Applicant and that the Town of Whitecourt pay the fees which the Applicant has agreed to pay pursuant to the provisions of Section 4.5.5.

Proposed Amendments May Originate from Development Authority

- 4.5.15 The Development Authority may at any time, on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Authority.

Amendments Proposed in Council

- 4.5.16 Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority for necessary reports and recommendations.

Amendment Review Process

- 4.5.17 Council may, after administrative review:
- a. Establish the date, time and place for a Public Hearing on the proposed Bylaw amendment;
 - b. Outline the procedure to be followed by anyone wishing to be heard at the Public Hearing; and
 - c. Outline the procedure by which the Public Hearing will be conducted.
- 4.5.18 Council shall hear anyone who has received the notice of Public Hearing and who is interested in speaking at the Public Hearing.
- 4.5.19 After the Public Hearing, Council may give a first, second and third reading to an application to amend this Bylaw.
- 4.5.20 Council shall review the report and recommendations and may:
- a. Request further information;
 - b. Approve the proposed text amendment or redistricting as proposed;
 - c. Approve the proposed text amendments or redistricting with modifications within the scope of the limitations of the MGA; or
 - d. Refuse the proposal.

Advertisement Requirements

- 4.5.21 The Development Authority shall provide notice of Public Hearing for the proposed Bylaw amendment in accordance with the MGA and Bylaw 1555 Advertising Bylaw.
- 4.5.22 Before first reading being given to a bylaw to amend this Bylaw, the Development Authority shall:
- a. Arrange for notice of the public hearing to be published in two (2) issues of a newspaper circulating in the Town, the publication date of the second issue being not less than five (5) days prior to the commencement of the Public Hearing in a manner outlined in the Act; and
 - b. Mail a notice of the public hearing to any neighbouring land owners who, in the opinion of the Development Authority, may be affected by the proposed amendment.
- 4.5.23 If the proposed amendment provides for a change of district or change of provisions of a district, the Development Authority shall, at least fourteen (14) days preceding the date of the Public Hearing mail notice to:
- a. The Applicant;
 - b. The registered Owner(s) of the Land if not the Applicant;
 - c. The registered Owner(s) of Adjacent Land;
 - d. If the subject amendment Lands are adjacent to Lands in another Municipality, notice to that Municipality; and
 - e. Any other authorities or persons who, in the opinion of the Development Authority, may be affected.

- 4.5.24 The notice of the public hearing shall contain the following information:
- a. The date, time and place of the public hearing;
 - b. The purpose of the proposed Bylaw amendment;
 - c. That a copy of the proposed Bylaw amendment and any applicable public documents may be inspected at the Town Office during regular office hours;
and
 - d. An outline of the procedure to file a petition in respect of the proposed Bylaw amendment.

Resubmission Interval

- 4.5.25 Where an application for an amendment to this Bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be considered within twelve (12) months of the date of the refusal unless Council otherwise directs.
- 4.5.26 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the MGA.



05

**ENFORCEMENT,
PENALTIES &
FINES**

5 ENFORCEMENT, PENALTIES & FINES

5.1 Contravention

- 5.1.1 A contravention is where a Development Authority finds that a Development or use of Land or Buildings is not in accordance with:
- a. The MGA or its regulations;
 - b. A Development Permit or subdivision approval; or
 - c. This Bylaw.
- 5.1.2 The Development Authority, or Designated Officer may, by notice in writing, issue to the Owner, the person in possession of the Land or Buildings, or the person responsible for the contravention or any or all of them:
- a. A warning notice in accordance with Section 5.4;
 - b. A violation ticket in accordance with Section 5.5; or
 - c. A stop order in accordance with Section 5.6.

5.2 Prohibitions

- 5.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development or use that is not permitted by this Bylaw.
- 5.2.2 No person shall contravene a condition of a permit issued under this Bylaw.
- 5.2.3 No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuance of a Development Permit. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by a Development Officer.

5.3 Right of Entry

- 5.3.1 After providing reasonable notice to the owner or occupant of land or a building in accordance with Section 542 of the MGA, a Designated Officer may enter any land or building at reasonable times to ascertain if the requirements of this Bylaw are being met.
- 5.3.2 For the purpose of this Section, "reasonable notice" means not less than 48 hours except in the case of an emergency or extraordinary circumstance, in which case no notice is required to be provided.
- 5.3.3 For the purpose of this Section, "reasonable time" means generally between 8 am and 8 pm, Monday-Friday with the exception of statutory holidays, except in the case of an emergency or extraordinary circumstance, in which case the Designated Officer may enter the land or building at any time.
- 5.3.4 If a person fails or refuses to comply with a Stop Order or an order issued by the Subdivision and Development Appeal Board pursuant to Section 687 of the MGA, a Designated Officer may enter the land or the building and take any steps necessary to carry out the order in accordance with Section 542 of the MGA and this Section.

- 5.3.5 No person shall prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If a person prevents, obstructs or interferes with a Designated Officer carrying out any official duty under this Bylaw or if a person refuses to produce anything to assist the Designated Officer in carrying out his/her official duties pursuant to this Bylaw, then the Town may apply to the Court of King's Bench for an Order pursuant to Section 543 of the MGA.

5.4 Warning Notices

- 5.4.1 A Development Officer may issue a written warning notice outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

5.5 Ability to Enforce

- 5.5.1 In accordance with the provisions of the MGA, this section outlines the procedure for enforcing the provisions of the Land Use Bylaw, Part 17 of the MGA, or its regulations as amended, a Development Permit, or Subdivision approval.
- 5.5.2 For the purposes of this Land Use Bylaw, Peace Officers are Designated Officers for the purposes of carrying out inspections, remedial actions, and enforcement.

5.6 Violation Tickets, Offences and Penalties

- 5.6.1 A Designated Officer or Peace Officer, shall be authorized and empowered to issue a violation ticket to any person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.6.2 A violation ticket may be served:
- a. Personally to the person responsible for the contravention; or
 - b. Mailed, by registered post to the address shown on a certificate of title for the Lands on which the contravention is alleged to have occurred.
- 5.6.3 The violation ticket shall be in a form approved by the Town and shall state:
- a. The name of the person to whom the violation ticket is issued;
 - b. A description of the offence and the applicable Bylaw Section(s);
 - c. The amount of the penalty based on the first, second or third offence;
 - d. The date and time by which the property must be brought into conformity with this Bylaw; and
 - e. The due date at which time the penalty is required to be paid ; and
 - f. Any other information as may be required by the Town .
- 5.6.4 The violation ticket may require a person to appear in court without the alternative of making a voluntary payment.
- 5.6.5 Where a contravention of this Bylaw is of a continuing nature, further violation tickets may be issued by a Designated Officer, provided that no more than one violation ticket be issued for each calendar day that the contravention continues.
- 5.6.6 This section does not prevent the Development Authority from first issuing a Stop Order in accordance with this Bylaw and the MGA in lieu of or in addition to issuing a violation ticket.
- 5.6.7 Nothing in this bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedures Act.
- 5.6.8 When a clerk in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- 5.6.9 Payment of a fine does not release the offender from the requirement to comply with this Bylaw.
- 5.6.10 If payment is made within the time limit, then such payment will be accepted in lieu of prosecution for the offence.
- 5.6.11 If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance will no longer apply and prosecution for the alleged offence will proceed.

5.6.12 As per section 557 of the MGA, any person who fails or contravenes any provision of this Bylaw is guilty of an offence and, in addition to all costs incurred by the Town of Whitecourt pursuant to Section 5.7, is liable upon conviction to a minimum fine of \$300 up to \$10 000 or imprisonment for no more than one year, or both.

5.6.13 Specified and minimum penalties for any offence under this Bylaw are outlined in the below Table:

Table 5.6.13 Minimum Penalties

Section	Offence	Minimum Penalty First Offence	Minium Penalty Second Offence	Minimum Penalty Third Offence
3.1	Failure to obtain a Development Permit	\$300	\$600	\$1200
3.1	Occupy or commence use prior to Development Permit issuance and/or receipt of a Permit Services Report	\$300	\$600	\$1200
3.1	Failure to comply with Development Permit conditions	\$300	\$600	\$1200
N/A	Other failure to comply with Land Use Bylaw standards or requirements.	\$300	\$600	\$1200

5.7 Other Remedies

- 5.7.1 Nothing in this Bylaw diminishes or in any way affects the powers of a Development Authority to issue orders for compliance or in any way affects any person's rights to appeal a Development Authority's order.
- 5.7.2 Nothing in this Bylaw diminishes or in any way affects the provisions of the MGA relating to offences and penalties.
- 5.7.3 Nothing in this Bylaw diminishes or in any way affects the rights of the Town pursuant to the MGA or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw.
- 5.7.4 The levying and payment of any fine or imprisonment for any period provided in this Bylaw does not relieve a person from the necessity of paying any fees, charges or costs for which that person is liable under the provisions of this Bylaw, any other Bylaw or other enactment.
- 5.7.5 Where there is a violation for failure to comply with the Development Permit conditions of an approved Land Use, the Development Authority may suspend or cancel the Development Permit authorizing that use.

5.8 Stop Orders

- 5.8.1 Pursuant to the MGA, if a Development Authority finds that a Development or use of Land or Buildings is not in accordance with:
 - a. This Bylaw;
 - b. a Development Permit;
 - c. a Subdivision approval;
 - d. Part 17 of the MGA, or any regulations under Part 17 of the MGA; or
 - e. Any provision of an agreement entered into under pursuant to section 650 or 655 of the MGA.
- 5.8.2 The Development Officer may, by written notice, order the Owner, the person in possession of the Land or Building or the person responsible for the contravention, or any or all of them, to:
 - a. Stop the Development or use of the Land or Building in whole or in part as directed by the notice;
 - b. Demolish, remove or replace the Development; or
 - c. Carry out any other actions required by the notice so that the Development or use of the Land or Building complies with this Bylaw, a Development Permit or a subdivision approval, within the time set out in the notice.
- 5.8.3 The Development Officer or Designated Officer may serve the Stop Order by any or all of the following means:
 - a. Personally delivering the Stop Order to the owner and/or occupant of the subject property, structure or development;

- b. Delivering the Stop Order by regular mail addressed to the owner at the owner's address as shown on the assessment roll for the property and/or at the last known postal address of the occupant to whom the Stop Order is addressed;
 - c. Posting the Stop Order in a conspicuous place on the subject property, structure or development when the Development Officer has reason to believe that the owner and/or occupant is evading service of the Stop Order.
- 5.8.4 Where the Stop Order is served by posting the Stop Order on the property, structure or development in contravention or served personally to the owner and/or occupant of the subject property, structure or development, service is affected as of the date and time the Stop Order was posted or delivered.
- 5.8.5 Where the Stop Order is served via regular mail, service shall be presumed to be effected:
- a. Seven (7) days from the date of mailing if the Order is mailed to an address in Alberta; or
 - b. Fourteen (14) days from the date of mailing if the Order is mailed to an address outside of Alberta.

5.9 Appeal to Stop Orders

- 5.9.1 A person named or affected by a stop order may appeal to the Subdivision and Development Appeal Board in accordance with the MGA.

5.10 Enforcement of Stop Orders

- 5.10.1 If a person fails or refuses to comply with a Stop Order or an order issued by the Subdivision and Development Appeal Board pursuant to Section 687 of the MGA, the Town may do one or more of the following:
- a. Obtain an injunction or other order from the Court of King's Bench pursuant to Section 554 of the MGA;
 - b. Register a caveat under the Land Titles Act in respect of the order against the certificate of title for the subject land; and
 - c. A Designated Officer may enter into or upon the land or building pursuant to Section 542 of the MGA and take any action necessary to carry out the order pursuant to Section 646 of the MGA.
- 5.10.2 The costs and expenses incurred by the Town in carrying out a Stop Order may be:
- a. Charged to the registered owner of the lands subject to the Stop Order; and
 - b. Added to the tax roll of the lands subject to the Stop Order whereupon the amount is deemed to be property tax and forms a special lien against the land.



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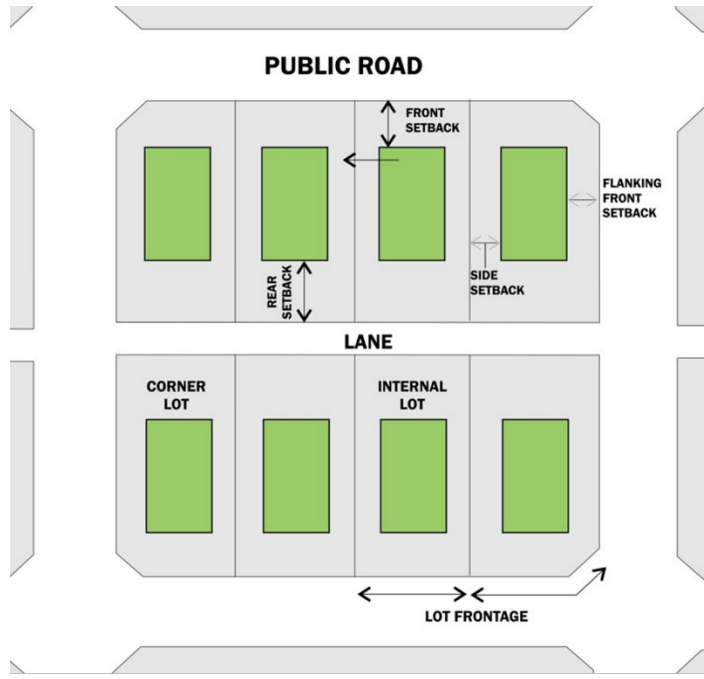
**SITE
PROVISIONS**

6 SITE PROVISIONS

6.1 Establishment of Site Provisions

6.1.1 Site provisions shall be set forth in Part 6 of this Bylaw.

Figure 6.1.1 Site Standards



6.2 Access to Buildings and Utilities

- 6.2.1 Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings.
- 6.2.2 Any building used as an apartment shall provide adequate firefighting equipment access as required by National Building Code - Alberta Edition.
- 6.2.3 A lane or lanes for the purpose of permitting the access of firefighting equipment to all major access points of shopping centre buildings and to all fire risk utilities on the shopping centre site shall be provided, and no permanent structures or vehicular parking may be permitted thereon.
- 6.2.4 In the case of industrial, commercial, multi-unit housing, apartments, or public or quasi-public sites, distance from a fire hydrant, postal box, or above ground utility fixture and any driveway or access point shall be a minimum of 3.0m. In the case of single detached dwelling sites, the distance from a fire hydrant, postal box, or above ground utility fixtures and any driveway or access point shall be a minimum of 1.83m.

6.3 Building Height

- 6.3.1 If the height of a building is required to be measured or determined it shall be measured by calculating the vertical distance between the natural grade, or average natural grade in the case of a sloping grade, and the highest point of the building.
- 6.3.2 In determining the highest point of a building, the following structures shall not be considered to be part of the building: an elevator housing, mechanical housing, roof stairway entrance, ventilation fans, skylight, sacral architectural features, smokestack, parapet wall, flagpole or similar device not structurally essential to the building.
- 6.3.3 Single detached and duplex dwellings shall not exceed 12.0m in height.

6.4 Corner and Double Fronting Sites

- 6.4.1 In all Districts, a site abutting onto two or more streets shall have a front yard on each street in accordance with the front setback requirements of this Bylaw.
- 6.4.2 In all cases, the location of buildings on corner sites shall be subject to approval of the Development Authority who may at their discretion, relax the front setback requirements taking into account the location of existing abutting buildings or the permitted setback on abutting sites where a building does not exist, and having regard for Section 3.6 of this Bylaw.

6.5 Design, Character, and Appearance of Buildings

6.5.1 The purpose of this Section is to provide the Town with controls to ensure the good and compatible design, character and appearance of buildings throughout the Town.

General

6.5.2 The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority.

6.5.3 To the extent as is reasonably feasible, sites should be designed to maximize the use of permeable surfaces and walkways, minimize paving, and provide natural shading of buildings and paved areas with trees and other landscape features to minimize the heat island effect and maximize passive solar design.

6.5.4 Pursuant to Section 6.5.2, the Development Authority may consider the following when reviewing development proposals in all Districts:

- a. The architectural details, including design, form and material, of all buildings should be harmonious with other buildings existing in the vicinity, unless the building is setting an improved design, form and material for the land use district or a portion of it;
- b. The design of the building must be consistent with the purpose of the land use District in which it is located; and
- c. The building shall comply with any provisions of a statutory plan which may set out specific guidelines as to the design, form and materials to be used within a district or area.

Downtown

6.5.5 The following regulations shall apply to the design and appearance of buildings in Downtown land use Districts:

- a. New developments shall be encouraged to provide public art within the site or incorporate it into the building façades to the satisfaction of the Development Authority;
- b. The buildings should be designed to zero lot lines along side lot lines;
- c. Property owners may enter into an agreement with the Town to allow the use of their front setback for improvements such as tree planting, additional sidewalk or other streetscape initiative that meet the Whitecourt Vitalization Plan. Setbacks that do not contribute to the Whitecourt Vitalization Plan shall be designed to accommodate a variety of outdoor activities such as patio, seating areas and public art that may improve the quality of the public realm; and
- d. Additions and alterations to the existing buildings should be:
 - i. Compatible with the existing character of adjacent properties;
 - ii. In conformance with the development regulations of the relevant land use District as well as general and specific regulations of this Bylaw; and
 - iii. In conformance with the Whitecourt Vitalization Plan.

Residential Neighbourhoods

- 6.5.6 The design and appearance of buildings in residential land use Districts should be in accordance with the following policies:
- a. Buildings shall provide a variety of materials and colours to avoid a monotonous streetscape;
 - b. Buildings shall provide a variety of roof lines and building articulation to create visual interest and sense of place; and
 - c. Buildings shall be designed with primary entrance areas fronting the public street. Entrances shall utilize a variety of architectural treatments such as steps, porches, canopies, enhanced doorways to contribute positively to the neighbourhood image.

Highway Commercial Corridor

- 6.5.7 Buildings and structures in the Highway Commercial Corridor should be designed so as to:
- a. Complement and be compatible with adjacent development;
 - b. Provide interesting façades, generally avoiding blank walls;
 - c. Provide special architectural and design treatment for all street frontages and conform with the Whitecourt Vitalization Plan;
 - d. Provide appropriate transitions in height, scale and massing to adjacent lower density residential sites; and
 - e. Provide highly visible, barrier-free entrances with direct access from pedestrian walkways and sidewalks.

Industrial

- 6.5.8 Industrial sites in business industrial areas should provide loading and outdoor storage areas at the rear of the building or screened from public roadways to the satisfaction of the Development Authority.
- 6.5.9 Industrial buildings shall include a vertical articulation in the front facing façade at regular intervals and break the building façade by using methods such as recesses, projections and similar architectural treatment, to the satisfaction of the Development Authority.

6.6 Dwelling Units on a Parcel

- 6.6.1 Except as otherwise provided under this Section, there shall only be one dwelling unit per lot in residential districts.
- 6.6.2 Section 6.6.1 does not apply to:
- a. Buildings designed for, or divided into, two or more dwelling units and located in a land use District which permits such multi-unit housing;
 - b. Secondary suites, garages suites, or garden suites in accordance with Section 7.10;
 - c. Dwellings that are located within an approved manufactured home park; or
 - d. A building as defined in the Condominium Property Act that is the subject of a condominium plan to be registered in a Land Titles Office under the MGA, and has been approved by the Town.

6.7 Excavation, Stripping and Grading

- 6.7.1 For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, natural resource extraction, material stripping, and construction of artificial bodies of water.
- 6.7.2 Where excavations into the ground are proposed and may collect and hold water, or where this impounded water is used, an authorization under the Water Act is required unless the activity or diversion of water is exempted by the legislation. Excavations that may trigger Water Act authorizations are dugouts, borrow pits, sand and gravel pits or other pits/excavations that are created for resource extraction or other purposes.
- 6.7.3 In addition to the requirements under Section 3.5, an application for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with the application the following information:
- a. The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;
 - b. Location on the lot where the excavation, stripping or grading is to be made, as well as all access and exit points; and
 - c. The condition in which the area of excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the material is removed.
- 6.7.4 Where material is removed as a commercial loading operation:
- a. A development permit issued by the Development Authority shall be required prior to the removal of any material, and
 - b. Conditions of permit approval shall require that a minimum coverage of topsoil, 0.2m in depth, shall be left over the area of removal, and that conservation measures of seeding the removal area to grass or legume mixture be carried out within an effective period of time.

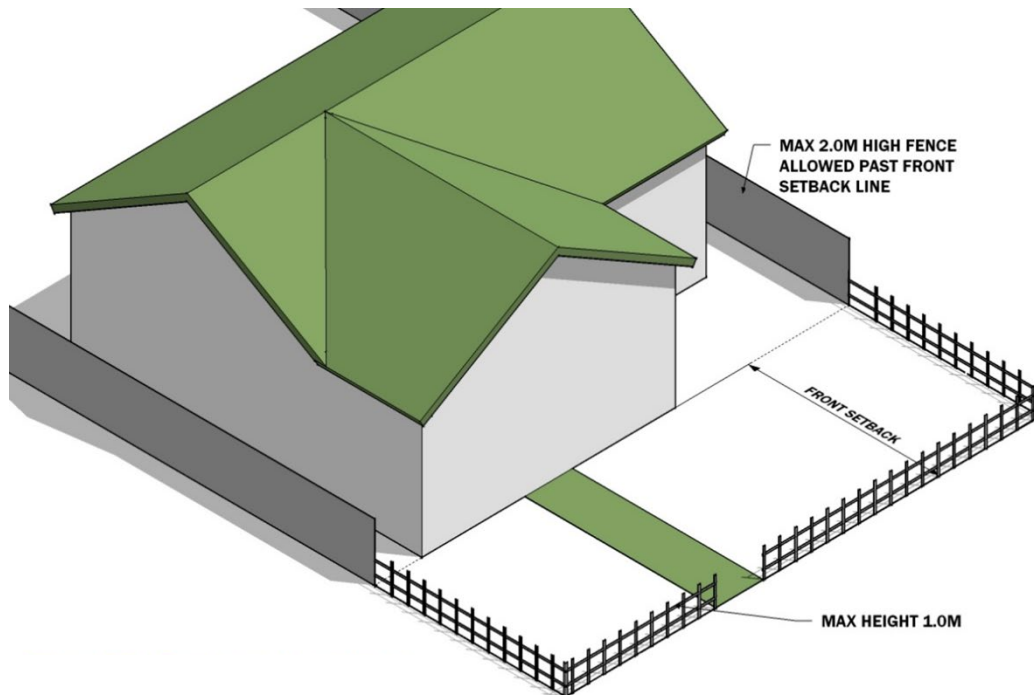
- 6.7.5 Where, in the process of development, areas require leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and replaced following the completion of the work.
- 6.7.6 Where certain commercial or industrial developments are concerned, replacement of topsoil may not be necessary. However, topsoil shall be removed prior to permanent construction, paving or graveling operations in areas for loading zones, display or parking lots, access drives and other similar uses.
- 6.7.7 When reviewing a Development Permit application for excavation, stripping and grading, the Development Authority shall consider the merits of the application and shall not approve the Development Permit unless they are satisfied that:
- a. The operation shall be carried out in a way that minimizes dust and environmental disturbance;
 - b. The operation is one that, in the opinion of the Development Authority, is reasonably necessary for the use and development of the land in question, considering the timing for future development on the site, needs for preservation of prime agricultural land, natural preservation, and the future need for soil on the site;
 - c. The operation shall not destroy, disturb, or alter any historical resource designated in accordance with the Historical Resources Act; and
 - d. The operation shall not sterilize the site for future development.
- 6.7.8 The Development Authority may require, as a condition of an excavation, stripping and grading Development Permit, that the applicant take the precautions and follow the methods prescribed by the Development Authority for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site, if required.

6.8 Fences and Hedges

6.8.1 In any District, except as herein provided, no fence shall be constructed or hedge allowed to grow that is:

- a. Higher than 1.8m for the portion that does not extend beyond the foremost portion of the principal building on the site;
- b. Higher than 1.0m for the portion that extends beyond the foremost portion of the principal building on the site, except for residential property flanking arterial roads where fences may be constructed to a maximum of 1.8m in height, provided adequate sight lines are maintained; or
- c. Higher than 1.0m:
 - i. In the case of corner sites, within the sight triangle of the site, regardless of whether or not a corner cut-off has been taken; or
 - ii. In the case of other sites with more than one yard facing onto a street, unless approval of the Development Authority has been obtained.

Figure 6.8.1 Fences in Urban Areas



6.8.2 In the case of drive-through businesses, car washing establishments, and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 1.5m in height and no higher than 2.0m abutting to residential areas.

- 6.8.3 Notwithstanding Subsection 6.8.1, the Development Authority may determine an alternative maximum height of a fence in an Industrial or 'U-DF' Future Urban Development district. Where a fence has been permitted to be higher than 2.0m in any Industrial or 'U-DF' Future Urban Development district, no barbed wire fences shall be permitted below a height of 2.0m. This requirement may be relaxed by the Development Authority in an area where residences would not be in close proximity to the fence proposed.
- 6.8.4 Barbed wire fences are not permitted except at the discretion of the Development Authority as per 6.8.3.
- 6.8.5 Electrification of fences is not permitted.
- 6.8.6 Fence or hedge height shall be measured from the design grade approved by the Town of Whitecourt and include the height of retaining walls supporting the fence or hedge.

6.9 Lands Subject to Flooding or Near Slopes

- 6.9.1 Notwithstanding the District Regulations, a proposed development located within the Flood Hazard Area, as defined by the Flood Hazard Identification Study, produced for Alberta Environment and Protected Areas, and as amended from time to time, shall conform to this section.
- 6.9.2 Development of buildings or structures shall be prohibited within all Floodways.
- 6.9.3 Developments with respect to uses including storing or handling chemical, hazardous or toxic substances shall not be permitted to be located in the Floodway and shall be discouraged in the Flood fringe. Consideration may be given in the Flood Fringe, where the site has been adequately raised 0.5m above the 1:100-year flood level, to the satisfaction of the Development Authority.
- 6.9.4 Storage and temporary uses may be permitted in the Flood Hazard Area at the discretion of the Development Authority.
- 6.9.5 Development of new buildings or structures within the Flood Fringe shall only be considered if, at minimum, the building site is raised at least 0.5m above the 1:100-year flood level.
- 6.9.6 Residential or institutional uses where the inhabitants would be exposed to significant safety risk if involved in an emergency evacuation situation, shall not be permitted in the Flood Fringe.
- 6.9.7 Notwithstanding the District Regulations, no development including the removal of any vegetation or soil disturbance shall be permitted within 20.0m from the top or bottom of the escarpment bank, as defined by the critical slope contours in the Whitecourt Municipal Development Plan-Constraints Map, or from any steep slope where the grade exceeds 15%, unless the following apply:
 - a. Where survey information is provided indicating a slope smaller than 15% or height less than 3 meters, the setback may be decreased to 10 meters from the top or bottom of the escarpment bank,
 - b. For slopes with an inclination greater than 30%, a geotechnical slope stability evaluation is required to determine setbacks.

- 6.9.8 Despite the requirements of Section 6.9.7. above, the Development Authority may require an engineering study of the site's geotechnical conditions, including slope stability, prepared by a professional engineer registered in the Province of Alberta, at any location within Whitecourt which in their opinion may be impacted by slope instability or other geotechnical hazards.
- 6.9.9 The Development Authority, having required an engineering study of the geotechnical engineering conditions and slope stability, may:
- a. at their discretion, reduce or increase the requirements of Section 6.9.7.;
 - b. adopt the recommended setback lines or separation distances for development and structures as determined by the Geotechnical Engineer; or
 - c. apply conditions to the approval of the Development Permit to minimize slope instability or other geotechnical hazards.
- 6.9.10 Pools, hot tubs, sprinklers, and irrigation systems shall not be allowed on properties adjacent to the top or bottom of the escarpment bank, as defined by the critical slope contours in the Whitecourt Municipal Development Plan - Map 2 Development Constraints, or from any steep slope where the grade exceeds 15%.
- 6.9.11 The Development Authority, at their discretion, may require the applicant to enter into a development agreement or save harmless agreement with the Town, relieving the Town of responsibility for any damage to or loss of the development caused by flooding, subsidence, or erosion.

6.10 Landscaping and Site Grading

- 6.10.1 All required landscaping and planting must be carried out to the satisfaction of the Development Authority within one (1) year of substantial building completion or two (2) years of building permit issuance, whichever occurs first.
- 6.10.2 Any portion of a site area not occupied by buildings or parking/storage areas shall be soft landscaped. Hard landscaping in combination with soft landscaping may be considered at the discretion of the development authority.
- 6.10.3 Where landscaping is required pursuant to the regulations of a medium or high density residential land use District or a non-residential land use District, the applicant shall provide a detailed landscape plan. The developer may incorporate the required landscaping plan on the site plan, including:
- a. Common names of trees and shrubs;
 - b. Location of trees and shrubs;
 - c. Location and proximity to all underground and/or overhead utilities;
 - d. Number of trees and shrubs;
 - e. Landscape details specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year-round effect; and
 - f. Ground cover details. Required landscaped areas not covered by seed/sod which may include, in combination with shrubs/flowers, any or all of the following:

- i. Mulch beds consisting of landscaping fabric and mulch with a minimum depth of 5.0cm, wood mulch beds within 1.5m of buildings shall be discouraged;
- ii. "Rip-rap" rock beds consisting of landscaping fabric and rock with a diameter of not less than 10.0cm;
- iii. "Crushed rock" consisting of landscaping fabric and decorative rock with a diameter of 2.5cm or less;
- iv. Paving stones/stamped asphalt or concrete for walkways or outdoor eating areas may be considered for up to 50% of the required landscaped area;
- v. Raised planters constructed with concrete, concrete blocks or wood with a height of not less than 0.6m or flower boxes attached to the building/structure;
- vi. The Development Authority may require that the landscape plan be prepared by a landscape architect or technologist.

6.10.4 If a landscaped screening buffer is required abutting to a residential use, the landscaped buffer:

- a. Shall be a minimum of 3.0m in width;
- b. Shall include a mix of deciduous and coniferous trees with at least 60% of these trees being coniferous and all plantings are to follow FireSmart best practises;
- c. Shall include trees which are at least 6.0m high at maturity; and
- d. May include shrubs in addition to trees provided that the shrubs are at least 1.8m high at maturity.

6.10.5 Residential lots with single detached or duplex dwellings shall have at least one (1) tree located within the front setback.

6.10.6 Minimum landscape requirements for multi-unit or apartment developments are as follows:

- a. One (1) tree for each 35.0m² and one (1) shrub for each 15m² of required setback area at grade;
- b. The number of required trees may be reduced, up to 50%, by replacing each tree with two (2) shrubs;
- c. At least 25% of required trees shall be within the front setback area and these trees shall not be replaced by shrubs;
- d. Any parking lot that has eight (8) or more parking stalls and is visible from an adjoining site, shall have perimeter planting; and
- e. Provide landscaped parking areas as outlined in section 6.10.8.

6.10.7 Minimum landscape requirements for commercial and industrial developments are as follows:

- a. One (1) tree for each 100m² and one (1) shrub for each 15m² of required front setback at grade;

- b. The number of required trees may be reduced, up to 50%, by replacing each tree with two (2) shrubs;
- c. At least 25% of required trees shall be within the front setback and these trees shall not be replaced by shrubs;
- d. Outdoor storage areas shall be appropriately screened from public roadways to the satisfaction of the Development Authority using a variety of techniques such as building orientation, landscape or architectural elements; and
- e. Provide landscaped parking areas as outlined in section 6.10.9.

6.10.8 Minimum landscaping requirements for parking areas in multi-unit housing, apartments, commercial and industrial developments are as follows:

- a. A minimum 2.0m² of landscaped open space shall be provided for each off-street parking stall. The required landscaping should consist primarily of tree planting, and should be located in multiple locations across the parking area so as to provide shade, visual relief and break up large areas of parking into smaller cells; and
- b. Parking lots shall be landscaped by the planting of trees in the amount of at least one (1) tree for every 185m² of paved surface. The trees shall be of a type and size approved by the Development Authority. Trees required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

6.10.9 Minimum landscaping requirements for institutional developments shall be established at the discretion of the Development Authority.

6.10.10 Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Authority, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the site may, at the discretion of the Development Authority, be credited to the total landscaping requirements.

6.10.11 All planting shall be installed to the finished grade. Where this is not practical in the opinion of the Development Authority, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.

6.10.12 Landscaping that extends onto municipal property shall be to the satisfaction of the Development Authority in accordance with the approved landscape plan. Hard landscaping on public property may be considered in areas which are neither residential nor industrial subject to Development Agreement outlining the conditions for landscape maintenance to be undertaken by the applicant to the satisfaction of the Development Authority.

Public Lands and Town Boulevards

6.10.13 Notwithstanding Section 6.10.12, the owner of a lot shall develop the boulevard abutting the lot by excavating, backfilling, leveling or consolidating to final grade, and seed or perform other works that may be necessary to develop a grass boulevard, with all work entirely at the owner's expense.

- 6.10.14 Any development, planting or other development not authorized by a development permit shall be done at the risk of the owner of the property adjacent to the public boulevard. Any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.

Drainage and Grading

- 6.10.15 All sites shall be graded to direct surface drainage to public parks, reserves, boulevards, ditches, or roads, in accordance with the grade information provided by the land developer. Where drainage along property lines is provided within or outside of easements (lots backing onto each other), the design grades shall be maintained and drainage courses not obstructed.
- 6.10.16 In addition to the National Building Code, Alberta Edition requirement of 5% minimum slope away from buildings for the first 3.0m, remaining slopes to all property lines shall be at a minimum 2% grade.
- 6.10.17 The slope of ground along the property line to the design corner elevations shall be continuous, without breaks or changes in slope.
- 6.10.18 The Grading Approval Process shall be as follows:
- a. The applicant completes the grading work and has an Alberta Land Surveyor prepare an as-built Grading Report. This can be included in the RPR, or provided separately.
 - b. The applicant submits the as-built Grading Report to the Development Authority to initiate the lot grading review.
 - c. The Development Authority will confirm if the as-built elevations and grades are within tolerance of the approved subdivision design and this Section.
 - d. The applicant will receive a letter indicating whether the review is approved, or if deficiencies exist.
 - e. If the as-built Grading Report is approved:
 - i. The letter will indicate approval and a copy of the approved as-built Grading Report will be included.
 - f. If the as-built Grading Report has deficiencies:
 - i. The letter will indicate the list of deficiencies to be corrected.
 - ii. The applicant must correct the deficiencies within sixty (60) days, unless otherwise noted, and shall resubmit a revised as-built Grading Report prepared by an Alberta Land Surveyor.
 - iii. Failure to comply is contravention to this Land Use Bylaw and may result in fines or other enforcement action as established in Section 5.
 - g. The property owner is ultimately responsible for all activities and approvals related to their property. After the as-built Grading Report is approved, it is the property owner's responsibility to maintain the surface grades in perpetuity. The Town may at any time, require maintenance or enforcement of repairs on the lot grading if alterations or settlements result in lot grading issues.

- 6.10.19 If it is not possible for an owner to meet the designed grades, or the owner chooses to deviate from the design grading, it is the owner's responsibility to ensure the changes are made within his property, subject to the approval of the Development Authority and without adversely affecting abutting property. Retaining walls or special sloping are the responsibility of the party deviating from design grade.
- 6.10.20 The Development Authority may consider elevations with alternative lot grading requirements when:
- a. A lot is graded to match an existing walkway, pond, park, curb, sidewalk, road or lane while maintaining positive surface drainage.
 - b. A lot is graded to match an adjacent property and has proper on-site surface drainage (sloping away from the property) that also functions with the adjacent property.
- 6.10.21 All multi-unit housing, apartments, commercial and industrial lots must be designed to release storm water at pre-development rates unless pre-engineered at the subdivision stage.

Securities

- 6.10.22 Development that requires landscaping, site grading or hard surfacing pursuant to this Bylaw shall provide security by a letter of guarantee, an irrevocable letter of credit, or cash in the amount of:
- a. 100% between the property line and back of curb of the estimated landscaping costs for multiple family dwelling, commercial and industrial development. The amount shall be based on two (2) or more quotes to be provided by the Applicant.
- 6.10.23 The security may be used by the Town of Whitecourt to undertake the following:
- a. Required landscaping if it is not completed within one (1) year of substantial building completion or two (2) years of building permit issuance, whichever occurs first.;
 - b. Hard surfacing of a driveway connecting to a street; and
 - c. Any other required hard surfacing or site grading.
- 6.10.24 If the security collected is insufficient to cover the cost of the work the deficiency shall be a debt due from the property owner to the Town of Whitecourt
- 6.10.25 The security shall be released to whomever paid the initial security deposit, upon written request, once an inspection of the site demonstrates to the satisfaction of the Development Authority that the landscaping has been well maintained and is in a healthy condition after completion of the landscaping.

6.11 Objectionable Items in Yards

- 6.11.1 No person shall keep or permit in any part of a yard in any residential District any dismantled or wrecked vehicle.
- 6.11.2 No person shall keep or permit in any part of a yard in any District:
- a. Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District, or
 - b. Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- 6.11.3 In commercial and multi-family residential Districts, garbage shall be stored in weatherproof containers, screened from abutting sites and public thoroughfares to the satisfaction of the Development Authority, and shall be in a location easily accessible for pickup.

Recreational Vehicles

- 6.11.4 From April 1st to October 31st inclusive, on a residential site, one recreational vehicle may be parked on a driveway in the front yard or, in the case of a corner lot, in a side yard, provided that no portion of the recreational vehicle projects onto or over, the interior edge of the sidewalk or curb.
- 6.11.5 From November 1st to March 31st, on a residential site, one recreational vehicle may be stored on site provided that no portion of the recreational vehicle is located within 6.1m of the front property line.

6.12 On-Site and Off-Site Services and Improvements

- 6.12.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until a development permit has been granted.
- 6.12.2 No development permit shall be issued for a development to be served by private sewer and water systems unless the systems have been approved by the appropriate Municipal and Provincial authorities having jurisdiction.

6.13 Pollution Control

- 6.13.1 In any District, no storage, use of land, or development may be undertaken which would, in the opinion of the Development Authority:
- Unduly interfere with the amenities of the District;
 - Materially interfere with or affect the use, enjoyment or value of neighbouring properties, by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter, or other noxious emissions or containment of hazardous materials; or
 - Pollute or contaminate the site.

6.14 Projections into Setbacks

6.14.1 On a lot in a residential land use District, components of the principal building supported by cantilever and less than 2.5m wide including balconies, sills, canopies, eaves, chimneys, open verandas, unenclosed steps, raised decks, or other protrusions may project:

- Into a front or rear setback a maximum of 1.2m; or
- Into a side setback, a maximum of 0.6m, provided that the protrusion does not interfere with any required vehicle access.

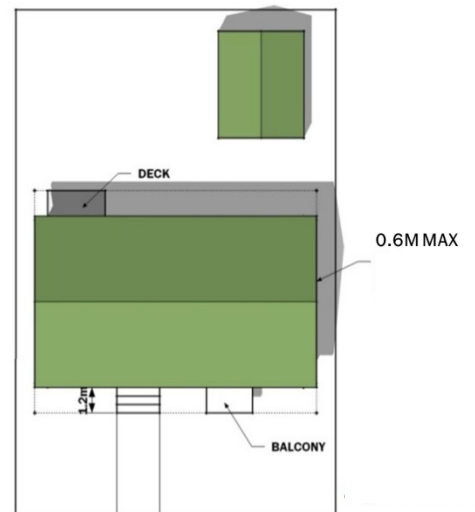
6.14.2 In any land use District, the eaves of an accessory building may project into any side or rear setback a maximum of 0.6m.

6.14.3 On a lot in a commercial land use District, the parts of, and attachments to, a principal building which may project over or onto a front, side or rear setback are:

- A canopy or extension over a front or side setback if the projection complies with the sign regulations contained in Section 9; and
- A canopy or extension over a rear setback if the projection is at least 4.0m above the surface of the yard and does not obstruct the normal use of the yard (setback of District).

6.14.4 This section does not apply to Gas Bars and Bulk Fuel stations as outlined in section 7.7.

Figure 6.14.1 Projections



6.15 Public Utility Buildings and Easements

- 6.15.1 Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks, which are satisfactory to the Development Authority.
- 6.15.2 Utility lots, utility buildings and publicly owned buildings may be permitted in any District except as specifically regulated elsewhere in this Bylaw, and must comply with the specific landscaping requirements for that District.
- 6.15.3 Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
 - a. In the opinion of the Development Authority the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
 - b. Written consent has been obtained from the person for whose use the easement has been granted.

6.16 Relocation of Buildings

- 6.16.1 Unless the Development Authority approves the placement or alteration of a building, no person shall:
 - a. Place on a lot a building which has previously been erected or placed on a different lot; or
 - b. Alter the location of a building on a lot, which has already been constructed on that lot.
- 6.16.2 An approval shall not be granted under Section 6.19.1 unless the Development Authority is satisfied that:
 - a. The placement or location of the building would meet the requirements of this Bylaw; and
 - b. The building and the lot meet the requirements of this Bylaw and the land use District in which it is proposed to be located.
- 6.16.3 All buildings shall be of a permanent construction except in Districts, or as otherwise specified, which would permit buildings or dwellings of a temporary nature.

6.17 Zero Side Setback Developments

- 6.17.1 Where developments are proposed which are permitted to have a zero side setback, the regulations of this Section and the regulations of the land use District in which the development is proposed shall apply.
- 6.17.2 Prior to the approval of any zero side setback development, plans showing grading and drainage on abutting sites must be submitted and must be deemed acceptable to the Development Authority.
- 6.17.3 Easements are required where a zero side setback is permitted, on the site abutting that side setback for the maintenance of all principal and accessory buildings, and for any overhang of principal or accessory buildings onto that abutting site. The Development Authority may require that an easement plan be registered in addition to the normal plan of subdivision.
- 6.17.4 Where an accessory building is permitted to have a zero side setback abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Section 6.17.3 prior to the issuance of a development permit for the zero side setback development proposal.
- 6.17.5 Where a plan is accepted for a zero side setback project or zero side setback site, and where that plan indicates the location or alternative locations for future accessory buildings (including garages) on the site, easements required under Section 6.20.3 shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.
- 6.17.6 Section 6.17.3 does not apply where abutting owners are permitted pursuant to this Bylaw to construct attached dwellings, principal buildings or accessory buildings (including garages) which are attached at the lot boundary or which will abut each other at the lot boundary. Side setbacks shall be:
- a. Zero for one side, except where a lot in which the principal or accessory buildings are permitted to have a zero side setback which abuts another land use district, in which case the minimum side setback from the boundary of the abutting district shall be 1.5m;
 - b. 3.0m except that where a parking space is provided in the required side setback and abutting to a zero side setback of another unit, the minimum side setback where the parking space is provided shall be 3.5m; and
 - c. No part of any structure or building shall be erected within 5.0m of the street boundary flanking the front yard of a zero side setback lot.



07

**SPECIAL
LAND USE
PROVISIONS**

7 SPECIAL LAND USE PROVISIONS

7.1 Establishment of Special Land Use Provisions

7.1.1 Special land use provisions shall be set forth in Part 7 of this Bylaw.

7.2 Accessory Buildings and Structures

7.2.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, it is to be considered a part of the principal building and not as an accessory building.

7.2.2 Ground-level decks are exempt from this section.

7.2.3 Regulations for accessory buildings and structures in Residential Districts shall be as follows:

- a. An accessory building shall not exceed one storey nor 5.5m in height from the inside wall grade to the top of the roof, unless a garage or a garden suite has been approved;
- b. The combined coverage of all accessory buildings shall not exceed:
 - i. The footprint of the principal building (including attached garage); nor
 - ii. 80% of above ground dwelling floor area, or 85.0m², whichever is greater.
- c. Unless otherwise provided in this Bylaw, accessory buildings shall be located:
 - i. A minimum of 2.0m from any dwelling or attachment to a dwelling, with the exception of R-MHP districts where accessory buildings must be a minimum of 3.66m from any adjacent manufactured home including its attachments;
 - ii. No closer to the front property line than the front line of the dwelling;
 - iii. No closer than 1.5m to any side or rear property line (excepting where an agreement exists between the owners of abutting properties to build their accessory buildings centered on the property line, with a suitable fire separation, as provided in the National Building Code - Alberta Edition);
 - iv. At the discretion of the Development Authority, on a zero side setback, provided they are located on the same zero side setback as the principal buildings, and provided the provisions under Section 6.20 are adhered to; and
 - v. At the discretion of the Development Authority, on a zero side or rear setback provided that the structure is not more than 1.8m high, not larger than 10.0m², and is no closer to the front property line than the front line of the dwelling.

- 7.2.4 Shipping containers are not permitted within or adjacent to any residential areas. In industrial and commercial areas, shipping containers may be permitted at the discretion of the Development Authority, and must be placed behind the building and shall be cladded and/or visually screened from public roads and thoroughfares to the approval of the Development Authority.
- 7.2.5 Fabric structures shall not be permitted in front or side yards. They may be permitted in rear yards, where not visible from public roadways or public areas or if screened to minimize visual impact to the satisfaction of the Development Authority.
- 7.2.6 Accessory buildings shall not be used as a residence, except where it meets the definition of dwelling unit.
- 7.2.7 All accessory buildings and structures shall be clad with a minimum of siding, to the satisfaction of the Development Authority.
- 7.2.8 In all Districts, the provisions for accessory buildings and structures will be at the discretion of the Development Authority unless otherwise provided for in this Bylaw.

7.3 Assessment of Risk for Industrial and Commercial Activities

- 7.3.1 When an application for a Development Permit is for an activity that involves the use or storage of hazardous substances, the Development Authority may require the applicant to obtain an Assessment of Risk prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist. The Development Authority may impose any conditions necessary to mitigate the risks associated with the use or storage of hazardous substances identified in the assessment. The Assessment of Risk shall:
 - a. Identify hazardous substances and their quantities;
 - b. Estimate the expected frequency of the occurrence of a hazardous event;
 - c. Assess the possible consequences of such an event; and
 - d. Demonstrate how the proposed facility and operations shall contribute to the following risk management objectives:
 - i. Risk reduction at source (siting of facilities, modifications to processes, conformity to legislation e.g. the Safety Codes Act, the Dangerous Goods Transportation and Handling Act, monitoring, technical changes, training, etc.);
 - ii. Risk reduction through land use planning around industrial sites, pipeline and dangerous goods corridors;
 - iii. Emergency preparedness;
 - iv. Emergency response;
 - v. Risk communication and public participation; and
 - vi. Identify and recommend risk-based separation distances and other mitigation measures to reduce risk.

- 7.3.2 At the discretion of the Development Authority, the applicant applying for a use pursuant to this Section shall provide an approved site plan from the appropriate Provincial and/or Federal agencies.
- 7.3.3 Prior to the submission of a permit application for an Explosives Manufacturing and Storage use the applicant must:
- a. Obtain authorization from Natural Resource Canada’s Explosives Regulatory Division (ERD); and
 - b. Provide a license from Natural Resource Canada’s ERD where required.
- 7.3.4 Notwithstanding the District Regulations and previous Sections of this Bylaw, industrial and commercial uses which manufacture, store, handle, distribute or dispose of explosives and chemical materials or products shall not be located on sites, which in the opinion of the Development Authority, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of neighbouring properties, by reason of the storage or containment of the product, or the potential release of the product.

7.4 Day Care, Family Care and Assisted Living Facilities

- 7.4.1 In reviewing an application for a Day Care, Family Care or Assisted Living Facility, the Development Authority shall, among other factors, consider if the development would be suitable for the site, taking into account;
- a. potential traffic generation;
 - b. proximity to park, open space or recreation areas;
 - c. Isolation of the proposed site from residential use;
 - d. Buffering or other techniques designed to limit any interference with other uses;
 - e. if there is another facility within 150m;
 - f. If it affects the peaceful enjoyment of neighbouring properties;
 - g. Consistency in terms of intensity of use with other development in the area; and
 - h. If the proposed use will materially interfere with or affect the value of neighbouring properties.

7.5 Drive-Through Businesses

- 7.5.1 Notwithstanding the District regulations, drive-through businesses shall not be located on sites, which in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, access, and egress from the site.
- 7.5.2 Minimum front yard setback requirements shall be as prescribed for the District in which the building is located, but in no case shall be less than 3.0m.
- 7.5.3 The minimum site width shall be 25.0m.

Site and Building Regulations

- 7.5.4 All parts of the site to which vehicles may have access shall be hard surfaced if accessed from a paved public road or lane and drained to the satisfaction of the Development Authority.
- 7.5.5 Fencing and landscaping requirements shall be as specified under Sections 6.8 and 6.10 of this Bylaw.
- 7.5.6 Where a drive-through business is located abutting to a residential District, screening shall be provided to the satisfaction of the Development Authority.
- 7.5.7 The on-site layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority.

Any lighting proposed to illuminate the site shall be located and arranged so that all direct rays of light are directed upon the site only and not on any abutting residential Districts.

7.6 Gas Bars And Bulk Fuel Services

- 7.6.1 Notwithstanding the District Regulations, a use pursuant to this Section shall not be located on sites, which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access to and egress from the site.

Table 7.6.1 Minimum Site Area

Use	Site Area
Gas Bar including Convenience Store	1,500 m ²
Gas Bar with Car Wash	2,700 m ²
Where a Gas Bar forms part of a Shopping Centre, the area containing the Gas Bar buildings and pump areas	1,000 m ²
Bulk Fuel Station	2,700 m ²

Setback of Buildings and Structures

- 7.6.2 Alberta Safety Codes Authority (ASCA) is the designated approval authority for administration of Part 4 of the National Fire Code – Alberta Edition for the Town of Whitecourt as it relates to flammable and combustible liquid storage tank system installations or alterations.
- 7.6.3 Prior to submitting a development permit application for gas bars and bulk fuel storage stations, the applicant shall be required to seek a permit from the Alberta Safety Codes Authority ASCA by submitting a completed application form and related information. The applicant will be required to submit the approved permit from ASCA as a condition of their development permit application.
- 7.6.4 The setback requirements for flammable and combustible liquid storage tank systems, above ground and underground flammable and combustible liquid storage tank systems from buildings (including canopies) and property lines shall be to the satisfaction of ASCA.
- 7.6.5 Yard setbacks shall apply to all above ground structures, including canopies.

Site and Building Requirements

- 7.6.6 All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

7.7 Home Occupations

- 7.7.1 Home occupations that improve or do not affect the residential aspects of a community may be allowed. The following regulations and any additional requirements set by the Municipal Planning Commission shall establish the limits of nuisance, which a home occupation may impose on a neighbourhood.
- 7.7.2 Home Occupations shall not be permitted on properties with a Secondary Suite, Garage Suite or Garden Suite.
- 7.7.3 Hazardous materials used in the home occupation shall be used, labeled, stored and disposed of in accordance with the Workplace Hazardous Materials Information System program (WHMIS). The Whitecourt Fire Chief or designated agent must review the storage of hazardous materials and ensure community safety is maintained. Any area used for a home occupation shall be equipped with a smoke detector and a fire extinguisher as may be required by the Whitecourt Fire Department. Smoke, fumes, flames or intense light resulting from the home occupation shall not be detectable from beyond the property boundary;
- 7.7.4 Any solid waste generated by a home occupation use shall be of household nature.
- 7.7.5 The site of a home occupation may be identified by a non-illuminated sign attached to the principal building with a maximum area of 0.3m².
- 7.7.6 A home occupation may occupy up to 20% of a residence, and 25m² of any accessory building, not including the storage of one vehicle. All activities and storage relating to the home occupation shall take place within buildings on the site, and out of view of abutting properties. Buildings, renovations, or installations shall conform to standards required of commercial properties, including engineering certification where required.

- 7.7.7 A home occupation that occupies 10% or more of the residence will obtain a building permit.
- 7.7.8 Sound levels resulting from a home occupation shall be in accordance with the limits set by provincial or municipal regulations.
- 7.7.9 A home occupation may generate a maximum of four (4) vehicle movements per hour, to a maximum of sixteen (16) per day, and a maximum of eighty (80) per week. The home occupation traffic may use the laneway, if available, for up to 25% of vehicle movements.
- 7.7.10 Any storage of materials or goods related to the operation of the home based business must be located within the principal dwelling and/or accessory building(s). No outdoor storage is permitted.
- 7.7.11 A home occupation shall be operated by the permanent resident(s) of the principal dwelling, and no more than one (1) non-resident on-site employee.
- 7.7.12 Up to one (1) vehicle no greater than 1 ton, used in association with a home occupation may be parked or stored on site. Such vehicles shall not contain hazardous materials or conflict with the Traffic Bylaw.
- 7.7.13 A home occupation shall have no exterior evidence of such secondary use other than a small nameplate per Section 7.7.4.

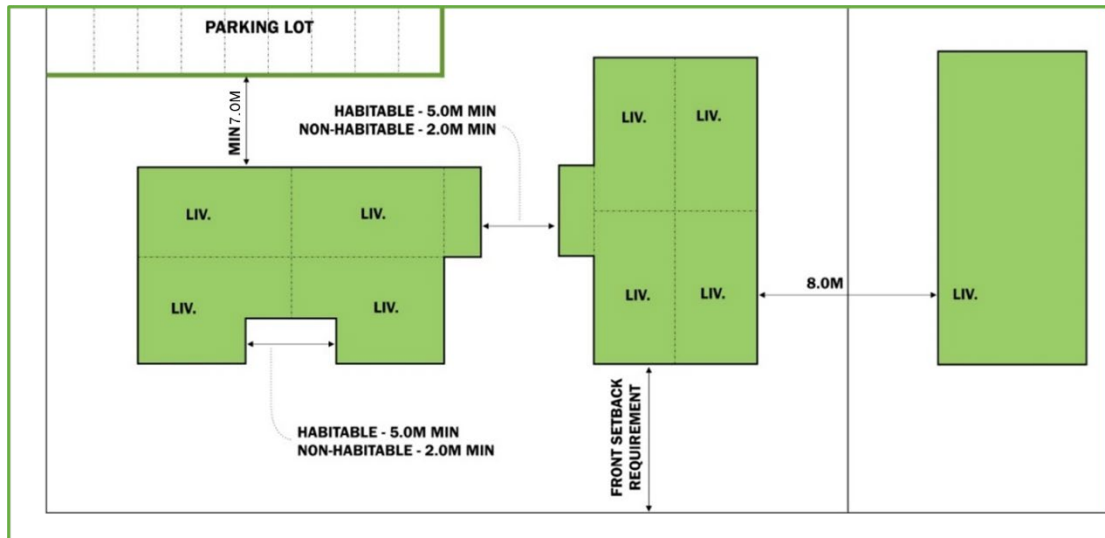
7.8 Home Offices

- 7.8.1 A home office shall be an accessory use of a residence, and not occupy more than 20% of the residence.
- 7.8.2 A home office may employ any or all residents of the home. No non-resident on-site employees are permitted under this use class.
- 7.8.3 A home office shall not involve the presence of clients or customers at the residence.
- 7.8.4 A home office shall be for the purpose of office activities on the site, or administration of off-site work activities.
- 7.8.5 Outdoor storage or display of goods associated with a home office shall not be allowed on the property.

7.9 Multi-Unit and Apartment Developments

- 7.9.1 At the discretion of the Development Authority, the applicant for multi-unit housing or apartment development shall provide design plans and working drawings including elevations which have been endorsed by a registered architect or professional engineer.
- 7.9.2 A minimum area of 20m² or 10% of the site, whichever is greater, shall be provided as a common outdoor amenity area for recreational purposes, and recreational equipment may be provided on this area to the satisfaction of the Development Authority.
- 7.9.3 In the case of buildings abutting to each other and the relationship of those buildings to each other and their relationship to the land on which they are constructed, the following separation distances relating to multi-unit housing developments shall apply:
- Principal Living Room Windows shall have a minimum separation distance of 8.0m except where the window faces a street, walkway or on-site parking or circulation area in which case 7.0m may be permitted;
 - Habitable Room Windows shall have a minimum separation distance of 5.0m; and
 - Non-Habitable Room Windows shall have a minimum separation distance of 2.0m. No separation distance is required where a non-habitable room window faces a street, walkway or on-site parking or circulation space.

Figure 7.9.3 Separation Distances for Multi-Family Dwellings



- 7.9.4 Separation distances for windows as required in Section 7.9.3, shall be effective for the full length of the exterior wall of the room in which the window is located.
- 7.9.5 The minimum separation distance regulations shall be applied where it is greater than the relevant setback requirement established for the appropriate land use district.

- 7.9.6 Notwithstanding the regulations of this Section, the Development Authority may reduce the required separation space where special aspects of design ensure equivalent or better light, ventilation, privacy or visibility from dwellings.

Design Requirements

- 7.9.7 The design of multi-unit housing and apartment developments shall require consideration of the exterior treatment of colors, materials, and textures, as well as, setback orientations, massing, floor plans, roof lines, and wall openings.
- 7.9.8 The site design shall ensure a satisfactory relationship of buildings to circulation patterns and surrounding developments, and to well oriented, landscaped amenity areas.
- 7.9.9 Such items as mentioned in Sections 7.9.6, 7.9.7 and 7.9.8, will be at the discretion of the Development Authority.

7.10 Secondary Suites, Garage Suites and Garden Suites

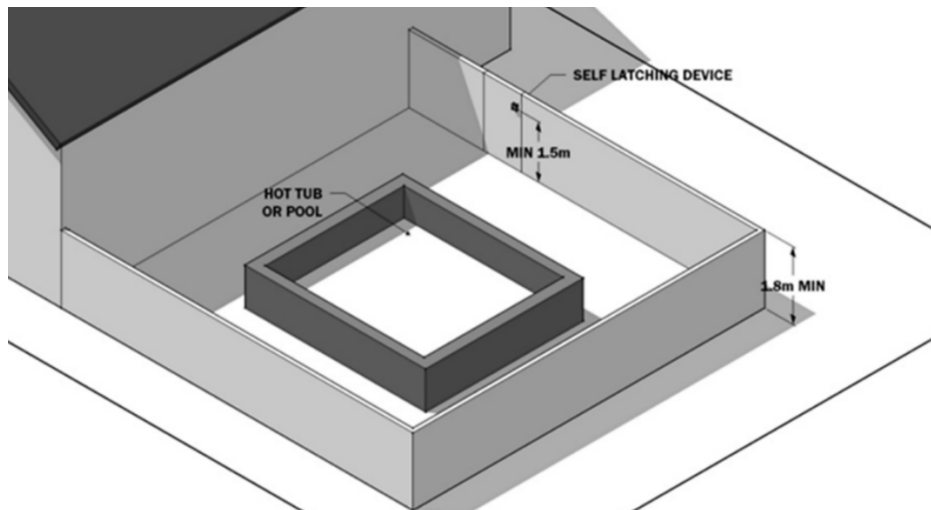
- 7.10.1 A secondary suite may be developed in a principal dwelling or as a garage suite or a garden suite.
- 7.10.2 In residential districts, secondary suites shall only be allowed in low density residential districts, single detached or duplex dwellings.
- 7.10.3 Only one (1) secondary suite, or garage suite, or garden suite shall be allowed per lot.
- 7.10.4 Secondary suites shall not be permitted on properties with Home Occupations.
- 7.10.5 Floor areas shall meet the following requirements:
- a. For a secondary suite on the main floor of the principal dwelling - 50% of the footprint of the principal dwelling or 90.0m², whichever is less and shall not be smaller than 38.0m²;
 - b. For a secondary suite in the basement or second storey of the principal dwelling - no greater than the footprint of the principal dwelling, and shall not be smaller than 38.0m²;
 - c. Garage Suites and Garden Suites - shall not exceed 50% of the principal dwelling footprint to a max of 90.0m² whichever is less, and shall not be smaller than 38.0m²;
 - d. For garage suites located on the second storey (above garage): no greater than the footprint of the garage, and shall not be smaller than 38.0m².
- 7.10.6 A separate entrance door shall be required for a secondary suite but shall not be located on any front building elevation facing a public road. Notwithstanding this requirement, however, a single entry door providing access to an enclosed, shared entry area may be provided.
- 7.10.7 A minimum of one (1) off-street parking stall shall be provided per secondary suite, garage suite or garden suite for the exclusive use of the occupant of the secondary suite, in addition to any other parking stalls required to serve the principal building.

- 7.10.8 For all Garage Suites and Garden Suites a servicing plan shall be submitted to the satisfaction of the Town, showing how the Suite will be serviced from the existing connections.
- 7.10.9 A principal building containing a secondary suite may not be converted into condominiums. Ownership of a property containing a secondary suite, garage suite, or garden suite must be an undivided fee simple.
- 7.10.10 When considering a Development Permit application for a Garage Suite or a Garden Suite, the Development Authority may exercise discretion having regard for:
- a. Compatibility of the Suite with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding residential development;
 - b. The effects on the privacy of adjacent properties, and;
 - c. The cumulative impact of the application with other existing or approved Accessory Suites within the neighbourhood.
- 7.10.11 Garage Suites shall meet the following standards:
- a. A Garage Suite shall not exceed 7.4m or the height of the principal dwelling, whichever is less;
 - b. A Garage Suite shall only be located in a detached garage and in the rear yard of a site;
 - c. A Garage Suite shall be setback a minimum of 2.40m from the principal dwelling;
 - d. Windows contained within a Garage Suite shall be sized and placed to minimize sightlines into yards and dwellings of abutting properties.
 - e. A Garage Suite shall have a residential character and shall be finished in a manner compatible with the character and appearance of the principal building.
- 7.10.12 A Garden Suite shall meet the following standards:
- a. A Garden Suite shall not exceed a height of 5.0m or the height of the principal building on the same site, whichever is less;
 - b. A Garden Suite shall only be located in a rear yard;
 - c. A Garden Suite shall be setback a minimum of 2.40m from the principal dwelling;
 - d. Windows contained within a Garden Suite shall be sized and placed to minimize sightlines into yards and dwellings of abutting properties.

7.11 Private Swimming Pools and Hot Tubs

- 7.11.1 Private outdoor above- and below-ground swimming pools and hot tubs shall conform with the following requirements, as outlined in Figure 7.11.1:
- a. Pools and hot tubs shall not be allowed on properties located within 20.0m from the top or bottom of the escarpment bank, as defined by the critical slope contours in the Whitecourt Municipal Development Plan - Map 2 Development Constraints.;
 - b. The entire area of the pool or hot tub shall be protected by a fence, building, wall, or enclosure that can prevent access by unauthorized persons, and the height of the fence above the outside ground level shall be not less than 1.8m;
 - c. Openings for access through the fence or enclosure around a pool or hot tub shall be protected by a gate that is:
 - i. The same height as the fence or enclosure;
 - ii. Equipped with a self-closing device; and
 - iii. Equipped with a self-latching device on the inside of the gate located not less than 1.5m above the ground level;
 - d. The area around an above-ground pool or hot tub shall be sloped to drain either to a lane or road and away from adjacent properties. Permission from the Town shall be obtained prior to draining pools or hot tubs into any sewer; and
 - e. Shall not be located within any front setback.

Figure 7.11.1 Private Pool and Hot Tub Requirements



7.12 Solar Collectors

- 7.12.1 A Solar Collector attached to a wall, or a roof of a building shall conform with the following requirements:
- a. A solar collector mounted on a roof:
 - i. May project a maximum of 1.22m from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and
 - ii. Must not extend beyond the outermost edge of the roof.
 - b. A solar collector mounted to a wall:
 - i. Must be located such that it does not create undue glare on neighbouring property or public roadways;
 - ii. Must be located a minimum of 2.44m above grade;
 - iii. May project a maximum of 1.52m from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and
 - iv. May project a maximum of 0.61m from the surface of the wall when the wall faces the side property line, subject to the setback requirements of the applicable land use district.
 - c. A free standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory use and processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:
 - d. A free standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:
 - i. Must not be located in the front, or side yard.
 - ii. Must be located such that it does not create undue glare on neighbouring property or public roadways; and
 - iii. Must not exceed 4.5m in height above existing grade when oriented at maximum tilt in all Residential; and
 - iv. Must not exceed 6.1m in height above existing grade when oriented at maximum tilt, in all other land use districts.
 - e. The proper disposal of solar collectors is the responsibility of the property owner.

7.13 Solar Collector Farms

- 7.13.1 In addition to the requirements in Section 3.5 applications shall be accompanied by the following additional information:
- a. A site suitability analysis including but not limited to: topography; soil characteristics; environmental features and issues; accessibility to a road; compatibility with surrounding land uses; potential impacts to agricultural land and irrigation operations; potential visual impacts; stormwater management; and consistency with the policies of the Municipal Development Plan and Land Use Bylaw. If applicable, depending on the type of proposal, availability of water supply, sewage disposal system and solid waste disposal may also need to be provided;
 - b. Detailed information about the system type, number of structures, height of structures, and the energy processes and rated output, and details on the estimated reflection produced from the solar panels;
 - c. Decommissioning plan;
 - d. Plans and methods of weed control; and
 - e. Any information regarding general public safety and security measures.
- 7.13.2 In addition to any other conditions either stipulated or as authorized in other sections of the Land Use Bylaw, the following specific conditions may be imposed:
- a. Require the applicant/developer to enter into a road use agreement with the municipality;
 - b. Place restrictions on the location, height and type of fencing used for the site;
 - c. Require the application of approved weed control measures;
 - d. Stipulate grading, stockpiling and soil erosion control measures; and
 - e. Require the provision of financial security in an amount and type acceptable to the municipality, to ensure conditions are met.

7.14 Data Centre

- 7.14.1 Data Centers include all cryptocurrency mining operations, server farms, and similar uses.
- 7.14.2 The following conditions for approval shall be applied:
- a. Must dispose of electronic waste at a licensed electronic waste recycling company.
- 7.14.3 Prior to approving the development permit, the applicant shall provide written verification of the following:
- a. Adequate capacity is available on the applicable energy supply lines and substation to ensure that the capacity available to serve the other needs of the area. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use, and

- b. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
- 7.14.4 Data centers, including all ancillary equipment/operations for purposes such as cooling, shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding properties.
- 7.14.5 The dissemination of dust, smoke, glare, or vibration shall not exceed the standard for an industrial zone beyond the property line or affecting adjacent buildings.
- 7.14.6 Front facades shall not have exposed vents, fans, HVAC systems, etc.
- 7.14.7 Any use or activity producing, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
- 7.14.8 Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. The applicant shall provide copies of all documentation and correspondence with AUC in regards to the application, including approvals and conditions.
- 7.14.9 Noise emanating from the use or activity shall not exceed the standard for an industrial district.

7.15 Telecommunication Towers

- 7.15.1 Any applications for the siting of Telecommunications Towers, including mandatory public consultation conducted by the applicant, shall be submitted to the MPC
- 7.15.2 The MPC shall have the authority to issue a letter of support or non-support in accordance with the spirit and intent of this Bylaw.
- 7.15.3 The Development Authority may require applicants to provide the following information for consideration of the issuance of a letter of support or non-support:
- a. A Site plan and drawings illustrating the dimensions and appearance of telecommunications towers and associated facilities;
 - b. A context plan illustrating adjacent residential communities, recreational opportunities, future development opportunities, and and natural features;
 - c. In case of a proposed telecommunication tower development on greenfield site, a Conceptual Plan showing how the tower site will be incorporated with the balance of the development potential for the whole area;
 - d. For all new telecommunication towers, the location of the proposed development should be designed to allow for colocation of future facilities;
 - e. Information demonstrating to the satisfaction of the Development Authority that the proposed development cannot share existing telecommunications facilities or structures in the area; and
 - f. Information regarding options for the design, height, location, and number of proposed towers and the rationale for the proposed choice of location and height.
- 7.15.4 In considering the issuance of a letter of support or non-support, the Development Authority shall evaluate whether or not the Telecommunication unduly interferes with the amenities of the areas and adherence to the following standards:
- a. Telecommunication towers are preferred to be located in industrial land use districts;
 - b. The tower base and all equipment shelters be setback from property lines, at minimum in accordance with the regulations of the land use district;
 - c. The design, finishing and illumination of towers and associated antennas and other facilities is to minimize the visual impact of the facilities from residential and public areas in the vicinity; and
 - d. Signage to be limited to signage required for regulatory or safety purposes.



08

**PARKING
REGULATIONS**

8 PARKING REGULATIONS

8.1 Establishment of Parking and Loading Standards

8.1.1 Parking, loading, curb cuts, and road access provisions shall be set forth in Part 8 this Bylaw.

8.2 Off-Street Parking and Development Regulations

8.2.1 Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users and shall be to the satisfaction of the Development Authority.

8.2.2 All off-street parking facilities shall be separated from streets by a curbed soft landscaped area of at least 1.0m in width.

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

- a. Necessary curb cuts are located and flared to the satisfaction of the Development Authority;
- b. Every off-street parking space provided, and the access thereto shall be hard-surfaced if the access is from a street or lane which is hard-surfaced. In industrial lots, this requirement for hard-surfacing may be waived, at the discretion of the Development Authority, for parking and access areas behind the building if one or all of the following are provided:
 - i. Additional landscaping in front of the building; or
 - ii. Façade improvements for the front of the building;
- c. Parking facilities used at night shall have adequate lighting for the entire parking facility with such lighting being directed away from abutting residential properties and other properties where, in the opinion of the Development Authority, such lighting would have adverse effects;
- d. Grades and drainage shall dispose of surface water, and 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;
- e. Barrier free parking stalls shall be constructed as per Provincial regulations and shall be considered as part of the number of stalls required for the project;
- f. Barrier free parking stalls shall be 5% of the total number of stalls required, up to three (3) stalls; unless exceptional circumstances due to the magnitude of development would warrant more than three stalls;

Table 8.2.3 Required Parking Spaces

Required Number of Parking Spaces	Required Barrier-Free Parking Spaces
2-10	1
11-25	2
26 and over	3

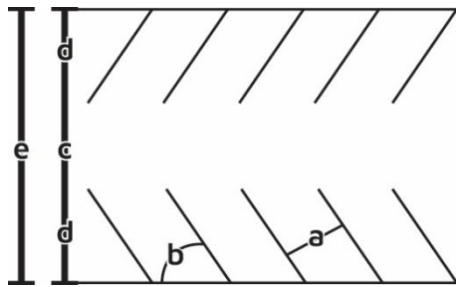
- g. Commercial, industrial, multi-family residential, or institutional driveways and parking areas that are connected to a paved roadway must be paved or otherwise hard surfaced within one (1) year of substantial building completion or two (2) years of building permit issuance, whichever occurs first.
- h. Residential driveways connecting to a street shall be paved or otherwise hard surfaced within one (1) year of substantial building completion or two (2) years of building permit issuance, whichever occurs first.

8.3 Minimum Parking Facility Dimensions

8.3.1 The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with Table 8.3.1.

Table 8.3.1 Minimum Parking Dimensions

Stall Width (a)	Parking Angle (b)	Aisle Width (c)		Stall Depth Perpendicular to Aisle (d)	Parking Unit Depth (e)	
		One-way	Two-Way		One-way	Two-Way
7.0m	0°	3.4 m	7.0m	3.0m	9.4m	13.0m
3.0m	30°	3.1m	7.0m	5.4m	13.9m	17.8m
3.0m	45°	3.6m	7.0m	6.1m	15.8m	19.2m
3.0m	60°	6.0m	7.0m	6.4m	18.8m	19.8m
3.0m	90°	7.0m	7.0m	6.0m	19.0m	19.0m



8.3.2 Up to 15% of the number of parking stalls required in Section 8.4 may be reduced in stall width and depth, at the discretion of the Development Authority, provided that:

- a. The stall width and depth are reduced by no more than 10% of the size required in Table 8.3.1; and
- b. The parking stalls with reduced stall width and depth are clearly marked for small car parking.

8.4 Number of Off-Street Parking Stalls Required

- 8.4.1 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. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to parking spaces that may have been removed due to the enlargement or alteration.
- 8.4.2 Electric Vehicle Charging Stations shall count toward the number of off-street parking stalls required up to 5% of the total number required.
- 8.4.3 The minimum number of off-street parking stalls required for each use of building or development shall be as specified in Table 8.4.1.

Table 8.4.1 Number of Required Off-Street Parking Stalls by Use

Residential

Use	Regulation
Single Detached and Duplex Dwellings	2 per dwelling unit
Multi-unit Housing or Apartment Dwellings of one bedroom or less per dwelling unit	1.7 per dwelling unit
Multi-unit Housing or Apartment Dwellings of two or more bedrooms per dwelling unit	2 per dwelling unit
Manufactured Home Park	2 per dwelling unit
Secondary Suites, Garage Suite, Garden Suite	1 per suite

Commercial

Use	Regulation
Business	1 for every 50.0m ² of gross leasable area
Retail and Service Shop	1 for every 50.0m ² of gross leasable area
Eating and Drinking Establishment	1 for every 6 seats, minimum of 3 stalls or 1 for every 50.0m ² of gross leasable area, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority
Drive-through Restaurant	1 for every 50.0m ² of gross leasable area
Automotive Vehicle Repair and Service Automotive Vehicle Sales and Rental	1 for every 50.0m ² of gross leasable area
Hotels/Motels	1 per sleeping unit and 1 per 3 employees on maximum shift

Industrial

Use	Regulation
Light manufacturing plants; warehouse space; wholesale and storage buildings and yards; servicing and repair establishments; research laboratories; and public utility buildings. Medium to heavy manufacturing plants, mills or shops.	1 space for every 70.0m ² of gross floor area or one space per employee on maximum shift plus a number of visitor parking spaces as specified by the Development Authority.

The industrial regulations may be varied at the discretion of the Development Authority to accommodate up to one employee on a maximum shift where it is anticipated the workers would be employed in yards or outdoor areas.

Places of Assembly

Use	Regulation
Auditoriums, places of worship, halls, theatres and other amusement or recreational places	1 per 10 seating spaces or 1 per 10.0m ² used by the patrons, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority

Day Care Facilities

Use	Regulation
Day Care Facilities	1 per 50.0m ² of gross floor area

Schools

Use	Regulation
Elementary and Junior High Schools	1 per employee 0.1 per student
High Schools	1 per employee 0.25 per student
Post-secondary or adult education facilities including universities, educational consortiums and other college-type facilities or commercial schools	1 per employee 0.5 per student

Hospitals and Similar Uses

Use	Regulation
Hospitals	2 per bed
Assisted Living Facilities	1 per bed

- 8.4.4 Where, in the opinion of the Development Authority, parking facilities have previously been provided to specifically serve a proposed project, the number of parking stalls required on a site pursuant to Section 8.4.3 may be reduced accordingly.
- 8.4.5 The number of parking stalls required may be reduced where, in the opinion of the Development Authority, the parking required by various users on a site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by the reduced number of stalls.
- 8.4.6 In the case of a use not specified in Section 8.4.3, the number of stalls provided shall be the same as for a similar use as determined by the Development Authority.
- 8.4.7 Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Section 8.4.3.
- 8.4.8 Where there are a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- 8.4.9 The design of the parking area can be altered where the Development Authority considers that the situation warrants variance of the standard design.
- 8.4.10 For RMH-P districts, multi-unit housing and apartment developments, one (1) guest parking stall shall be provided per seven (7) dwellings for guest parking purposes. Guest parking stalls should be clearly visible from the entrance to the development, and should be clearly marked as 'Guest Parking'.
- 8.4.11 Elementary and Junior High School developments shall provide:
- a. A minimum of one (1) queuing space per fifty (50) students;
 - b. The minimum number of parking stalls as required in Table 8.4.1 for any planned future development of the school site; and
 - c. Additional off-street parking stalls or queuing spaces, at the discretion of the Development Authority.

8.5 Shared Parking Facilities

- 8.5.1 Parking may be supplied at a site other than the site of the principal use, except in residential districts, provided that it is in accordance with the following regulations:
- a. Subject to the approval of the Development Authority, an owner of land or a group of such owners may pool required off-street parking stalls within one or more shared parking facilities and may thereby collectively fulfill the requirements of Section 8.4;
 - b. Where a group of uses is served by a shared parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility; and
 - c. Where a group of uses or businesses pool their parking requirements onto one lot, such a shared lot shall be located no more than 200.0m from the site of any benefiting use.
- 8.5.2 The Town will register a development agreement in relation to shared parking facilities which will ensure that the agreed number of parking stalls shall be secured for public use.

8.6 Off-Street Loading

- 8.6.1 Where a proposed development will, from time to time, require pick-up or delivery of people or materials, adequate space for loading and unloading shall be provided and maintained on the site to the satisfaction of the Development Authority.
- 8.6.2 Pursuant to Section 8.6.1, the Development Authority shall consider the following criteria when reviewing off-street loading requirements:
- a. Off-street loading spaces shall have dimensions of not less than 4.0m in width and 8.0m in length;
 - b. Have overhead clearance of not less than 5.3m above grade;
 - c. Have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
 - d. Be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
 - e. Be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to cross site boundaries or sidewalks without the approval of the Development Authority;
 - f. Be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
 - g. Have adequate lighting to the satisfaction of the Development Authority; and
 - h. Be screened on each side abutting or fronting on any property in a residential District by a wall, fence, earth berm or hedge of not less than 2.0m in height, to the satisfaction of the Development Authority.

8.7 Vehicle Oriented Uses

- 8.7.1 Vehicle oriented uses shall include drive-through food services, gas bars, drive-through vehicular services and other developments providing drive-through services in which patrons generally remain inside their vehicles.
- 8.7.2 Vehicle oriented uses shall be located only where the Development Authority is satisfied that the development will not adversely affect the functioning of surrounding public roadways.
- 8.7.3 Queuing space shall be provided as follows:
 - a. For drive-through food services, and other development having a, a minimum of four (4) inbound queuing spaces shall be provided for each service window or intercom; or
 - b. For drive-through vehicle services, a minimum of two (2) inbound queuing spaces shall be provided for each service bay;
 - c. A minimum of one (1) outbound queuing space shall be provided prior to exiting into any public roadway;
 - d. Each queuing space shall be a minimum of 6.5m long and 3.0m wide; and
 - e. Queuing lanes shall provide sufficient space for turning and maneuvering and not interfere with parking or access.

8.8 Bicycle Parking

- 8.8.1 Unless otherwise allowed by the Development Authority, the required number of bicycle parking stalls for a use shall be as set forth in Table 8.8.1.

Table 8.8.1 Bicycle Parking Requirements

Use	Regulation
Residential Uses with 10 or more dwelling units and all non-residential uses except education uses	5% of car parking requirement but in no case less than 4 stalls
All Commercial Uses	10% of car parking requirement but in no case less than 2 stalls
All Educational Uses	10% of students based on projected design capacity

- 8.8.2 In lieu of bicycle stalls, bicycle racks may be provided.

Design and Location of Bicycle Parking

- 8.8.3 Each bicycle parking stall shall be a minimum of 0.6m in width and 1.8m in length, with a minimum overhead clearance of at least 2.1m.
- 8.8.4 Bicycle parking shall be designed so that bicycles may be securely locked to the rack, railing or other similar device without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

- 8.8.5 Adequate access to enter and exit individual bicycle parking stalls shall be provided to the satisfaction of the Development Authority, with an aisle of not less than 1.5m in width to be provided and maintained beside or between each row of bicycle parking.
- 8.8.6 Bicycle parking shall be separated from vehicle parking by a physical barrier or a minimum 1.5m of open space.
- 8.8.7 Required bicycle parking stalls shall be wholly provided on the same site as the building.
- 8.8.8 Bicycle parking stalls shall be visibly located where possible and provided in one or more of the following ways, to the satisfaction of the Development Authority:
 - a. Secure bicycle storage rooms, lockers, racks or railings or other such device inside the building;
 - b. Secure bicycle storage rooms, lockers, racks or railings or other similar device in any accessory parking area; and
 - c. Within a yard or building setback of a site but not more than 15.2m from a principal entrance of the building.

8.9 Driveways

- 8.9.1 In Low Density Residential Districts:
 - a. Driveways shall not have direct access to arterial or major collector roadways;
 - b. For corner lots, the nearest edge of a proposed curb cut to the nearest curb-line of the street intersection shall not be less than 12.0m;
 - c. One driveway up to 6.0m in width or a shared driveway up to 12.0m in width, may be developed between any front property line and the roadway; or
 - d. One driveway with a maximum width of 7.25m or a shared driveway up to 14.5m in width may be developed between a front property line and the roadway if an uninterrupted distance of 7.0m is available on the roadway abutting the properties for on-street parking.
- 8.9.2 In Multi-Unit Residential and Non-Residential Districts:
 - a. The nearest edge of a proposed curb cut to the nearest curb-line of the street intersection shall not be less than 50m from any arterial or major collector, and shall not be less than 20m from any other public road;
 - b. The maximum width at the curb cut shall not exceed 13.0m at curb line and 9.0m at property line;
 - c. No more than two driveways shall be permitted;
 - d. No vehicle access to a public road will be allowed unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the street; and

- e. Approaches along arterial and major collector roadways shall be spaced a minimum 50m apart. Turning lanes may be required along arterial and major collector roadways at the discretion of the Development Authority.

8.9.3 No part of a driveway shall be closer than 7.0m from the intersection of a lane with a roadway.

8.9.4 The Development Authority may, at their discretion, require the use of shared approaches.

8.10 Limited Access to Roads

8.10.1 Access to highways shall be limited to arterial roads, collector and service roads, and where no service roads are provided access shall be limited to those access points approved by Alberta Transportation and Economic Corridors.



09

**SIGN
PROVISIONS**

9 SIGN PROVISIONS

9.1 Establishment of Sign Provisions

9.1.1 Sign provisions shall be set forth in Part 9 of this Bylaw.

9.2 Definitions

9.2.1 In addition to the definitions contained in Section 1.7 of this Bylaw, the following definitions apply:

“**A-BOARD SIGN**” means a self-supporting temporary sign comprised of two panels, which are joined at the top and stand independently of a building.

“**BANNER SIGN**” means a temporary sign of lightweight, non-rigid fabric or material mounted to a pole, fence, structure or building.

“**BILLBOARD SIGN**” means an off-site sign supported by one or more uprights, braces or pylons, which stands independently of a building.

“**CANOPY SIGN**” means a canopy or awning which projects from a structure or building and displays the building or proprietor's identification.

“**DIGITAL DISPLAY**” means a sign display that uses electronic technologies, such as LCD, LED or projection.

“**ENTRANCE FEATURE SIGN**” means a sign that displays the name of a community, neighbourhood, or development, which may include a related logo or graphic, and is permanently placed at the entrance to the area.

“**FASCIA SIGN**” means a sign attached to or marked on and parallel to the face of a building or permitted structure. A Fascia sign does not include a Projecting or Canopy sign.

“**FREESTANDING SIGN**” means a sign supported by one or more uprights, braces or pylons and which stands independently of a building.

“**INFLATABLE SIGN**” means a temporary sign comprised of an inflated three-dimensional object, which is anchored or affixed to a building or site.

“**OFF-SITE SIGN**” means a sign that advertises goods, products, services or facilities, or directs persons to a different site from where the sign is located. An off-site sign is not located on the site of the goods, products, services or facilities advertised.

“**ON-SITE SIGN**” means a sign that advertises goods, products, services or facilities that are located on the same site as the sign.

“**PORTABLE SIGN**” means a temporary sign, which may be illuminated, that is mounted on a stand or similar support structure designed to be readily relocated.

“**PORTABLE SIGN, OFF-SITE**” means an off-site temporary sign, which may be illuminated, that is mounted on a stand or similar support structure designed to be readily relocated.

"PROJECTING SIGN" means a sign other than a canopy or awning sign which projects from a structure or a building face or wall. A Projecting sign does not include a sign attached to the ground.

"ROOF SIGN" means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building.

"SIGN" means an object or device intended for the purpose of advertising or calling attention to any person, matter, or event.

"SIGN AREA" means the total surface area within the outer periphery of a sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

"SIGN ILLUMINATION" means the lighting of a sign by an internal or external source of artificial light.

"TEMPORARY SIGN" means a sign that is portable or removable from a site and used for advertising of a limited duration.

9.3 Signs Exempt From Requiring a Development Permit

- 9.3.1 Except as stated in Section 9.3.2, no person shall erect or exhibit a sign unless a development permit has been granted for the sign.
- 9.3.2 A permit is not required for the following signs:
- a. Signs posted or exhibited by or on behalf of the federal, provincial or municipal government;
 - b. Campaign signs for federal, provincial, municipal, or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:
 - i. The consent of the property owner or occupant is obtained;
 - ii. Such signs do not obstruct traffic sight lines;
 - iii. Such signs are not attached to utility poles;
 - iv. Such signs indicate the name and address of the sponsor and the person responsible for removal; and
 - v. Such signs are removed within seventy-two (72) hours of the election date;
 - c. Traffic and directional signs authorized by the Town of Whitecourt or provincial authorities;
 - d. Signs posted or exhibited as a requirement of an application for rezoning, subdivision agreement, or other similar application, provided that such signs are removed after all relevant appeal periods have elapsed.
 - e. Signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
 - f. Signs posted or exhibited in a building;
 - g. Signs posted or exhibited solely for the identification of the land or building, or the occupants within the land or building, on which the signs are displayed, provided that:
 - i. Each sign does not exceed 1.0m² in area; and
 - ii. A maximum of one (1) sign for each occupant is posted at each entrance from which access to a public roadway is provided;
 - h. The erection of an on-site sign offering any single detached dwelling or single detached dwelling site for development, for sale, for lease or for rent providing the sign does not exceed 0.6m² in size;
 - i. The erection of an on-site sign offering a multiple dwelling site, a commercial site, an industrial site for development, for sale, for lease or for rent providing the sign does not exceed 1.5m² in size;
 - j. The erection of an on-site sign for the construction or demolition of a building, provided that:
 - i. Each sign does not exceed 4.0m² in area;

- ii. Each sign is not capable of being illuminated;
 - iii. A maximum of one (1) sign is posted on each side of the building or land facing a different public roadway; and
 - iv. Such signs are removed within seventy-two (72) hours of the referenced activity;
- k. A-Board signs, provided they comply with Section 9.6;
 - l. On-site temporary signs that do not exceed 0.2m²; and
 - m. Off-site temporary signs for the advertisement of a community event, provided that:
 - i. Each sign does not exceed 1.0m² in area;
 - ii. Such signs do not obstruct traffic sight lines; andSuch signs are removed within seventy-two (72) hours of the advertised event.

9.4 Development Permit Application for a Sign

- 9.4.1 In addition to the development permit application requirements specified under Section 3.5 of this Bylaw, a development permit application for a sign shall include:
- a. Written consent from the owner of the site on which the sign is to be located;
 - b. Site plan showing proposed sign location and dimensions from the sign to:
 - i. Property lines;
 - ii. Adjacent buildings and signs;
 - iii. Nearest intersection; and
 - iv. Any sidewalks and curbs;
 - c. Sign drawing showing:
 - i. Sign dimensions including sign area, clearance from grade and any projections;
 - ii. Design details and material specifications; and
 - iii. Method of supporting or attaching the sign;
 - d. At least two different photographs showing the proposed sign location, including any adjacent buildings and signs; and
 - e. At the request of the Development Authority, an engineer-approved plan to ensure the safety of the sign design and placement.

9.5 General Sign Regulations

- 9.5.1 All signs shall be erected and maintained so that they are not unsightly, or in such a state of disrepair as to constitute a hazard.
- 9.5.2 No person shall erect or place a sign, so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard, or obstruct the vision of vehicular traffic.
- 9.5.3 Signs with flashing lights shall not be permitted in any District.
- 9.5.4 All applications for signs abutting a highway right-of-way shall be referred to Alberta Transportation & Economic Corridors to ensure that provincial requirements and regulations are respected in the approval process.
- 9.5.5 Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
- 9.5.6 The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- 9.5.7 Where, in the opinion of the Development Authority, a proposed sign in a Commercial or Industrial District might be objectionable to a resident in any abutting Residential District, the Development Authority may impose such other regulations as deemed necessary to protect the interests of residents.
- 9.5.8 Except as otherwise provided in this Bylaw:
 - a. A sign, or part of a sign, shall not be placed on or project over Town property or rights-of way, unless written approval has been granted by the Town;
 - b. Only on-site signs shall be permitted; and
 - c. The maximum area of any sign shall be 35.0m², excluding Billboard Signs.
- 9.5.9 Any poles or other structural features used for the support or fixing of signage that may be visible along the highway corridor or downtown streets should be black in colour and comply with the Whitecourt Vitalization Plan.
- 9.5.10 In the event of conflicts or unforeseen problems, Whitecourt reserves the right to request the removal of offending signs and issue a violation ticket.

9.6 A-Board Signs

- 9.6.1 One (1) A-Board sign is allowed for a business.
- 9.6.2 Maximum width is 0.6m and maximum height is 1.0m.
- 9.6.3 An A-Board sign shall be placed:
 - a. Directly in front of the business to which it refers;
 - b. If on a sidewalk, on the outside of the sidewalk in line with meters and light poles; and
 - c. To allow at least 1.8m of sidewalk width for pedestrian traffic.
- 9.6.4 An A-Board sign shall only be allowed on sidewalks during hours when the business is open to the public.

9.6.5 An A-Board sign must be constructed of weatherproof materials.

9.7 Banner Signs

9.7.1 Subject to Section 9.5.7(a), a Banner sign that is proposed to cross a public roadway must be at least 6.5m above the public roadway.

9.8 Billboard Signs

9.8.1 A Billboard sign shall only be located on a lot abutting a highway except where otherwise permitted in this bylaw.

9.8.2 Maximum sign area of all sign faces is 40.0m².

9.8.3 Maximum height is 5.5m above the grade of the highway or 10.0m above the grade of the site of the sign, whichever is lowest.

9.8.4 Where a Billboard sign is attached to a building it shall not project above the building to which it is attached.

9.8.5 A Billboard sign must be at least 100.0m from another Billboard sign and 90.0m from any free standing sign.

9.8.6 A Billboard sign must be at least:

- a. 5.0m from a property line;
- b. 30.0m from the intersection of any roadway with another public roadway;
- c. 90.0 m from the centre line of a highway;
- d. 3.0m of clearance from grade.

9.8.7 Notwithstanding Section 9.5.7(a), the Town may authorize a Billboard sign that exclusively advertises for community needs to be located within a public right-of-way.

9.8.8 The design, character, location, and construction of a billboard sign shall be to the satisfaction of the Development Authority, who shall take into consideration the following aspects:

- a. Compatibility with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is to be located;
- b. The restriction of natural light to the surrounding buildings; and
- c. Its position so that it does not severely obstruct the horizon line when it is viewed from vehicular traffic traveling past it from any direction.

9.9 Canopy Signs

9.9.1 Minimum clearance is 2.4m between the bottom of the Canopy and the sidewalk, walkway or ground level.

9.9.2 In Commercial Districts where the front portion of the building extends out to the front property line, a Canopy sign may project up to 2.0m over the sidewalk.

9.10 Digital Displays

- 9.10.1 A digital display may be part of a Fascia, Freestanding, Portable or Roof sign and shall comply with the regulations for such signs.
- 9.10.2 All digital displays shall be equipped with ambient light monitors that automatically adjust the brightness of sign illumination based on ambient light conditions.
- 9.10.3 Static images must have a display duration of at least 6 seconds.
- 9.10.4 Animated images may be allowed at the discretion of the Development Authority and shall not interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.

9.11 Entrance Feature Signs

- 9.11.1 In a Residential District, one (1) Entrance Feature sign each may be allowed for an apartment, multi-family complex, manufactured home park or a subdivision provided that the sign is:
 - a. 4.0m² or less in area;
 - b. 2.0m or less in height; and
 - c. 0.6m or more from a property line.
- 9.11.2 In a Non-Residential District, one (1) Entrance Feature sign each may be allowed for a neighbourhood, or subdivision provided that the sign blends in with the architecture or development theme of the surrounding area, to the satisfaction of the Development Authority.
- 9.11.3 An Entrance Feature sign shall not contain an advertisement in any form.

9.12 Fascia Signs

- 9.12.1 In a Commercial or Industrial District, one (1) Fascia sign may be allowed for each occupant within a development provided that the sign is:
 - a. 2.0m or less in height;
 - b. Projecting no more than 0.3m from the face of the structure or building;
 - c. Not greater than the length of the bay that the sign identifies; and
 - d. 30% or less of the building face or bay that the sign identifies.
- 9.12.2 In a Residential District, one (1) Fascia sign may be allowed for an approved home occupation provided the sign area is 0.3m² or less.
- 9.12.3 Occupants of a double fronting development may be allowed one (1) additional Fascia sign for the second fronting building face.
- 9.12.4 Fascia signs may not be permitted on the building face above third storey offices and bays.
- 9.12.5 Notwithstanding Section 9.12.1(d), a Fascia sign mural, which is painted onto the wall, may encompass up to 100% of the wall to which it is painted, subject to Section 9.5.5.

9.13 Freestanding Signs

- 9.13.1 Maximum sign area of all sign faces is 30.0m² for the first 90.0m of frontage, with an area increase of 15m² for every additional 90.0m of frontage, or portion thereof.
- 9.13.2 Maximum height is 9.1m above grade.
- 9.13.3 A Freestanding sign that is highway-oriented and within 90.0m from the centre line of a highway shall not be more than 9.1m above the grade of the highway or 15.0m above the grade of the site of the sign, whichever is lowest.
- 9.13.4 A Freestanding sign must be at least 20.0m from any other sign.
- 9.13.5 A Freestanding sign must be at least 90.0m from another Freestanding sign or billboard sign.
- 9.13.6 A Freestanding sign must be at least 0.6m from a property line, and at least 2.0m from overhead utility lines.
- 9.13.7 A Freestanding sign may rotate at no more than six revolutions per minute.
- 9.13.8 All Freestanding signs within the same parcel shall provide similar architectural character and design features. The height of the display area of each sign measured from the ground level shall be consistent in each parcel to the satisfaction of the Development Authority.

9.14 Illumination of Signs

- 9.14.1 No illumination of signs shall be allowed in a Residential District.
- 9.14.2 Signs shall be illuminated in such a manner as to:
- a. Avoid excessive illumination of adjacent properties;
 - b. Not project onto any residential property;
 - c. Not exceed 0.3 foot-candles above ambient light conditions during daytime; and
 - d. Not exceed 300 nits between sunset and sunrise.
- 9.14.3 Where, in the opinion of the Development Authority, the illumination of adjacent properties is excessive, the Development Authority may require the sign to be de-energized during certain hours as a condition of the development permit.

9.15 Inflatable Signs

- 9.15.1 An Inflatable sign must be tethered or anchored so that it is touching the ground or surface to which it is attached.
- 9.15.2 Maximum height is 9.2m.

9.16 Portable Signs

- 9.16.1 Maximum sign area is 4.6m².
- 9.16.2 A Portable sign must be at least 20.0m from any other sign.
- 9.16.3 A Portable sign must be at least 0.6m from a property line.

9.17 Portable Signs, Off-Site

- 9.17.1 An Off-Site Portable sign must comply with Section 9.16.
- 9.17.2 An Off-Site Portable sign must be at least 90.0m from another Off-Site Portable sign.
- 9.17.3 A maximum of one (1) Off-Site Portable sign may be allowed on a single lot.
- 9.17.4 Portable Signs, Off-Site are temporary in nature and the permit will be allowed for 6 months maximum unless determined otherwise by the Development Authority.
- 9.17.5 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 (6) months has elapsed from the expiration of the previously approved development permit.

9.18 Projecting Signs

- 9.18.1 A Projecting sign shall be attached to the structure to which it refers. No framework or other supporting devices shall be visible (i.e. guy wires, cables, etc.).
- 9.18.2 Support shall not be provided by "A" frames.
- 9.18.3 A Projecting sign does not include a Canopy sign.
- 9.18.4 Minimum clearance is 2.4m above grade.
- 9.18.5 A Projecting sign shall not project more than:
 - a. 2.5m from the face of a building;
 - b. 2.0m over a sidewalk; or
 - c. 2.0m above the top of a parapet.

9.19 Roof Signs

- 9.19.1 No portion of a Roof sign shall overhang the roof on which it is located.
- 9.19.2 No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.

9.20 Temporary Signs

- 9.20.1 Notwithstanding Section 9.16.2, one (1) temporary sign may be allowed for every 30.0m of frontage or portion thereof with the exception of Portable Sign, Off-Site.
- 9.20.2 All development permits issued for temporary signs shall be valid within a six (6) month period as established by the Development Authority.

Table 9.20.2 Overview of Permitted and Discretionary Signs

SIGN USE CLASS	RESIDENTIAL DISTRICTS	COMMERCIAL DISTRICTS	INDUSTRIAL DISTRICTS
A-Board		Permitted	
Banner		Discretionary	
Billboard		Permitted only in C-3, Discretionary in C-2	Permitted in M-1, M-2, M-4, Discretionary in M-3
Canopy		Permitted	
Entrance Feature	Permitted	Discretionary	Permitted in M-1, M-2, M-3 Discretionary in M-4
Fascia	Permitted in R-3 and R-4 only	Permitted	
Freestanding		Permitted in C-2, C-4, C-7 Discretionary in C-1, C-3, C-6	Permitted
Inflatable		Permitted, except in C-4, C-6	Permitted in M-1, M-2, M-3; Discretionary in M-4
Portable		Permitted, except in C-5; discretionary in C-6	Permitted
Portable, Off-Site		Permitted only in C-2; Discretionary in C-1, C-3, C-6, C-7	Permitted in M-1, M-2, M-3; Discretionary in M-4
Projecting		Permitted	
Roof		Permitted only in C-2 Discretionary in C-1, C-3, C-5, C-7	Permitted in M-1, M-2, M-3 Discretionary in M-4



10 DISTRICTS & DISTRICT REGULATIONS

10 DISTRICTS AND DISTRICT REGULATIONS

10.1 Establishment of Districts and District Regulations

10.1.1 Land Use Districts and Land Use District regulations shall be set forth in Part 10 of this Bylaw.

10.2 Land Use Districts

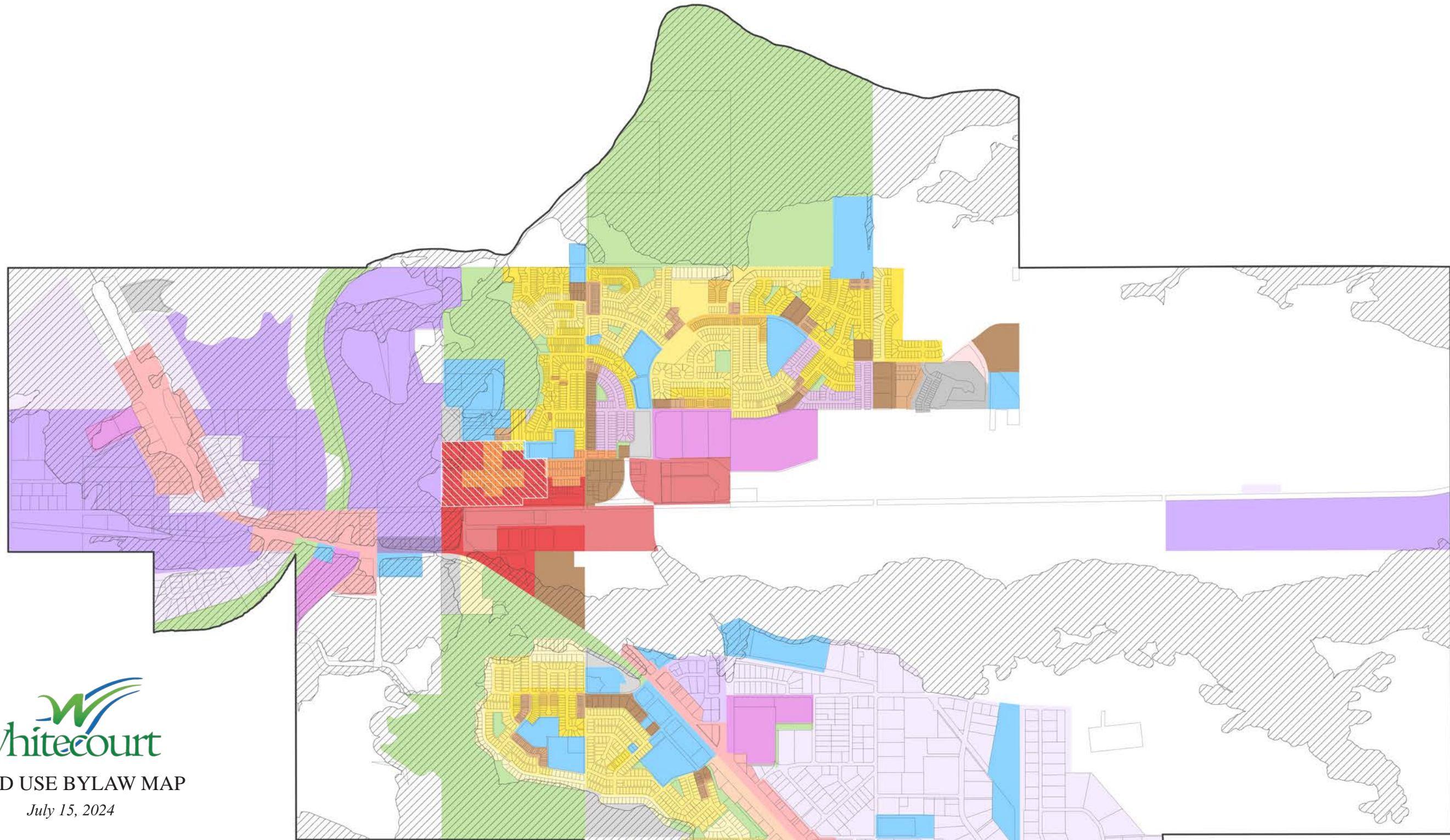
10.2.1 Whitecourt is hereby divided into the Land Use Districts set out in Table 10.2.1.

Table 10.2.1 Land Use Districts

Short Form	Full Form
R-1A	Low Density Residential A
R-1B	Low Density Residential B
R-1C	Low Density Residential C
R-ER	Estate Residential
R-2	Duplex Residential
R-3	Medium Density Residential
R-4	High Density Residential
R-MHS	Manufactured Home/Site Built
R-MHP	Manufactured Home Park
C-1	Core Commercial - Downtown
C-2	Service Commercial
C-3	Highway Commercial
C-4	Neighbourhood Commercial
C-5	Main Street - Downtown
C-6	Mixed Use Residential - Downtown
C-7	Hilltop Commercial
M-1	Service Industrial
M-2	Heavy Industrial
M-3	Business Industrial
M-4	Highway Industrial
P-1	Parks and Recreation
UD-F	Future Urban Development
U-S	Urban Services
DC	Direct Control
DC-1	Direct Control 1 – The Meadows Manufactured Home Park
EC	Environmental Constraints Overlay
DPO	Downtown Parking Overlay

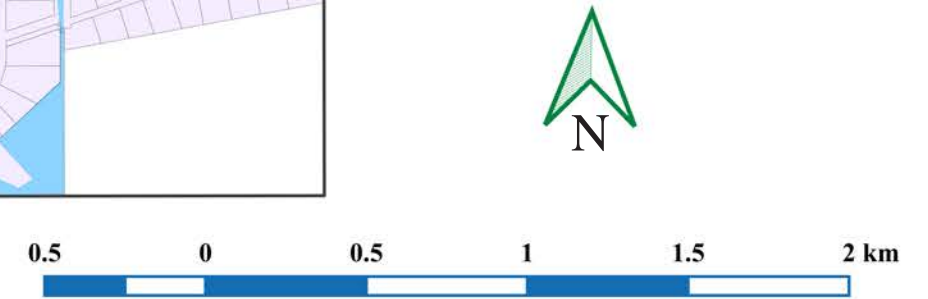
10.3 Land Use District Map

10.3.1 Land Use Districts specified under Section 10.2 are described in the short form on the following Land Use District Map, which is an integral part of this Bylaw:



Whitecourt
 LAND USE BYLAW MAP
 July 15, 2024

- | | | |
|--------------------------------------|-------------------------------------|--------------------------------------|
| C-1 Core Commercial - Downtown | D-C Direct Control | P-1 Parks and Recreation |
| C-2 Service Commercial | D-C1 Direct Control 1 - The Meadows | U-S Urban Services |
| C-3 Highway Commercial | R-1A Low Density Residential A | UD-F Future Urban Development |
| C-4 Neighbourhood Commercial | R-1B Low Density Residential B | EC Environmental Constraints Overlay |
| C-5 Main Street - Downtown | R-1C Low Density Residential C | DPO Downtown Parking Overlay |
| C-6 Mixed Use Residential - Downtown | R-ER Estate Residential | |
| C-7 Hilltop Commercial | R-2 Duplex Residential | |
| M-1 Service Industrial | R-3 Medium Density Residential | |
| M-2 Heavy Industrial | R-4 High Density Residential | |
| M-3 Business Industrial | R-MHS Manufactured Home/Site Built | |
| M-4 Highway Industrial | R-MHP Manufactured Home Park | |



- 10.3.2 The District boundaries are delineated on the Land Use District Map. Where uncertainty arises as to the precise location of the boundary of any District, the following rules shall apply:
- a. Where a boundary is shown as following a street, lane, or stream, 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; and
 - c. In circumstances not covered by a) and b) the location of the District boundary shall be determined:
 - i. Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
 - ii. Where dimensions are not set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- 10.3.3 Where the application of the above rules does not determine the exact location of the boundary of a District, Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- 10.3.4 After Council has fixed a District boundary pursuant to the provisions of Section 10.3.3, the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.
- 10.3.5 Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by Council.

10.4 'R-1A' Low Density Residential

Purpose

10.4.1 This district is generally intended to accommodate single detached and duplex dwellings in areas where lots are larger than those normally provided in R-1B and R-1C Districts.



Uses

10.4.2 Permitted and Discretionary Uses for the R-1A District are outlined in Table 10.4.2.

Table 10.4.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Accessory Building ○ Duplex, one unit per lot ○ Garage Suite ○ Garden Suite ○ Home Office ○ Park ○ Private Swimming Pool* ○ Public Utility ○ Secondary Suite ○ Single Detached Dwelling ○ Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> ○ Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay</p>	<ul style="list-style-type: none"> ○ Accessory Use ○ Bed & Breakfast ○ Boarding or Lodging House ○ Day Care Facility ○ Family Care Facility ○ Home Occupation ○ Places of Worship

10.4.3 Other uses which, in the opinion of the Development Authority are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.4.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-1A District are outlined in Table 10.4.6.

Additional Regulations

10.4.5 A two (2) car parking area shall be provided to the rear, side or front of the dwelling and may take the form of a garage. In the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

10.4.6 The following regulations shall apply to duplexes:

- a. If an application for a duplex development is not made within five years of plan registration, or if 50% of the lots within the subdivision have been developed, the Municipal Planning Commission may consider a request to allow single detached dwelling development on any duplex site;
- b. Design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed to minimize the perception of repetition when viewed from adjacent residential areas and roadways; and
- c. Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent single detached housing.

Table 10.4.6 Site Standards

Regulation	Standard
Site Area (Minimum):	The product of the minimum site depth and site width
Site Width (Minimum):	18.0m for lots with lane 20.0m for lots without lane 21.0m for corner and double fronting lots For duplexes, site width applies to the combined width of both lots. For irregular and pie-shaped lots, site width shall be measured from the point of the minimum front setback.
Site Width (Maximum):	22.0m
Site Depth (Minimum):	34.0m
Front Setback (Minimum):	6.0m to the garage entry, or 4.0m to the dwelling unit, or 4.0m to the building where a side, angled, or curved approach is provided to an attached garage, provided adequate maneuvering space is provided on the property or a joint access agreement is provided on neighbouring property, or 7.6m for any dwelling or garage on collector roads. For corner and double fronting lots, the regulations may be varied at the discretion of the Development Authority.
Side Setback (Minimum):	2.44 m If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following: -1.5m for buildings of less than two stories, or for buildings of more than one storey if the side wall of the upper floor does not contain windows in habitable rooms -2.3m for buildings of more than one storey if the side wall of the upper floor contains windows in habitable rooms Where a site has vehicle access from the front only, one side yard setback shall be a minimum of 3.0m to accommodate a driveway for vehicle passage to the rear of the property except where an attached garage is provided.
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	40% The maximum site coverage may be increased to 50% at the discretion of the Development Authority, provided it is demonstrated that the net runoff from the property is the equivalent to the runoff generated at 40%.
Floor Area (Minimum):	120m ²

10.5 'R-1B' Low Density Residential

Purpose

10.5.1 This district is generally intended to accommodate single detached dwellings where the lots and dwellings are larger than those found in the R-1C District, but smaller than those found in the R-1A District, thereby allowing for a broad mix of housing sizes in the community.



Uses

10.5.2 Permitted and Discretionary Uses for the R-1B District are outlined in Table 10.5.2.

Table 10.5.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Duplex, one unit per lot o Home Office o Garage Suite o Garden Suite o Park o Private Swimming Pool* o Public Utility o Single Detached Dwelling o Secondary Suite o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay</p>	<ul style="list-style-type: none"> o Accessory Use o Bed & Breakfast o Boarding or Lodging House o Day Care Facility o Family Care Facility o Home Occupation o Places of Worship

10.5.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.5.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-1B District are outlined in Table 10.5.4.

Table 10.5.4 Site Standards

Regulation	Standard
Site Area (Minimum):	The product of the minimum Site Depth and Site Width.
Site Width (Minimum):	<p>15.0m for internal lot with lane 16.0m for internal lot without lane 18.0m for corner and double fronting lots with lane 19.0m for corner and double fronting lots without lane</p> <p>For duplexes, site width applies to the combined width of both lots.</p> <p>For irregular and pie-shaped lots, site width shall be measured from the point of the minimum front setback.</p>
Site Width (Maximum):	20.0m
Site Depth (Minimum):	34.0m
Front Setback (Minimum):	<p>6.0m to the garage entry, or 4.0m to the dwelling unit, or 4.0m to the building where a side, angled, or curved approach is provided to an attached garage, provided adequate maneuvering space is provided on the property or a joint access agreement is provided on neighbouring property, or 7.6m for any dwelling or garage on collector or arterial roads. For corner and double fronting lots, the regulations may be varied at the discretion of the Development Authority.</p>
Side Setback (Minimum):	<p>2.44 m</p> <p>If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following:</p> <ul style="list-style-type: none"> - 1.5m for buildings of less than two stories, or for buildings of more than one storey if the side wall of the upper floor does not contain windows in habitable rooms - 2.3m for buildings of more than one storey if the side wall of the upper floor contains windows in habitable rooms <p>Where a site has vehicle access from the front only, one side yard setback shall be a minimum of 3.0m to accommodate a driveway for vehicle passage to the rear of the property except where an attached garage is provided.</p>
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	<p>40%</p> <p>Notwithstanding the above, the maximum site coverage requirement may be increased to 50% at the discretion of the Development Authority, provided it is demonstrated that the net runoff from the property is the equivalent to the runoff generated at 40%.</p>
Floor Area (Minimum):	95.0m ²

Additional Requirements

- 10.5.5 A two (2) car parking area shall be provided to the rear, side or front of the dwelling and may take the form of a garage. In the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.
- 10.5.6 The following regulations shall apply to duplexes:
- a. If an application for a duplex development is not made within five years of plan registration, or if 50% of the lots within the subdivision have been developed, the Municipal Planning Commission may consider a request to allow single detached dwelling development on any duplex site;
 - b. Design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed to minimize the perception of repetition when viewed from adjacent residential areas and roadways; and
 - c. Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent single detached Housing.

10.6 'R-1C' Low Density Residential

'R-1C' Low Density Residential

10.6.1 This district is generally intended to accommodate single detached dwellings in areas where the lots and dwellings are smaller than those found in R-1A and R-1B Districts, thereby allowing for a broad mix of housing sizes in the community.



Uses

10.6.2 Permitted and Discretionary Uses for the R-1-C District are outlined in Table 10.6.2.

Table 10.6.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Accessory Building ○ Duplex, one unit per lot ○ Home Office ○ Park ○ Private Swimming Pool* ○ Public Utility ○ Single Detached Dwelling ○ Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> ○ Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay.</p>	<ul style="list-style-type: none"> ○ Accessory Use ○ Bed & Breakfast ○ Boarding or Lodging House ○ Day Care Facility ○ Duplex ○ Family Care Facility ○ Garage Suite ○ Garden Suite ○ Home Occupation ○ Places of Worship ○ Secondary Suite

10.6.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.6.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-1C District are outlined in Table 10.6.4.

Table 10.6.4 Site Standards

Regulation	Standard
Site Area (Minimum):	The product of the minimum Site Depth and Site Width.
Site Width (Minimum):	<p>12.0m for internal lot with lane 14.5m for internal lot without lane 15.0m for corner and double fronting lots with lane 17.5m for corner and double fronting lots without lane</p> <p>For duplexes, site width applies to the combined width of both lots.</p> <p>For irregular and pie-shaped lots, Site Width shall be measured from the point of the minimum front setback.</p>
Site Width (Maximum):	18.5m
Site Depth (Minimum):	34.0m
Front Setback (Minimum):	<p>6.0m to the garage entry, or 4.0m to the dwelling unit, or 4.0m to the building where a side, angled, or curved approach is provided to an attached garage, provided adequate maneuvering space is provided on the property or a joint access agreement is provided on neighbouring property, or 7.6m for any dwelling or garage on collector or arterial roads. For corner and double fronting lots, the regulations may be varied at the discretion of the Development Authority.</p>
Side Setback (Minimum):	<p>2.44 m</p> <p>If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following:</p> <ul style="list-style-type: none"> - 1.5m for buildings of less than two stories, or for buildings of more than one storey if the side wall of the upper floor does not contain windows in habitable rooms - 2.3m for buildings of more than one storey if the side wall of the upper floor contains windows in habitable rooms <p>Where a site has vehicle access from the front only, one side yard setback shall be a minimum of 3.0m to accommodate a driveway for vehicle passage to the rear of the property except where an attached garage is provided.</p>
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	<p>40%.</p> <p>Notwithstanding the above, the maximum site coverage requirement may be increased to 50% at the discretion of the Development Authority, provided it is demonstrated that the net runoff from the property is the equivalent to the runoff generated at 40%.</p>
Floor Area (Minimum):	62.0m ²

Additional Requirements

10.6.5 A two (2) car parking area shall be provided to the rear, side or front of the dwelling and may take the form of a garage. In the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

10.6.6 The following regulations shall apply to duplexes:

- a. If an application for a duplex development is not made within five (5) years of plan registration, or if 50% of the lots within the subdivision have been developed, the Municipal Planning Commission may consider a request to allow single detached dwelling development on any duplex site;
- b. Design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed to minimize the perception of repetition when viewed from adjacent residential areas and roadways; and
- c. Building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent single detached Housing.

10.7 'R-ER' Estate Residential

Purpose

10.7.1 This district is generally intended to accommodate single detached residential dwellings on large lots, in a country setting where minimal urban standards are provided.



Uses

10.7.2 Permitted and Discretionary uses for the R-ER District are outlined in Table 10.7.2.

Table 10.7.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Accessory Building ○ Home Office ○ Park ○ Private Swimming Pool* ○ Public Utility ○ Secondary Suite ○ Garage Suite ○ Garden Suite ○ Single Detached Dwelling ○ Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> ○ Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay.</p>	<ul style="list-style-type: none"> ○ Accessory Use ○ Bed & Breakfast ○ Boarding or Lodging House ○ Day Care Facility ○ Family Care Facility ○ Home Occupation ○ Places of Worship

10.7.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.7.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-ER District are outlined in Table 10.7.4.

Table 10.7.4 Site Standards

Regulation	Standard
Site Area (Minimum):	2,280.0m ²
Site Width (Minimum):	30.0m For irregular and pie-shaped lots, Site Width shall be measured from the point of the minimum front setback.
Site Depth (Minimum):	60.0m
Front Setback (Minimum):	12.0m For corner and double fronting lots, may be varied at the discretion of the Development Authority.
Side Setback (Minimum):	2.44m Where a site has vehicular access from the front only, one side setback shall be a minimum of 3.0m to accommodate a driveway for vehicular passage to the rear of the property except where an attached garage is provided.
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	40%
Floor Area (Minimum):	140.0m ²

Additional Regulations

- 10.7.5 A two (2) car parking area shall be provided to the rear, side or front of the dwelling and may take the form of a garage. In the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

10.8 'R-2' Duplex Residential

Purpose

10.8.1 This district is generally intended to accommodate the development of duplex dwellings in a concentrated form.



Uses

10.8.2 Permitted and Discretionary Uses for R-2 District are outlined in Table 10.8.2.

Table 10.8.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Duplex o Duplex, one unit per lot o Home Office o Park o Private Swimming Pool* o Public Utility o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay.</p>	<ul style="list-style-type: none"> o Accessory Use o Bed & Breakfast o Boarding or Lodging House o Day Care Facility o Family Care Facility o Home Occupation o Places of Worship o Secondary Suite o Single Detached Dwelling

10.8.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.8.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-2 District are outlined in Table 10.8.4.

Table 10.8.4 Site Standards

Regulation	Standard				
Site Area (Minimum):	The product of the minimum Site Depth and Site Width.				
Site Widths for: Duplex vertical; or One unit per lot; or Single detached dwelling (For irregular and pie-shaped lots, Site Width shall be measured from the point of the minimum front setback.)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Minimum (m)</th> <th style="width: 30%;">Maximum (m)</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Internal lot with lane: 7.5 Internal lot without lane: 8.0 Corner and double fronting with lane: 8.5 Corner and double fronting lot without land: 9.0 </td> <td>11.0</td> </tr> </tbody> </table>	Minimum (m)	Maximum (m)	<ul style="list-style-type: none"> Internal lot with lane: 7.5 Internal lot without lane: 8.0 Corner and double fronting with lane: 8.5 Corner and double fronting lot without land: 9.0 	11.0
Minimum (m)	Maximum (m)				
<ul style="list-style-type: none"> Internal lot with lane: 7.5 Internal lot without lane: 8.0 Corner and double fronting with lane: 8.5 Corner and double fronting lot without land: 9.0 	11.0				
Site Widths for: Horizontal Duplex (on one lot)	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Minimum (m)</th> <th style="width: 30%;">Maximum (m)</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Internal lot with lane: 15.0 Internal lot without lane: 16.0 Corner and double fronting lot with lane: 17.0 Corner and double front lot without lane: 18.0 </td> <td>22.0</td> </tr> </tbody> </table>	Minimum (m)	Maximum (m)	<ul style="list-style-type: none"> Internal lot with lane: 15.0 Internal lot without lane: 16.0 Corner and double fronting lot with lane: 17.0 Corner and double front lot without lane: 18.0 	22.0
Minimum (m)	Maximum (m)				
<ul style="list-style-type: none"> Internal lot with lane: 15.0 Internal lot without lane: 16.0 Corner and double fronting lot with lane: 17.0 Corner and double front lot without lane: 18.0 	22.0				
Site Depth (Minimum):	34.0m				
Front Setback (Minimum):	<p>6.0m to the garage entry, or 4.0m to the dwelling unit, or 4.0m to the building where a side, angled, or curved approach is provided to an attached garage, provided adequate maneuvering space is provided on the property or a joint access agreement is provided on neighbouring property, or 7.6m for any dwelling or garage on collector or arterial roads.</p> <p>For corner and double fronting lots, the regulations may be varied at the discretion of the Development Authority.</p>				
Side Setback (Minimum):	<p>2.44 m</p> <p>If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following:</p> <ul style="list-style-type: none"> 1.5m for buildings of less than two stories, or for buildings of more than one storey if the side wall of the upper floor does not contain windows in habitable rooms 2.3m for buildings of more than one storey if the side wall of the upper floor contains windows in habitable rooms <p>Where a site has vehicle access from the front only, one side yard setback shall be a minimum of 3.0m to accommodate a driveway for vehicle passage to the rear of the property except where an attached garage is provided.</p>				
Rear Setback (Minimum):	7.6m				
Site Coverage (Maximum):	40%				

Additional Requirements

- 10.8.5 A two (2) car parking area shall be provided to the rear, side or front of the dwelling and may take the form of a garage. In the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

10.9 'R-3' Medium Density Residential

Purpose

- 10.9.1 This district is intended to provide a variety of low to medium density multi-unit housing. The dwelling forms shall be of a low profile with all units having direct access to grade.



Uses

- 10.9.2 Permitted and Discretionary Uses for R-3 District are outlined in Table 10.9.2.

Table 10.9.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Duplex o Home Office o Multi-Unit Housing o Park o Private Swimming Pool* o Public Utility o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign o Fascia Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay</p>	<ul style="list-style-type: none"> o Accessory Use o Bed & Breakfast o Boarding or Lodging House o Cluster Housing o Day Care Facility o Family Care Facility o Home Occupation o Places of Worship

- 10.9.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.9.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-3 District are outlined in Table 10.9.4.

Table 10.9.4 Site Standards

Regulation	Standard
Site Area (Minimum):	408.0m ²
Site Width (Minimum):	12.0m
Site Depth (Minimum):	34.0m
Front Setback (Minimum):	4.0m For corner lots these regulations may be varied at the discretion of the Development Authority.
Side Setback (Minimum):	4.0m or ½ the building height, whichever is greater, for Multi-unit housing. 2.44 m for single detached dwellings and duplexes If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following: <ul style="list-style-type: none"> • 1.5m if less than 2 storeys • 2.3m if two storeys or more.
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	11.0m
Density (Maximum):	40 units/ha 60 units/ha where any one or more of the following are provided: <ul style="list-style-type: none"> • Greenroofs; • At least 10% of the units are controlled, managed, or owned by non-profit housing groups providing affordable housing; • Guaranteed or time limited rental units with rent control mechanism; • Housing for people with special needs; • Provision of accessible or adaptive units; • Preservation of heritage structures; or • Child care facilities. Combined with any one or more of the following: <ul style="list-style-type: none"> • LEED equivalent building designs; • Underground parking; • Open spaces, plazas; • Preserving a site's unique environmental attributes; or • Preserving environmentally sensitive areas.

Additional Regulations

- 10.9.5 Notwithstanding Sections 7.2 and 10.9.4, developments in this district may have a zero side setback, provided that performance and development standards found under Section 6.17 are adhered to.
- 10.9.6 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.10 'R-4' High Density Residential

Purpose

- 10.10.1 This district is intended to provide a variety of high density housing. This district will normally be located abutting collector and arterial roadways to reduce the impact of higher density development upon single detached residential districts.



Uses

- 10.10.2 Permitted and Discretionary Uses for R-4 District are outlined in Table 10.10.2.

Table 10.10.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Apartment o Home Office o Park o Private Swimming Pool* o Public Utility o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign o Fascia Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay</p>	<ul style="list-style-type: none"> o Accessory Use o Assisted Living Facility o Boarding or Lodging House o Day Care Facility o Family Care Facility o Home Occupation o Multi-Unit Housing o Places of Worship

- 10.10.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.10.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-4 District are outlined in Table 10.10.2.

Table 10.10.4 Site Standards

Regulation	Standard
Site Area (Minimum):	Product of Minimum Site Width and Site Depth.
Site Width (Minimum):	22.0m for internal lots. 27.0m for corner or double fronting lots.
Site Depth (Minimum):	38.0m
Front Setback (Minimum):	6.0m for 1 and 2 storey building 7.6m for 3 or more storeys.
Side Setback (Minimum):	3.0m or ½ the building wall height, whichever is greater.
Rear Setback (Minimum):	7.6m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	18.0m or 5 storeys, whichever is greater.
Floor Area Ratio (FAR):	2.4
Density (Maximum):	87 units/ha. 120 units/ha where any one or more of the following are provided: <ul style="list-style-type: none"> • Greenroofs • At least 10% of the units are controlled, managed or owned by non-profit housing groups providing affordable housing; • Guaranteed or time limited rental units with rent control mechanism; • Housing for people with special needs; • Provision of accessible or adaptive units; • Preservation of heritage structures; • Child care facilities. Combined with any one or more of the following: <ul style="list-style-type: none"> • LEED equivalent building designs; • Underground parking; • Open spaces, plazas; • Preserving a site's unique environmental attributes; • Preserving environmentally sensitive areas.

Additional Regulations

- 10.10.5 A parking area shall be provided to the rear or side of the building(s), underground, and shall be located to the satisfaction of the Development Authority.
- 10.10.6 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.11 'R-MHS' Manufactured Home/Site Built

Purpose

10.11.1 This district is generally intended to accommodate a mixture of low density dwellings and manufactured homes. The rationale of the R-MHS District is to provide an opportunity for those manufactured and modular homes, which are of a higher quality of construction and appearance to coexist within a low density residential District.



Uses

10.11.2 Permitted and Discretionary Uses for R-MHS' District are outlined in Table 10.11.2.

Table 10.11.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Duplex, one unit per lot o Home Office o Manufactured Home 80 m2 or greater, o Park o Private Swimming Pool* o Public Utility o Single Detached Dwelling 80m2 or greater o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay.</p>	<ul style="list-style-type: none"> o Accessory Use o Bed and Breakfast o Boarding or Lodging House o Day Care Facility o Duplex o Family Care Facility o Garage Suite o Garden Suite o Home Occupation o Manufactured home 80m2 or less o Places of Worship o Secondary Suite o Single detached dwelling 80m2 or less

10.11.3 Other uses which, in the opinion of the Development Authority, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

Table 10.11.3 Site Standards

Regulation	Standard
Site Area (Minimum):	Product of Minimum Site Width and Site Depth.
Site Width (Minimum):	12.0m for internal lot with lane 13.0m for internal lot without lane 13.0m for corner or double fronting lot with lane 14.0m for corner or double fronting lot without lane For irregular and pie-shaped lots, Site Width shall be measured from the point of the minimum front setback.
Site Width (Maximum) :	15.0m
Site Depth (Minimum):	34.0m
Front Setback (Minimum):	4.0m for dwelling unit 6.0m for attached or detached garage The Development Authority may vary these regulations for corner and double fronting lots.
Side Setback (Minimum):	2.44 m If it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition than setbacks can be reduced to the following: <ul style="list-style-type: none"> • 1.5m for buildings of less than two stories, or for buildings of more than one storey if the side wall of the upper floor does not contain windows in habitable rooms • 2.3m for buildings of more than one storey if the side wall of the upper floor contains windows in habitable rooms Where a site has vehicular access from the front only, one side setback shall be a minimum of 3.0m to accommodate a driveway for vehicular passage to the rear of the property except where an attached garage is provided.
Rear Setback (Minimum):	3.0m
Site Coverage (Maximum):	45%

Additional Regulations

- 10.11.4 A two (2)-car parking area shall be provided to the rear, side or front of the dwelling. Where a lot fronts onto an arterial roadway, access to the parking area shall be from the lane, where one is provided.
- 10.11.5 Development Requirements:
- a. A development permit shall be required prior to the placement of a manufactured home, and the applicant is subject to all requirements of this Bylaw;
 - b. Each manufactured home shall have Canadian Standards Association (CSA) certification or the equivalent, satisfactory to the Development Authority. Proof of this shall be submitted with the application;
 - c. The Development Authority may require that current photographs showing all sides of the manufactured home be submitted with the application; and
 - d. A development permit shall not be issued for placement of any unit that was manufactured more than ten (10) years prior to the application of the permit.
- 10.11.6 Manufactured home Stand and Skirting:
- a. Each manufactured home shall be securely attached to a permanent foundation; and
 - b. The crawl space between the structure and ground of each Manufactured home shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Authority, within thirty (30) days of placement of the unit. Axles, wheels, and trailer hitches shall be removed.
- 10.11.7 All accessory structures or additions to a manufactured home shall be of equivalent quality or better than that of the manufactured home, and clad with a minimum of siding, to the satisfaction of the Development Authority.

10.12 'R-MHP' Residential Manufactured Home Park

Purpose

10.12.1 This district is generally intended to provide for manufactured home parks. The district will be applied in those areas where there will be no negative impact on abutting existing land uses. New parks, which are developed, shall be serviced by town water and sewer services in the park area. The district accommodates the provision of common laundry facilities, common storage areas, additions to manufactured homes, and a park office.



Uses

10.12.2 Permitted and Discretionary Uses for R-MHP' District are outlined in Table 10.12.2.

Table 10.12.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Home Office o Manufactured Home, 62.0m² or greater o Park o Private Swimming Pool* o Public Utility o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay</p>	<ul style="list-style-type: none"> o Accessory Use o Boarding or Lodging House o Day Care Facility o Family Care Facility o Home Occupation o Manufactured Home, less than 62.0m² o Places of Worship o Social Centre

10.12.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.12.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the R-MHP District are outlined in Table 10.12.4.

Table 10.12.4 Site Standards

Regulation	Standard
Manufactured Home Park Area	2.0 ha minimum and 10.0 ha maximum
Site Area (Minimum):	37.02m ² for single wide manufactured home 437.0m ² for double wide manufactured home 100.0m ² for small unit site The boundaries of each site shall be clearly marked by permanent markers.
Site Width (Minimum):	12.5m for single wide manufactured home 14.5m for double wide manufactured home 6.0m for small unit site.
Site Depth (Minimum):	31.0m for single wide or double wide manufactured home 15.0m for small unit site
Front Setback (Minimum):	3.0m from any private road or walkway. 6.0m where a manufactured home abuts a public street or thoroughfare.
Side and Rear Setbacks (Minimum):	2.44m from the registered property line of the park. 6.0m where a manufactured home abuts a public street or thoroughfare.
Building Separation Distance (Minimum):	5.0m between all manufactured homes and their attachments. 3.66m between any accessory building and a manufactured home including its attachments
Site Coverage (Maximum):	45% of a manufactured home unit site.

Additional Regulations

- 10.12.5 Prior to the granting of a development permit for a manufactured home park, the applicant shall enter into an agreement with Whitecourt, specifying the respective obligations to be assumed by the applicant and Whitecourt regarding:
- a. The establishment, operation and maintenance of services during the life of the manufactured home park, with respect to:
 - i. storm sewers, ditches;
 - ii. sanitary sewers, water, power and gas services;
 - iii. roadways, sidewalks, walkways, curbs and easements;
 - iv. landfill services;
 - v. snow clearance;
 - vi. garbage collection;
 - vii. firefighting facilities;
 - viii. parks, playgrounds and buffers;
 - ix. street lighting;
 - x. architectural controls; and
 - xi. any other service deemed necessary by Council;
 - b. The standards of construction for water distribution, fire mains, sewer and stormwater systems, utilities, and heating fuel services;
 - c. The manner in which the costs of the above services are to be met or recovered;
 - d. Periods of time for the completion of construction or installation of facilities; and
 - e. Such other matters that may be deemed necessary by Council.
- 10.12.6 Each manufactured home within the manufactured home park shall have CSA certification or the equivalent to the satisfaction of the Development Authority. Proof of this shall be submitted with the application, and include year of construction and serial number;
- 10.12.7 A development permit shall not be issued for placement of any unit that was manufactured more than ten (10) years prior to the application of the permit.
- 10.12.8 Utilities shall be underground and roads shall be paved to Town of Whitecourt standards;
- 10.12.9 Manufactured homes and all community facilities in a manufactured home park shall be connected by safe, convenient, hard-surfaced pedestrian walkways, which shall be to Town of Whitecourt standards; and

10.12.10 For manufactured home parks containing over fifty (50) sites, two (2) separate means of access shall be provided. In manufactured home parks under one hundred (100) sites, this may be in the form of a boulevard road with a central dividing strip so that in the event of blockage on one side, the other side is available for two (2) way emergency traffic.

10.12.11 A separate well-lit storage area of 14.0m² per manufactured home lot shall be provided for the storage of seasonal recreational equipment and other equipment not capable of being stored on the manufactured home site. Such storage areas shall be enclosed and screened by trees, landscape features, fencing, or a combination thereof.

10.12.12 Parking and Loading:

- a. Two parking stalls shall be provided for each manufactured home site; and
- b. In addition to the requirement under Subsection (a), one (1) guest shall be provided for stall for every seven (7) manufactured home sites.

10.12.13 A minimum of 10% of the gross manufactured home park area shall be set aside for common amenity area, and no portion of any manufactured home site shall be included in this open space.

10.12.14 Appearance:

- a. All accessory buildings and structures such as ground level decks, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereof, so that the appearance, design and construction will complement the manufactured home;
- b. Each application for a manufactured home park shall be accompanied by a landscaping and development plan to the satisfaction of the Development Authority;
- c. The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority; and
- d. All areas of a manufactured home park not developed or occupied by park, roads, walkways, driveways, parking, buildings or other developed facilities, shall be grassed and landscaped by the developer or owner of the manufactured home park.

10.12.15 Internal Roads:

- a. Roads shall be provided in the manufactured home park to allow access to individual manufactured home stands as well as other facilities where access is required;
- b. These roads shall be privately owned and maintained and form part of the common area;
- c. The street system shall be designed to be compatible with existing municipal street and public utility systems;

- d. The street system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured home park. Dead end roads shall be discouraged, however, where design alternatives are not available, a minimum radius for turnabouts shall be provided in accordance with the Town of Whitecourt Design Standards;
- e. If the public roadway, through which access to the manufactured home park is obtained, is paved, then the roads in the manufactured home park shall be paved. However, if the public roadway is not paved, then gravel streets may exist within the development. All roads must be designed as per the Town of Whitecourt Design Standards; and
- f. A minimum right-of-way of 12.0m is required for all roads within the development.

10.12.16 Road Size Requirements:

- a. All entrance roads and collector roads with guest parking on both sides shall have a minimum of 10.8m width of finished surface. The need for collector roads, as well as the dimensions of such roads, is to be established at the discretion of the development approval authority. Sidewalks are to be provided running parallel to entrance streets and within the right-of-way;
- b. Collector roads with no parking 7.2m finished surface minimum;
- c. Minor roads with no parking 6.0m finished surface minimum; and
- d. The guide for variations in patterns is as follows:
 - i. 3.6m - moving lane - collector;
 - ii. 3.0m - moving lane - minor roads; and
 - iii. 1.8m - main lane - for parallel guest parking.

10.12.17 All roads shall be identified with street names.

10.12.18 All manufactured home parks shall provide solid perimeter fencing to the satisfaction of the development authority.

10.12.19 Formal site planning should be designed to meet the conditions of each individual site. The existing topography, vegetation and drainage should be considered in the design of the park and with a view to maintaining the natural environment where possible. Attempts should be made to maintain as much of the existing natural vegetation, trees in particular, as possible. Under no conditions should a manufactured home development be built in a low-lying, poorly drained area. The site plan and subsequent improvements required should provide facilities and amenities appropriate to the needs of the occupants. The site plan must also provide for adequate means of protection for the manufactured home park occupants from offensive developments by means of screening and spacing. All landscaping and screening of the boundaries of the manufactured home park shall be to the complete satisfaction of the Development Authority.

10.13 'C-1' Core Commercial – Downtown

Purpose

- 10.13.1 This district is generally intended to provide for a wide variety of retail, office and service oriented commercial outlets, at higher densities than would normally be found in other parts of Whitecourt. It is intended to reinforce the downtown as the primary business district within Whitecourt. The regulations within the Core Commercial - Downtown District are also intended to restrict those uses which may be considered obnoxious or those involving excessive outside storage of materials, goods, and equipment.



Uses

- 10.13.2 Permitted and Discretionary uses for the C-1 Core Commercial – Downtown District are outlined in Table 10.13.2.

Table 10.13.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Accessory Use ○ Apartment ○ Eating and Drinking Establishment ○ Garden Centre ○ Government Service ○ Hotel/Motel ○ Park ○ Personal Service Establishment ○ Professional, Financial, Office, Health and Business Support Service ○ Public Utility ○ Recreational, Arts and Culture Facility, Indoor ○ Retail – Convenience ○ Retail – General ○ Retail – Pet Store ○ Solar Collector ○ Spectator Entertainment ○ Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> ○ A-Board Sign ○ Canopy Sign ○ Fascia Sign ○ Inflatable Sign ○ Portable Sign ○ Projecting Sign 	<ul style="list-style-type: none"> ○ Accessory Building ○ Assisted Living Facility ○ Boarding or Lodging House ○ Commercial School ○ Day Care Facility ○ Dwelling Units - above ground level commercial uses ○ Emergency Accommodation ○ Emergency Services Facility ○ Funeral Home ○ Gas Bar ○ Laundromat ○ Library ○ Museum or Gallery ○ Non-Accessory Parking ○ Places of Worship ○ Private Club or Lodge ○ Shopping Centre ○ Veterinary Clinic <p>Signs:</p> <ul style="list-style-type: none"> ○ Banner Sign ○ Entrance Feature Sign ○ Freestanding Sign ○ Off-Site Portable Sign ○ Roof Sign

- 10.13.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.13.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-1 District are outlined in Table 10.13.4.

Table 10.13.4 Site Standards

Regulation	Standard
Site Area (Minimum):	Gas Bars: See Section 7.6. 500.0m ² for all other uses notwithstanding any other requirements under Section 7.
Minimum Site Width (Minimum):	15.0m
Site Depth (Minimum):	33.0m
Front Setback (Minimum):	0.0m, unless additional setback is required to meet sight triangles
Side Setback (Minimum):	0.0m or, when abutting a residential district 3.0m or half the building height.
Rear Setback (Minimum):	0.0m or, when abutting a residential district 3m or half the building height.
Site Coverage (Maximum):	100%
Building Height (Maximum):	18.0m

Urban Design Regulations

- 10.13.5 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.13.6 Building faces fronting Downtown streets shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.13.7 There shall be general conformity in such matters with respect to abutting buildings and that there may be adequate protection afforded to the amenities of the abutting residential properties.
- 10.13.8 The ground floor shall provide transparent building materials to allow pedestrian interaction. The minimum width of the transparent façade shall be 50% of the parcel frontage or the building frontage, as appropriate.
- 10.13.9 The main building entrance to the building shall be architecturally significant and clearly distinguished from individual retail entrances via use of projections, canopies or similar architectural treatment. The ground floor shall provide multiple retail entrances.
- 10.13.10 The building façades shall provide vertical articulation at regular intervals using methods such as recesses, projections and a variety in colours/textures in order to avoid monotony.
- 10.13.11 Blank façades shall be minimized to the satisfaction of the Development Authority.
- 10.13.12 Large scale retail outlets or shopping centers may be considered provided the buildings are designed in an urban format with zero lot lines where parking areas are located at the rear of buildings. The ground floors fronting public street shall provide multiple entrances and shall include small scale retail units.

Additional Regulations

- 10.13.13 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.13.14 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.13.15 No person shall display goods, products, materials or equipment outside of a building except with written permission of the Development Authority.
- 10.13.16 All areas of a site not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
- 10.13.17 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.
- 10.13.18 Dwelling Units - above ground level commercial uses shall:
- a. not be located in the basement or on the ground floor/level;
 - b. have a ground floor/level access that may be shared with other dwelling units, but is separate from any commercial use or access;
 - c. with the exception of an entrance, not front onto a public road at ground level;
 - d. have a minimum floor area of 50.0m²;
 - e. not interfere with the commercial nature of the District; and,
 - f. notwithstanding any exemptions provided for in the Downtown Parking Overlay district, parking shall be provided in accordance with Section 8.

10.14 'C-2' Service Commercial

Purpose

- 10.14.1 This district is generally intended to provide for a wide variety of retail and service oriented commercial outlets, which require larger tracts of land for outside storage and display of goods and services, at lower densities than would be found under the C-1 District.



Uses

- 10.14.2 Permitted and Discretionary uses for the C-2 – Service Commercial District are outlined in Table 10.14.2.

Table 10.14.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Use o Automotive Vehicle Sales and Rental o Eating and Drinking Establishment o Equipment Sales, Rental and Repair, Light o Garden Centre o Gas Bar o Hotel/Motel o Laundromat o Park o Personal Service Establishment o Public Utility o Recreational Arts and Culture Facility, Indoor o Retail – Pet Store o Retail – General o Shopping Centre o Spectator Entertainment o Solar Collector o Veterinary Clinic <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Inflatable Sign o Off-Site Portable Sign o Portable Sign o Projecting Sign o Roof Sign 	<ul style="list-style-type: none"> o Automotive Vehicle Repair and Service o Accessory Building o Bulk Fuel Service o Commercial School o Day Care Facility o Emergency Services Facility o Fleet Service, Light o Funeral Home o Greenhouse o Hospital o Museum or Gallery o Non-Accessory Parking o Professional, Financial, Office, Health and Business Support Service o Recreational Arts and Culture Facility, Outdoor o Retail – Convenience o Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Billboard Sign o Entrance Feature Sign

- 10.14.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.14.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-2 District are outlined in Table 10.14.4.

Table 10.14.4 Site Standards

Regulation	Standard
Site Area (Minimum):	Gas Bars: See Section 7.6. 750.0m ² for all other uses notwithstanding any requirements under Section 7 and where a Site means an area of land consisting of one or more abutting lots.
Site Width (Minimum):	25.0m
Site Depth (Minimum):	30.0m
Front Setback (Minimum):	0.0m, unless additional setback is required to meet sight triangles
Side Setback (Minimum):	For sites bounded on both sides by a commercial or industrial District, one side setback of 6.0m. For all other sites, 3.0m.
Rear Setback (Minimum):	3.0m.
Site Coverage (Maximum):	60%
Building Height (Maximum):	18.0m

Additional Regulations

- 10.14.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and Town of Whitecourt.
- 10.14.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.14.7 All required parking shall be provided on the development site.
- 10.14.8 Landscaping and Screening:
- a. All areas of a site not covered by buildings, storage, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority; and
 - b. The Development Authority may require that those side and rear yards abutting residential Districts be screened by means of a fence or landscaping, or both.
- 10.14.9 The siting and appearance of all buildings or improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters as abutting and accessory buildings, and that there may be adequate protection afforded to the amenities of abutting buildings and property.
- 10.14.10 Outdoor Storage and Display:
- a. There shall be no outside storage of goods, products, materials, or equipment permitted within any front yard of this district;
 - b. Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority; and
 - c. When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Authority:
 - i. Unduly interfere with the amenities of the District; or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- 10.14.11 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.14.12 Building faces fronting Downtown streets shall be at least 20% wood or stone, to the satisfaction of the Development Authority.

- 10.14.13 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.15 'C-3' Highway Commercial

Purpose

10.15.1 This district is generally intended to provide for a range of commercial uses to serve the traveling and local public using highways.



Uses

10.15.2 Permitted and Discretionary uses for the C-3 – Highway Commercial District are outlined in Table 10.15.1.

Table 10.15.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Accessory Use ○ Automotive Vehicle Repair and Service ○ Automotive Vehicle Sales and Rental ○ Eating and Drinking Establishment ○ Gas Bar ○ Hotel/Motel ○ Park ○ Public Utility ○ Retail – Convenience ○ Solar Collector ○ Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> ○ A-Board Sign ○ Canopy Sign ○ Fascia Sign ○ Inflatable Sign ○ Portable Sign ○ Projecting Sign 	<ul style="list-style-type: none"> ○ Accessory Building ○ Bulk Fuel Service ○ Emergency Services Facility ○ Fleet Service, Light ○ Hospital ○ Laundromat ○ Manufactured Home Sales and Service ○ Museum or Gallery ○ Recreational Arts and Culture Facility, Indoor ○ Recreational Arts and Culture Facility, Outdoor ○ Retail – General (Max 190m² of Public Access, Sales and Display Area) <p>Signs:</p> <ul style="list-style-type: none"> ○ Banner Sign ○ Billboard Sign ○ Entrance Feature Sign ○ Freestanding Sign ○ Off-Site Portable Sign ○ Roof Sign

10.15.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.15.4 In addition to the regulations outlined in Sections 6 and 7, the standards outlined in Table 10.15.4 shall apply to all development in the C-3 District.

Table 10.15.4 Site Standards

Regulation	Standard
Site Area (Minimum):	Gas Bars: See Section 7.6. 750.0m ² for all other uses.
Site Width (Minimum)	25.0m
Site Depth (Minimum)	30.0m
Front Setback (Minimum):	6.0m There shall be no parking, loading, storage, or any other similar use permitted within 3.0m of the front property line.
Side Setback (Minimum):	3.0m
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	50%
Building Height (Maximum):	15.0m

Additional Regulations

- 10.15.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulation and Town of Whitecourt.
- 10.15.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.15.7 All required parking shall be provided on the development site.
- 10.15.8 The number and design of any access provided to a highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation and Economic Corridors.
- 10.15.9 Landscaping and Screening:
- a. All areas of a site not covered by buildings, storage, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority; and
 - b. Fencing shall be provided abutting to all residential or reserve properties, to the satisfaction of the Development Authority.
- 10.15.10 Outdoor Storage and Display:
- a. There shall be no outside storage of goods, products, materials, or equipment permitted within the front yard setback of this district; and
 - b. Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority.
- 10.15.11 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.15.12 Building faces fronting Highway 43 shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.15.13 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.16 'C-4' Neighbourhood Commercial

Purpose

- 10.16.1 This district is generally intended to provide for local retail and service outlets which provide for the sale of a variety of goods and services, and the trading area of which is served by the abutting residential neighbourhoods.



Uses

- 10.16.2 Permitted and Discretionary uses for the C-4 – Neighbourhood Commercial District are outlined in Table 10.16.2.

Table 10.16.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Use o Day Care Facility o Park o Public Utility o Retail – Convenience o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Portable Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Building o Dwelling Units - above ground level commercial uses o Eating and Drinking Establishment o Emergency Services Facility o Gas Bar o Laundromat o Library o Personal Service Establishment o Recreational Arts and Culture Facility, Indoor o Shopping Centre <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Entrance Feature Sign

- 10.16.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.16.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-4 District are outlined in Table 10.16.4.

Table 10.16.4 Site Standards

Regulation	Standard
Site Area:	450.0m ² minimum
Site Width (Minimum):	15.0m
Site Depth (Minimum):	30.0m
Front Setback(Minimum):	6.0m There shall be no parking, loading, storage, or any other similar use permitted within 3.0m of the front property line. This 3.0m setback area shall be used as a landscaped buffer area. The front setback shall not prohibit the use of a portion of the front yard for such uses as sidewalks or driveways as may be necessary, but shall be landscaped to a standard as required by the Development Authority.
Side and Rear Setbacks (Minimum):	3.0m Where abutting a residential district, the Development Authority may require, at its discretion, up to an additional 2.5m where, in its opinion, the proposed development may affect the abutting residence by reason of noise, traffic, loading, odours, or any other potential interference with the amenities or enjoyment of the abutting residential district.
Site Coverage (Maximum):	50% for buildings
Building Height (Maximum):	12.0m

Additional Regulations

- 10.16.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.16.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.16.7 The Development Authority or may require that those side and rear yards abutting residential Districts be screened by means of a fence or landscaping, or both.
- 10.16.8 The siting and appearance of all buildings or improvements and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there be general conformity with abutting buildings, and that there be adequate protection afforded to the amenities of the abutting residential District.
- 10.16.9 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.
- 10.16.10 Dwelling Units - above ground level commercial uses shall:
- a. not be located in the basement or on the ground floor/level;
 - b. have a ground floor/level access that may be shared with other dwelling units, but is separate from any commercial use or access;
 - c. with the exception of an entrance, not front onto a public road at ground level;
 - d. have a minimum floor area of 50.0m²;
 - e. not interfere with the commercial nature of the District; and
 - f. notwithstanding any exemptions provided for in the Downtown Parking Overlay district, parking shall be provided in accordance with Section 8.
- 10.16.11 No person shall display goods, products, materials, or equipment outside of a building except with written permission of the Development Authority.

10.17 'C-5' Main Street – Downtown

Purpose

10.17.1 This district is generally intended to maintain and enhance the small town main street character of 50th Street and a portion of 51st Avenue between 51st Street and 49th Street. Buildings will be required to provide pedestrian friendly ground floor treatment to complement the public realm of the main streets in downtown. Small scale boutique retail businesses, restaurants, professional offices and mixed use developments shall be considered in this district.



Uses

10.17.2 Permitted and Discretionary uses for the C-5 Main Street – Downtown District are outlined in Table 10.17.2.

Table 10.17.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Use o Dwelling Units - above ground level commercial uses o Eating and Drinking Establishment o Government Service o Hotel/Motel o Park o Personal Service Establishment o Professional, Financial, Office, Health and Business Support Service o Public Utility o Recreational Arts and Culture Facility, Indoor o Retail – Convenience o Retail – General o Solar Collector o Spectator Entertainment o Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Inflatable Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Building o Commercial School o Day Care Facility o Garden Centre o Library o Museum or Gallery o Non-Accessory Parking o Places of Worship o Private Club or Lodge o Retail - Pet Store o Shopping Centre <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Entrance Feature Sign o Roof Sign

10.17.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.17.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-5 District are outlined in Table 10.17.4.

Table 10.17.4 Site Standards

Regulation	Standard
Site Area (Minimum):	495.0m ² for all other uses notwithstanding any other requirements under Section 7.
Site Width (Minimum):	15.0m
Site Depth (Minimum):	33.0m
Front Setback (Minimum):	0.0m unless additional setback is required to meet sight triangles.
Side Setback (Minimum):	0.0m
Rear Setback (Minimum):	0.0m
Site Coverage (Maximum):	100%
Building Height (Maximum):	10.0m Additional height up to a maximum of 5 storeys may be considered at corner location to the discretion of the Development Authority.

Urban Design Regulation

- 10.17.5 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.17.6 Building faces fronting Downtown streets shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.17.7 There shall be general conformity in such matters with respect to abutting buildings and that there may be adequate protection afforded to the amenities of the abutting residential properties.
- 10.17.8 The ground floor shall provide transparent building materials to allow pedestrian interaction. The minimum width of the transparent façade shall be 65% of the parcel frontage or the building frontage, as appropriate.
- 10.17.9 The main building entrance to the building shall be architecturally significant and clearly distinguished from individual retail entrances via use of projections, canopies or similar architectural treatment. The ground floor shall provide multiple retail entrances.
- 10.17.10 The building façades shall provide vertical articulation at regular intervals using methods such as recesses, projections and a variety in colours and textures in order to avoid monotony.
- 10.17.11 Blank façades should be minimized to the satisfaction of the Development Authority.
- 10.17.12 All commercial uses at ground floor shall be at grade and consistent with the level of public sidewalk grade.

Additional Regulations

- 10.17.13 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.17.14 Each lot shall have not more than two access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.17.15 Residential uses at ground floor shall be strictly prohibited.
- 10.17.16 No person shall display goods, products, materials or equipment outside of a building except with written permission of the Development Authority.
- 10.17.17 All areas of a site not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
- 10.17.18 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.
- 10.17.19 Dwelling Units above ground level commercial uses shall:
 - a. Dwelling units shall not be located in the basement or on the ground floor/level;
 - b. dwelling units shall have a ground floor/level access that may be shared with other dwelling units, but is separate from any commercial use or access;
 - c. with the exception of an entrance, not front onto a public road at ground level;
 - d. have a minimum floor area of 50.0m², and
 - e. not interfere with the commercial nature of the District.
- 10.17.20 Site standards for dwelling unit shall be at the discretion of the Development Authority.

10.18 'C-6' Mixed Use Residential – Downtown

Purpose

10.18.1 This district is generally intended to allow medium to high density mixed use residential developments and commercial developments. This district encourages the gradual transformation of single detached residential areas into one of a mixture of medium density residential and office commercial uses.



Uses

10.18.2 Permitted and Discretionary uses for the C-6 Mixed Use Residential – Downtown District are outlined in Table 10.18.2.

Table 10.18.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Use o Day Care Facility o Home Office o Park o Personal Service Establishment o Professional, Financial, Office, Health and Business Support Service o Public Utility o Solar Collector o Retail – Convenience <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Building o Apartment o Bed and Breakfast o Boarding or Lodging House o Commercial School o Dwelling Units - above & below ground level commercial o Eating and Drinking Establishment o Equipment Sales, Rental and Repair, Light o Family Care Facility o Garden Centre o Government Service o Home Occupation o Laundromat o Library o Multi-Unit Housing o Non-Accessory Parking o Private Club or Lodge o Recreational Arts and Culture Facility, Indoor o Retail – General o Retail - Pet Store o Shopping Centre <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Entrance Feature Sign o Freestanding Sign o Off-Site Portable Sign o Portable Sign

10.18.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.18.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-6 District are outlined in Table 10.18.4.

Table 10.18.4 Site Standards

Regulation	Standard
Site Area (Minimum):	450.0m ² for all other uses notwithstanding any other requirements under Part 7.
Site Width (Minimum):	15.0m
Site Depth (Minimum):	30.0m
Front Setback:	3.0m minimum and 6.0m maximum
Side Setback (Minimum):	3.0m
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	50% for buildings
Building Height (Maximum):	18.0m

Urban Design Regulations

- 10.18.5 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.18.6 Building faces fronting Downtown streets shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.18.7 The ground floor with commercial uses shall utilize transparent building materials for the ground floor façade to allow pedestrian interaction. The minimum width of the transparent façade shall be 50% of the building frontage.
- 10.18.8 The main building entrance shall be architecturally significant and clearly distinguished from individual retail entrances via use of projections, canopies or similar architectural treatment.
- 10.18.9 The building façades shall provide vertical articulation at regular intervals using methods such as recesses, projections and a variety in colours/textures in order to avoid monotony.
- 10.18.10 Blank façades should be minimized to the satisfaction of the Development Authority.
- 10.18.11 All commercial uses at ground floor shall be at grade and consistent with the level of public sidewalk grade. Residential uses at ground floor shall be raised by a minimum of 1.0 from the public sidewalk level.
- 10.18.12 Residential uses at ground floor level shall provide frontages on the public street and also provide individual entrances to the public sidewalk.

Additional Regulations

- 10.18.13 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulation and the Town of Whitecourt.
- 10.18.14 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.18.15 Stand-alone residential and commercial buildings, as well as mixed use buildings shall be considered in this district. The design and character of new medium density residential and office commercial uses will be compatible with the existing single detached residential area.
- 10.18.16 While the existing single detached dwellings, and duplexes in this district will be allowed to remain and will also be allowed minor improvements, no new single detached dwellings or duplexes will be allowed nor will major improvements to existing be allowed.
- 10.18.17 No person shall display goods, products, materials or equipment outside of a building except with written permission of the Development Authority.
- 10.18.18 Surface parking areas shall be located rear of buildings and screened from public roadway to the satisfaction of the Development Authority.
- 10.18.19 All areas of a site not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
- 10.18.20 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.
- 10.18.21 Dwelling Units - above and below ground level commercial uses shall:
 - a. not be located on the ground floor/level;
 - b. have a ground floor/level access that may be shared with other dwelling units, but is separate from any commercial use or access;
 - c. with the exception of an entrance, not front onto a public road at ground level;
 - d. have a minimum floor area of 50.0m²;
 - e. not interfere with the commercial nature of the District; and
 - f. notwithstanding any exemptions provided for in the Downtown Parking Overlay district, parking shall be provided in accordance with Section 8.

10.19 'C-7' Hilltop Commercial

Purpose

10.19.1 This district is generally intended to provide for a range of commercial uses to serve the traveling and local public using highways, and the adjacent residential population. Such retail uses shall not pose a negative impact to the downtown core businesses.



Uses

10.19.2 Permitted and Discretionary uses for the C-7 – Hilltop Commercial District are outlined in Table 10.19.2.

Table 10.19.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Use o Automotive Vehicle Repair and Service o Automotive Vehicle Sales and Rental o Eating and Drinking Establishment o Gas Bar o Hotel/Motel o Park o Public Utility o Retail – Convenience o Solar Collector o Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Inflatable Sign o Portable Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Building o Emergency Services Facility o Fleet Service, Light o Laundromat o Personal Service Establishment o Recreational Arts and Culture Facility, Indoor o Retail – Hilltop Commercial o Retail - Pet Store <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Entrance Feature Sign o Off-Site Portable Sign o Roof Sign

10.19.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.19.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the C-7 District are outlined in Table 10.19.4.

Table 10.19.4 Site Standards

Regulation	Standard
Site Area (Minimum):	Gas Bars: See Section 7.7. 750.0m ² for all other uses.
Site Width (Minimum):	25.0m
Site Depth (Minimum):	30.0m
Front Setback (Minimum):	6.0m There shall be no parking, loading, storage, or any other similar use permitted within 3.0m of the front property line.
Side Setback (Minimum):	3.0m
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	50% for buildings
Building Height (Maximum):	15.0m

Additional Regulations

- 10.19.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.19.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.19.7 All required parking shall be provided on the development site.
- 10.19.8 The number and design of any access provided to a highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation and Economic Corridors.
- 10.19.9 Landscaping and Screening:
- a. All areas of a site not covered by buildings, storage, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority; and
 - b. Fencing shall be provided abutting to all residential or reserve properties, to the satisfaction of the Development Authority.
- 10.19.10 No person shall display goods, products, materials or equipment outside of a building except with written permission of the Development Authority.
- 10.19.11 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall, to the satisfaction of the Development Authority, comply with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.19.12 Building faces fronting Highway 43 shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.19.13 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.20 'M-1' Service Industrial

Purpose

10.20.1 This district is generally intended to establish an area of light industrial uses, and those commercial uses, which provide service to industrial uses, where the uses do not cause any objectionable or dangerous conditions beyond the confines of the building and the site, upon which they are located. Storage areas must be screened from the view of the general public beyond the boundary of the site.



10.20.2 Retail or service commercial uses may be allowed in this district if it can be demonstrated to the satisfaction of the Town of Whitecourt that this is the most viable location for business, and that they can co-exist with surrounding industrial uses. Commercial uses, which would be more appropriately located in the C-1 or C-5 Districts, shall not be permitted in this district.

Uses

10.20.3 Permitted and Discretionary uses for the M-1 – Service Industrial District are outlined in Table 10.20.3.

Table 10.20.3 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Automotive Vehicle Repair and Service o Automotive Vehicle Sales and Rental o Bulk Fuel Service o Commercial School, Industrial o Contractor, Limited o Corporate Head Office o Equipment Sales, Rental and Repair, Light o Fleet Service, Light o Fleet Service, Heavy o Industrial Support o Industrial Use, General o Mini-Storage Facility o Public Utility o Solar Collector o Warehouse, Distribution and Storage o Wholesale Establishment Signs: o A-Board Sign o Billboard Sign o Canopy Sign o Entrance Feature Sign o Fascia Sign o Freestanding Sign o Inflatable Sign o Off-Site Portable Sign o Portable Sign o Projecting Sign o Roof Sign 	<ul style="list-style-type: none"> o Accessory Use o Auctioneering Establishment o Bulk Chemical Storage and Distribution o Commercial School o Contractor, General o Crematorium o Data Centre o Eating and Drinking Establishment o Emergency Services Facility o Equipment Sales, Rental and Repair, Heavy o Explosives Manufacturing and Storage o Gas Bar o Greenhouse o Industrial Use, Heavy o Laundromat o Manufactured Home Sales and Service o Private Club or Lodge o Recreational Arts and Culture Facility, Indoor o Recreational Arts and Culture Facility, Outdoor o Salvage Establishment o Waste Management o Veterinary Clinic Signs: o Banner Sign

- 10.20.4 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.20.5 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the M-1 District are outlined in Table 10.20.5.

Table 10.20.5 Site Standards

Regulation	Standard
Site Area (Minimum):	1,860.0m ²
Site Width (Minimum):	30.0m
Front Setback (Minimum):	6.0m No area for parking, loading or storage, or any other like purpose shall be permitted within 6.0m of the right-of-way.
Side Setback (Minimum):	3.0m 5.0m required on one side where vehicle access is limited to the front of the site.
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	At the discretion of the Development Authority

Additional Regulations

- 10.20.6 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulation and the Town of Whitecourt.
- 10.20.7 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.20.8 Appearance:
- a. All buildings shall be of a design, that is to the satisfaction of the Development Authority; and
 - b. Front yards shall be landscaped in accordance with the plans approved by the Development Authority. The entire site and all buildings shall be maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 10.20.9 Storage:
- a. Outdoor storage shall be permitted only when accessory to an approved principal use; and
 - b. An approved storage area shall be screened to the height considered necessary by the Development Authority to screen the storage of materials.
- 10.20.10 Notwithstanding the requirements of Section 6.8, a fence not exceeding 2.0m in height shall be provided for the sides and rear of the property.
- 10.20.11 Notwithstanding the minimum setback requirements in Table 10.20.2, the minimum front, side and rear requirements for a proposed Explosives Manufacturing and Storage use from all property lines, and all inhabited buildings within the same property, shall be per the Natural Resources of Canada (NRC) requirements. Where lesser setbacks are proposed, the applicant shall provide written documentation of NRC's acceptance of lesser setbacks for the proposed facility as part of the Development Permit application.
- 10.20.12 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.21 'M-2' Heavy Industrial

Purpose

10.21.1 This district is generally intended to establish an area for industrial uses, which do not cause any objectionable or dangerous conditions beyond the boundary of the district wherein the site is located. Uses permitted in this district include those which are not permitted in other industrial districts. This district will be applied in areas where there will be no adverse effects upon other land use districts. Adequate industrial roads must service this district.



Uses

10.21.2 Permitted and Discretionary uses for the M-2 – Heavy Industrial District are outlined in Table 10.21.2.

Table 10.21.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Bulk Chemical Storage and Distribution o Bulk Fuel Service o Contractor, General o Equipment Sales, Rental and Repair, Heavy o Industrial Support o Industrial Use, General o Industrial Use, Heavy o Public Utility o Salvage Establishment o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Billboard Sign o Canopy Sign o Entrance Feature Sign o Fascia Sign o Freestanding Sign o Inflatable Sign o Off-Site Portable Sign o Portable Sign o Projecting Sign o Roof Sign 	<ul style="list-style-type: none"> o Accessory Use o Auctioneering Establishment o Automotive Vehicle Repair and Service o Commercial School, Industrial o Contractor, Limited o Corporate Head Office o Crematorium o Data Centre o Explosives Manufacturing and Storage o Fleet Service, Light o Fleet Service, Heavy o Greenhouse o Mini-Storage Facility o Natural Resource Development o Power Generation Facility o Warehouse, Distribution and Storage o Waste Management o Wholesale Establishment o Veterinary Clinic <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign

10.21.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.21.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the M-2 District are outlined in Table 10.21.4.

Table 10.21.4 Site Standards

Regulation	Standard
Site Area (Minimum):	1,860.0m ²
Site Width (Minimum):	30.0m
Front Setback (Minimum):	6.0m No area for parking, loading or storage, or any other like purpose shall be permitted within 6.0m of the road right-of-way.
Side Setback (Minimum):	3.0m 5.0m required on one side where vehicle access is limited to the front of the site.
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	At the discretion of the Development Authority

Additional Regulations

- 10.21.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulation and the Town of Whitecourt.
- 10.21.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.21.7 Appearance:
 - a. All buildings shall be of a design that is to the satisfaction of the Development Authority; and
 - b. The entire site and all buildings shall be maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 10.21.8 Notwithstanding the requirements of Section 6.8, A fence not exceeding 2.0m in height shall be provided for the sides and rear of the property.
- 10.21.9 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.22 M-3' Business Industrial

Purpose

10.22.1 The purpose of this district is to establish an area of high quality, light industrial developments and a limited range of commercial uses which provide service to industrial uses. Developments shall not create a nuisance factor outside an enclosed building, and operate in such a manner that commercial uses are limited or accessory to a principal use. Loading, service, and storage areas must be screened from the view of the general public beyond the boundary of the site. This district is intended for sites located on the periphery of industrial areas or abutting arterial or major collector roadways within industrial areas.



Uses

10.22.2 Permitted and Discretionary uses for the M-3 – Business Industrial District are outlined in Table 10.22.2.

Table 10.22.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Contractor, Limited o Corporate Head Office o Equipment Sales, Rental and Repair, Light o Fleet Service, Light o Industrial Support o Public Utility o Solar Collector o Wholesale Establishment o Veterinary Clinic <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Entrance Feature Sign o Fascia Sign o Freestanding Sign o Inflatable Sign o Off-Site Portable Sign o Portable Sign o Projecting Sign o Roof Sign 	<ul style="list-style-type: none"> o Accessory Building o Accessory Use o Automotive Vehicle Repair and Service o Automotive Vehicle Sales and Rental o Bulk Fuel Service o Commercial School o Commercial School, Industrial o Eating and Drinking Establishment o Emergency Services Facility o Funeral Home o Garden Centre o Gas Bar o Industrial Use, General o Mini-Storage Facility o Private Club or Lodge o Recreational Arts and Culture Facility, Indoor <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Billboard Sign

10.22.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.22.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the M-3 District are outlined in Table 10.22.4.

Table 10.22.4 Site Standards

Regulation	Standard
Site Area (Minimum):	2,000.0m ²
Site Width (Minimum):	25.0m
Front Setback (Minimum):	6.0m No area for parking, loading or storage, or any other like purpose shall be permitted within 3.0m of the road right-of-way.
Side Setback (Minimum):	3.0m 5.0m required on one side where vehicle access is limited to the front of the site.
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	The maximum height shall not exceed 14.0m, nor three (3) storeys

Additional Regulations

- 10.22.5 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.22.6 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway, and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.22.7 Appearance:
- a. All buildings shall include design techniques, which include but are not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades in order to minimize the perception of building massing when viewed from abutting roadways, to the satisfaction of the Development Authority;
 - b. Front yards shall be landscaped in accordance with the plans approved by the Development Authority. The entire site and all buildings shall be maintained in a neat and tidy manner including the maintenance of landscaped areas and the removal of debris and unsightly objects; and
- 10.22.8 Notwithstanding the requirements of Section 6.8, a fence not exceeding 2.0m in height shall be provided for the sides and rear of the property.
- 10.22.9 Storage:
- a. All goods and equipment shall be stored and displayed within an enclosed building, except when accessory to a permitted principal use; and
 - b. An approved storage area shall be screened to the height considered necessary by the Development Authority to screen the storage of materials.
- 10.22.10 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.23 'M-4' Highway Industrial

Purpose

10.23.1 The purpose of this district is to establish an area of high quality, light industrial uses and a limited range of commercial uses which provide service to industrial uses or to the travelling public using the highway. These uses shall not cause any objectionable or dangerous conditions beyond the confines of the building and the site upon which they are located and all storage shall be screened to the satisfaction of the Development Authority.



10.23.2 Retail or commercial uses may be allowed in this district if it can be demonstrated to the satisfaction of the Development Authority that the business can co-exist with surrounding industrial uses, and that the business will not detract from the downtown core. Commercial use which would be more appropriately located in the C-1 or C-5 Districts, shall not be permitted in this district.

Uses

10.23.3 Permitted and Discretionary uses for the M-4 – Highway Industrial District are outlined in Table 10.23.3.

Table 10.23.3 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> ○ Automotive Vehicle Repair and Service ○ Automotive Vehicle Sales and Rental ○ Contractor, Limited ○ Corporate Head Office ○ Emergency Services Facility ○ Equipment Sales, Rental and Repair, Light ○ Fleet Service, Light ○ Gas Bar ○ Public Utility ○ Solar Collector ○ Wholesale Establishment <p>Signs:</p> <ul style="list-style-type: none"> ○ A-Board Sign ○ Billboard Sign ○ Canopy Sign ○ Fascia Sign ○ Freestanding Sign ○ Portable Sign ○ Projecting Sign 	<ul style="list-style-type: none"> ○ Accessory Building ○ Accessory Use ○ Bulk Fuel Service ○ Commercial School, Industrial ○ Contractor, General ○ Eating and Drinking Establishment ○ Equipment Sales, Rental and Repair, Heavy ○ Fleet Service, Heavy ○ Greenhouse ○ Industrial Support ○ Industrial Use, General ○ Laundromat ○ Manufactured Home Sales and Service ○ Recreational, Arts and Culture Facility, Indoor ○ Recreational, Arts and Culture Facility, Outdoor ○ Retail - General (Max 190m2 of public access, sales and display area) ○ Travel Information Centre ○ Warehouse, Distribution and Storage <p>Signs:</p> <ul style="list-style-type: none"> ○ Banner Sign ○ Entrance Feature Sign ○ Inflatable Sign ○ Off-Site Portable Sign ○ Roof Sign

- 10.23.4 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.23.5 In addition to the regulations outlined in Sections 6 and 7, the standards outlined in Table 10.23.5 shall apply to all development in the M-4 District

Table 10.23.5 Site Standards

Regulation	Standard
Site Area (Minimum):	Gas bars: See Section 7.6. 1,000.0m ² for all other uses
Site Width (Minimum):	30.0m
Front Setback (Minimum):	6.0m There shall be no parking, loading, storage, or any other similar use permitted within 6.0m of the front property line.
Side Setback (Minimum):	3.0m
Rear Setback (Minimum):	6.0m
Site Coverage (Maximum):	60% for buildings
Building Height (Maximum):	At the discretion of the Development Authority.

Additional Regulations

- 10.23.6 Any building, structure, or landscape features within or adjacent to the pipeline or utility right of way shall provide horizontal clearance in accordance with the standards established by the applicable provincial regulations and the Town of Whitecourt.
- 10.23.7 Each lot shall have not more than two (2) access ways or approach roads to any street or roadway and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.
- 10.23.8 All required parking shall be provided on the development site.
- 10.23.9 The number and design of any access provided to a highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation and Economic Corridors.
- 10.23.10 Landscaping and Appearance:
- a. All areas of a site not covered by buildings, storage, parking, or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority; and
 - b. The entire site and all buildings shall be maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 10.23.11 Outdoor Storage and Display
- a. There shall be no outside storage of goods, products, materials, or equipment permitted within the front setback of this district;
 - b. Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority; and
 - c. When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Authority;
 - i. Unduly interfere with the amenities of the District; or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- 10.23.12 The design, siting, external finish, architectural appearance of all buildings, including any accessory buildings or structures and signs shall be of a design that is to the satisfaction of the Development Authority and that complies with the "Stone and Wood" theme described in the Whitecourt Vitalization Plan.
- 10.23.13 Building faces fronting Highway 43 shall be at least 20% wood or stone, to the satisfaction of the Development Authority.
- 10.23.14 Notwithstanding the requirements of Section 6.8, a fence not exceeding 2.0m in height shall be provided for the sides and rear of the property.

- 10.23.15 All drainage shall be contained to pre-development rates, or as otherwise approved by the Development Authority.

10.24 'P-1' Parks and Recreation

Purpose

10.24.1 This district is generally intended 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.



Uses

10.24.2 Permitted and Discretionary uses for the P-1 Parks and Recreation District are outlined in Table 10.23.2.

Table 10.23.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Park o Public Utility o Solar Collector o Recreation Arts and Culture Facility Indoor o Recreational Arts and Culture Facility, Outdoor <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Use o Eating and Drinking Establishment o Recreation, Natural Land o Travel Information Centre o Zoo <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Entrance Feature Sign o Off-Site Portable Sign

10.24.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

10.24.4 In addition to the regulations outlined in Sections 6 and 7, the following standards shall apply to all development in the P-1 District:

- a. All site and development regulations shall be at the discretion of the Development Authority; and
- b. The design, siting, landscaping, screening and buffering shall be considered in order to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts and land uses.

10.25 'UD-F' Future Urban Development

Purpose

- 10.25.1 This district is intended to reserve those areas of the Town of Whitecourt 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 prior to the acceptance of an Area Structure Plan where one is required by Council, and subsequent to the approval of subdivisions proposed.



Uses

- 10.25.2 Permitted and Discretionary uses for the UD-F – Future Urban Development District are outlined in Table 10.24.2.

Table 10.24.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Agriculture, General o Existing Single Detached Dwellings prior to the adoption of this Bylaw o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Projecting Sign 	<ul style="list-style-type: none"> o Accessory Building o Greenhouse o Natural Resource Development o Park o Recreation Arts and Culture Facility, Outdoor o Recreation, Natural Land o Solar Collector Farm <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Billboard Sign o Roof Sign

- 10.25.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.25.4 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the UD-F District are outlined in Table 10.24.4.

Table 10.24.4 Site Standards

Regulation	Standard
Site Area (Minimum):	4.0 ha
Front Setback (Minimum):	At the discretion of the Development Authority
Side Setback (Minimum):	At the discretion of the Development Authority
Rear Setback (Minimum):	At the discretion of the Development Authority
Building Height (Maximum):	At the discretion of the Development Authority

Additional Regulations

- 10.25.5 Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.
- 10.25.6 With regard to temporary uses and buildings, the Development Authority:
 - a. Shall only consider such uses or buildings if they will not prejudice the possibility of conveniently and economically replotting or developing the area in the future; and
 - b. May specify the length of time a use or building is permitted in this district having regard to the servicing, and future development of the subject land.
- 10.25.7 General Development Regulations for Existing Single Detached Dwellings:
 - a. An existing single detached dwelling will be allowed to remain and will also be allowed minor improvements, no new single detached dwellings will be allowed nor will major improvements to existing be allowed; and
 - b. If an existing single detached dwelling is damaged or destroyed by fire, flood, or other natural cause, the building may be repaired or rebuilt in a size and fashion similar to that destroyed. Any changes in municipal or provincial standards (flood protection, plumbing and utilities, etc.) shall be addressed in the replacement dwelling.

10.26 'U-S' Urban Services

Purpose

10.26.1 This district is generally intended to establish an area for the development of publicly or privately owned institutions or community services.



Uses

10.26.2 Permitted and Discretionary uses for the U-S – Urban Services District are outlined in Table 10.25.2.

Table 10.25.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Accessory Use o Assisted Living Facility o Campground o Cemeteries o Education Facility o Emergency Services Facility o Government Service o Hospital o Library o Museum or Gallery o Park o Places of Worship o Public Utility o Recreational Arts and Culture Facility, Indoor o Recreational Arts and Culture Facility, Outdoor o Recreation, Natural Land o Solar Collector o Travel Information Centre <p>Signs:</p> <ul style="list-style-type: none"> o A-Board Sign o Canopy Sign o Fascia Sign o Freestanding Sign o Portable Sign o Projecting Sign o Roof Sign 	<ul style="list-style-type: none"> o Day Care Facility o Eating and Drinking Establishment o Emergency Accommodation o Family Care Facility o Private Club or Lodge o Quasi-Public Use o Spectator Entertainment o Waste Management <p>Signs:</p> <ul style="list-style-type: none"> o Banner Sign o Billboard Sign o Entrance Feature Sign o Off-Site Portable Sign

10.26.3 Other uses which, in the opinion of the Municipal Planning Commission, are similar to the permitted or discretionary uses and which conform to the general purpose and intent of this district shall be considered a Discretionary Use.

Site Standards

- 10.26.4 In addition to the regulations outlined in Sections 6 and 7, the following standards shall apply to all development in the U-S District:
- a. All site and development regulations shall be at the discretion of the Development Authority; and
 - b. The design, siting, landscaping, screening and buffering shall be considered in order to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts and land uses.

10.27 'D-C' Direct Control

Purpose

- 10.27.1 To enable land use and development to occur in zones of unique character or circumstance. Interim uses and development may be allowed if they do not preclude or significantly increase cost for development, conversion, or redevelopment in terms of the existing and future urban infrastructure. Proposed developments are subject to the regulations presented below and such rules with respect to land generally or specifically as the Council may make from time to time, and as described within policies of the Municipal Development Plan. All proposals will be reviewed and decided upon by the Development Authority based on guidelines provided by Council.

Development Regulations

- 10.27.2 All site regulations shall be approved by Council.
- 10.27.3 The design, siting, landscaping, scenery and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in the District or abutting Districts.
- 10.27.4 In evaluating a proposed land use or a development, the Development Authority shall have regard for, but not be limited to:
- a. Existing use of the land;
 - b. Uses, regulations and development criteria specified in the land use District superseded by this district;
 - c. The General and Special Regulations as contained in this Bylaw;
 - d. The Land Use Regulations of abutting Land Use Districts; and
 - e. Shall conform to the MGA, Subdivision Regulations and any Statutory Plan in effect.

Rezoning Application Information Requirements

- 10.27.5 The Development Authority may require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of Whitecourt:
- a. An explanation of the intent of the project;
 - b. A draft site-specific direct control district including purpose, permitted uses, development regulations, design regulations and any drawings related to the development scheme as described in subsection e);
 - c. The features of the project, which make it desirable to the general public and Whitecourt which is to include an elevation of how the project may contribute to the present and projected needs of the Town of Whitecourt as a whole;
 - d. An economic analysis of the proposal's anticipated impact on the local community and the Town of Whitecourt, and
 - e. A detailed proposal containing the following information:
 - i. Site plan, including location of all proposed buildings, and detailed floor plan at the discretion of the Development Authority;
 - ii. Elevation and architectural treatment of all buildings and associated structures;
 - iii. Proposed servicing scheme and its relationship to Whitecourt's existing and/or proposed servicing plans;
 - iv. All yard setbacks, site coverage, site areas, floor areas, sizes of lots, number of parking stalls;
 - v. Anticipated scheduling and sequence of development;
 - vi. Mechanisms by which conformance to the proposal will be ensured, such as normally achieved through a combination of caveats, easements, service agreements and performance bonds; and
 - vii. Such additional requirements as are deemed necessary having regard to the nature of the proposed development and the surrounding use which may be affected;
- 10.27.6 Council may request an applicant to prepare a detailed submission, as outlined above.
- 10.27.7 Approval of Rezoning Application:
- a. Prior to considering the Direct Control application for second reading, Council shall hold a public hearing in accordance with the MGA;
 - b. The notice of a public hearing shall be provided in accordance with the procedure outlined in Section 3.7 of this Bylaw;
 - c. Each approved application shall be assigned a site-specific Direct Control District Number and listed within the text of this Bylaw along with the uses and regulations approved for the site; and

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- d. The Land Use Bylaw Map shall be updated to show the approved Direct Control District labelled with the assigned Direct Control District Number.

10.27.8 The rezoning approval issued pursuant to this Section may not be appealed and the Council Decision is final.

10.28 'D-C1' Direct Control 1 - The Meadows (Bylaw 1577-1)

Purpose

10.28.1 This district is generally intended to provide for a range of dwelling types that provide for efficient utilization of land, in which the individual lots or sites are provided on a leased, rental, or condominium basis in a park setting. The district will be applied in those areas where there will be no negative impact on abutting existing land uses. New parks, which are developed, shall be serviced by town water and sewer services in the park area. The district accommodates the provision of common laundry facilities, common storage areas, and a park office.

Uses

10.28.2 Permitted and Discretionary Uses for 'D-C1' District are outlined in Table 10.28.2

Table 10.28.2 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> o Accessory Building o Duplex, one unit per lot o Home Office o Manufactured Home, 62.0m² or greater o Park o Private Swimming Pool* o Public Utility o Secondary Suite o Single Detached Dwelling, 62.0m² or greater o Solar Collector <p>Signs:</p> <ul style="list-style-type: none"> o Entrance Feature Sign o Fascia Sign <p>*Private Swimming Pools are not permitted within the 'EC' Environmental Constraints Overlay.</p>	<ul style="list-style-type: none"> o Accessory Use o Day Care Facility o Duplex o Family Care Facility o Home Occupation o Manufactured Home, less than 62.0m² o Places of Worship o Social Centre

The Municipal Planning Commission is given the authority to make decisions on Discretionary Uses within the D-C1 District.

Site Standards

10.28.3 In addition to the Regulations contained in Sections 6 and 7, standards which shall apply to every development in the D-C1 District are outlined in Table 10.28.5.

10.28.4 Accessory buildings greater than 10m² adjacent to the pond must be located a minimum of 2.2m from the rear property line, with the exception of Unit 11, Plan 132-2740 which must be set back a minimum of 3.8m from the rear property line.

Table 10.28.5 Site Standards

Regulation	Standard
Park Area	2.0 ha minimum and 10.0 ha maximum
Site Area (Minimum):	Product of minimum site width and site depth The boundaries of each site shall be clearly marked by permanent markers.
Site Width (Minimum):	12.0m for internal site 14.0m for corner or double fronting site 6.0m for small unit site
Site Width (Maximum)	15.0m for rectangular site 25.0m for irregular site
Site Depth (Minimum):	31.0m
Front Setback (Minimum):	3.0m from any private road or walkway 6.0m where a dwelling abuts onto a public street of thoroughfare
Side Setback (Minimum):	2.44m from any registered property line unless it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition 6.0m where a dwelling abuts onto a public street of thoroughfare
Rear Setback (Minimum):	4.1m for all units with the exception of Unit 11, Plan 132-2740 which shall have a rear setback of 6.1m 6.0m where a dwelling abuts a public street or thoroughfare
Site Coverage (Maximum):	45% of a site
Building Separation Distance (Minimum):	5.0m between all dwellings and their attachments unless it is demonstrated that sufficient fire rating is installed as per the requirements of the National Building Code - Alberta Edition 3.66m between any accessory building and a dwelling including its attachments

Additional Regulations

- 10.28.6 Unless otherwise agreed upon the park shall be responsible for all internal:
- a. storm sewers, ditches;
 - b. sanitary sewers, water, power and gas services;
 - c. roadways, sidewalks, walkways, curbs and easements;
 - d. snow clearance;
 - e. garbage collection;
 - f. parks, playgrounds and buffers;
 - g. street lighting;
 - h. architectural controls; and
 - i. any other service deemed necessary by Council.
- 10.28.7 Development Requirements:
- a. Each manufactured home within the park shall have CSA certification or the equivalent to the satisfaction of the Development Authority. Proof of this shall be submitted with the application, and include year of construction and serial number;
 - b. Utilities shall be underground and roads shall be paved to Town of Whitecourt standards;
 - c. All dwellings and community facilities in the park should be connected by safe, convenient, hard-surfaced pedestrian walkways, which shall be at least 1.0m in width; and
 - d. Two (2) separate means of access shall be provided. In parks under one hundred (100) sites, this may be in the form of a boulevard road with a central dividing strip so that in the event of blockage on one side, the other side is available for two (2) way emergency traffic.
 - e. A development permit shall not be issued for placement of any unit that was manufactured more than ten (10) years prior to the application of the permit.
- 10.28.8 A separate lighted storage area of 14.0m² per site shall be provided for the storage of seasonal recreational equipment and other equipment not capable of being stored on the individual sites. Such storage areas shall be enclosed and screened by trees, landscape features, fencing, or a combination thereof.
- 10.28.9 Parking and Loading:
- a. Two (2) parking stalls shall be provided for each site. One (1) of the Two (2) stalls shall be permitted to be designed to accommodate small vehicle parking provided that:
 - i. The small vehicle stall shall be no less than 3m x 4.5m, and;
 - ii. No vehicle shall overhang the curb or sidewalk, and;
 - iii. Vehicle parking shall not impede sight lines.
 - b. In addition to the requirement under Subsection (a), one (1) stall for

every five (5) sites shall be provided in the park for common guest parking.

10.28.10 A minimum of 10% of the gross park area shall be set aside for common amenity area, and no portion of any site shall be included in this open space.

10.28.11 Appearance:

- a. All accessory buildings and structures such as ground level decks, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereof, so that the appearance, design and construction will complement the dwelling;
- b. Each application for a dwelling within the park shall be accompanied by a landscaping and development plan to the satisfaction of the Development Authority;
- c. Dwellings shall be finished from the floor elevation to the ground level within 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; and
- d. All areas of a park not developed or occupied by park, roads, walkways, driveways, parking, buildings or other developed facilities, shall be grassed and landscaped by the developer or owner of the park.

10.28.12 Internal Roads:

- a. Roads shall be provided in the park to allow access to individual dwellings as well as other facilities where access is required;
- b. These roads shall be privately owned and maintained and form part of the common area;
- c. The street system shall be designed to be compatible with existing municipal street and public utility systems;
- d. The street system shall provide convenient circulation by the use of local roads and properly located collector roads within the park. Dead end roads shall be discouraged, however, where design alternatives are not available, a minimum of 16.8m radius for turnabouts shall be provided;
- e. All internal roads within the park shall be paved as per municipal design standards; and
- f. A minimum right-of-way of 12.0m is required for all roads within the development.

10.28.13 Road Size Requirements:

- a. All entrance roads and collector roads with guest parking on both sides shall have a minimum of 10.8m width of finished surface. The need for collector roads, as well as the dimensions of such roads, is to be established at the discretion of the development approval authority. Sidewalks are to be provided running parallel to entrance streets and within the right-of-way;
- b. Collector roads with no parking 7.2m finished surface minimum;
- c. Minor roads with no parking 6.0m finished surface minimum; and
- d. The guide for variations in patterns is as follows:
 - i. 3.6m - moving lane – collector;
 - ii. 3.0m - moving lane - minor roads; and
 - iii. 1.8m - main lane - for parallel guest parking.

10.28.14 All roads shall be identified with street names.

10.28.15 Formal site planning should be designed to meet the conditions of each individual site. The existing topography, vegetation and drainage should be considered in the design of the park and with a view to maintaining the natural environment where possible. Attempts should be made to maintain as much of the existing natural vegetation, trees in particular, as possible. Under no conditions should a dwelling be built in a low-lying poorly drained area. The site plan and subsequent improvements required should provide facilities and amenities appropriate to the needs of the occupants. The site plan must also provide for adequate means of protection for the park occupants from offensive developments by means of screening and spacing. All landscaping and screening of the boundaries of the park shall be to the complete satisfaction of the Development Authority.

10.29 'EC' Environmental Constraints Overlay

Purpose

- 10.29.1 This overlay district identifies land subject to specific environmental constraints such as those provided for in Section 6.9 of this Bylaw.



Development Regulations

- 10.29.2 This is an overlay district, where all the development regulations of the principal designation apply in addition to the following:
- a. All regulations of Section 6.9 shall be met, to the satisfaction of the Development Authority;
 - b. The Development Authority may refer the application to Alberta Environmental and Protected Areas for comment; and
 - c. The Development Authority may establish additional requirements as necessary to ensure public safety and mitigate environmental impacts.

10.30 'DPO' Downtown Parking Overlay District

Purpose

- 10.30.1 This overlay district encompasses the Downtown "Core" area in which businesses and property owners are responsible to determine their own on-site parking requirements and ensure their parking needs are addressed. Amended 2021, Bylaw 1506-9.

Uses

- 10.30.2 Provision of on-site public parking is not required in this district and there shall be no minimum off-street parking requirements for any use within this area. Amended 2021, Bylaw 1506-9.

Development Regulations

- 10.30.3 This is an overlay district, where all the development regulations of the principal designations, including all pertinent provisions and regulations of the Land Use Bylaw apply; as well as the following:
- 10.30.4 Section 8.4.2, Table 8.4.1, Section 8.5.1, and Section 8.5.2 do not apply to any uses in this District.

Additional Regulations

- 10.30.5 The design of any on-site parking areas shall conform to Sections 8.2, 8.3, 8.6, 8.7, 8.8, 8.9, and 8.10, but can be altered where the Development Authority considers that the situation warrants variance of the standard design. Amended 2021, Bylaw 1506-9.
- 10.30.6 Shared parking facilities may be provided as outlined in section 8.5.



11

ADOPTION & REPEAL

11 ADOPTION AND REPEAL

11.1 Repeal of Existing Controls

11.1.1 The Town of Whitecourt Land Use Bylaw No. 1506 and amendments thereto are hereby rescinded.

11.2 Date of Commencement

11.2.1 This Bylaw comes into force and takes effect on July 16, 2024.

