

Town of Two Hills

Land Use Bylaw



2018-980

Adopted August 14, 2018

Town of Two Hills

Land Use Bylaw

2018-980

A BYLAW OF MUNICIPALITY IN THE PROVINCE OF ALBERTA, TO ADOPT A LAND USE BYLAW.

WHERE AS the Municipal Government Act, Revised Statutes of Alberta 2000 - Chapter M-26, current as of April 1st, 2018 and Amendments thereto, authorize Council of a Municipality to enact a Land Use Bylaw to guide future development within the Municipality.

NOW THEREFORE Municipality Land Use Bylaw No. 97-757 and amendments thereto, except for those Direct Control Bylaws listed as continued in the Bylaw, are hereby repealed.

NOW THEREFORE Council of Municipality in the Province of Alberta does hereby adopt the Municipality Land Use Bylaw 2018-980 this 14th day of August, 2018.

Read a first time 12th day of June, 2018.

Read a second time 14th day of August, 2018.

Read a third and final time 14th day of August, 2018.

Mayor

Administrative Officer

Date

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APPENDICES

Appendix A – Land Use Districts Map

Appendix B – Direct Control Districts



1 Enactment

1.1 Title

1.1.1 This Bylaw shall be known as and may be cited as the “Town of Two Hills Land Use Bylaw”.

1.2 Purpose

1.2.1 The purpose of this Bylaw is to regulate, control, and/or prohibit the use and development of land and buildings within the Town of Two Hills to ensure health and safety of its inhabitants, and achieve the orderly and economic development of land, and:

- a. To divide the Town of Two Hills into land use districts;
- b. To prescribe and regulate the use of land or buildings within each district;
- c. To establish a method of making decisions on applications for development permits and the issuance of development permits;
- d. To provide the manner in which a notice of issuance for a development permit is given;
- e. To establish the number of dwellings that may be allowed on a parcel;
- f. To establish regulations to assist in the subdivision and development decision making process;
- g. To establish procedures of appealing the decisions related to this Land Use Bylaw;
- h. To establish general development standards and specific use regulations;

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- i. To establish parking, signage, and landscaping standards; and
- j. To establish subdivision design standards for the Town of Two Hills.

1.3 Effective Date

- 1.3.1 This Land Use Bylaw comes into effect on the date of its third reading. At that time, the former Bylaw No. 97-757, and its amendments, shall cease to apply to new subdivision and development in the Town of Two Hills.

1.4 Application

- 1.4.1 This Land Use Bylaw shall serve as a tool to implement policies established in the Municipal Development Plan (MDP), other statutory plans, and the *Municipal Government Act (Act)*, as amended from time to time.
- 1.4.2 All development hereafter in the Town of Two Hills shall conform to the provisions of this Bylaw.

1.5 Previous Bylaws

- 1.5.1 The Town of Two Hills Land Use Bylaw No. 97-757 is hereby repealed and this Bylaw shall apply to all lands within the Town of Two Hills.

1.6 Application in Progress

- 1.6.1 A completed application for a development permit or subdivision, which is received before adoption of this Bylaw shall be processed in accordance with the Town of Two Hills Land Use Bylaw No. 97-757 as amended.

1.7 Non-Conformity

- 1.7.1 In accordance with Section 643 of the Act, if a development permit has been issued on or before the day on which a Land Use Bylaw or a Land Use Amendment Bylaw comes into force in a municipality and the Bylaw would make the development for which the permit was issued a non-conforming use or non-conforming building, the development permit continues to be in effect in spite of the coming into force of the Bylaw.
- 1.7.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
- 1.7.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- 1.7.4 A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- 1.7.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
- a. To make it a conforming building;
 - b. For routine maintenance of the building, if the Development Authority considers it necessary; or

c. In accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this Section.

1.7.6 If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.

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

1.8 Severability

1.8.1 If any Section, clause, or provision of this Bylaw, including anything shown on the Land Use District Map, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remainder of this Bylaw in whole or in part, other than the Section, clause or provision, including anything shown on the Land Use District Map, so declared to be invalid.

1.9 Compliance with Other Legislation

1.9.1 Notwithstanding that a development permit may not be required in certain instances under this Bylaw, in no case does this exempt the applicant from complying with:

- a. Other requirements for approval by municipal Bylaw, the Act, conditions, any other instrument affecting building or land, or other applicable regulation;
- b. Any easement, covenant, agreement, or contract effecting the development;
- c. Requirements of Alberta Building Code; and
- d. *Alberta Safety Codes Act*, R.S.A. 2000, Chapter S-1.

1.9.2 The provisions and regulations of this Bylaw do not exempt any person or corporation from complying with the provisions or regulation of any other municipal, provincial, or federal statute.

1.10 Interpretation

Bylaw Text

1.10.1 Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word “person” includes a corporation, firm, partnerships, trusts, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.

1.10.2 The words “shall”, “must”, and “is” require mandatory compliance except where a variance has been granted pursuant to the Act.

1.10.3 Words, phrases, and terms not defined in this Section may be given their definition in the *Municipal Government Act* or the Alberta Building Code. Other words shall be given their usual and customary meaning.

1.10.4 Where a regulation involves two (2) or more conditions, provisions, or events connected by the conjunction “and”, this means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly or in combination; and “either-or” indicates the items shall apply singly but not in combination.

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1.10.5 Where reference is made to other legislation or documents, this refers to the legislation and documents as may be amended from time to time.

Measurements

1.10.6 All measurements within this Bylaw are expressed in metric units. Imperial units are provided within brackets for information and are approximate. When metric and imperial units do not correspond exactly within this Bylaw, the metric measurement shall take precedence.

Land Use District Map

1.10.7 The district boundaries on the Land Use Districts Map, within Appendix A, shall be interpreted as follows:

- a. Where a boundary follows a public roadway, land, railway, pipeline, power line, or utility right-of-way or easement, it follows the centre line, unless otherwise clearly indicated;
- b. Where a boundary is shown as approximately following the Town boundary, it follows the Town boundary;
- c. Where a boundary is shown as approximately following the edge or shorelines of any river, lake, creek, or other water body, it follows such lines;
- d. Where a boundary is shown as approximately following a lot or parcel line, it follows the lot or parcel line; and
- e. In circumstances not covered above, the location of the boundary shall be determined by any dimensions set out in this Bylaw.

1.10.8 Where a district boundary is shown as being generally parallel to, or as an extension of, any of the features listed above, it shall be so.

1.10.9 In circumstances not covered within Subsection 1.10.7, the district boundary shall be determined by the Development Authority measuring the property line from some known location on the Land Use Districts Map within Appendix A.

1.10.10 Where the application of interpretations within Subsection 1.10.7 does not determine the exact location of a district boundary, a Designated Officer shall fix the property line in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as circumstances require. This decision may be appealed to the Subdivision and Development Appeal Board (SDAB).

1.10.11 When any road or lane is closed, it has the same districting as the abutting land. When different districts govern abutting lands, the centre of the road or lane is the district boundary, unless the district boundary is shown clearly following the edge of the road or lane. If the road or lane is consolidated with an adjoining parcel, that parcel's district designation applies to affected portions of the closed road or lane.

1.10.12 The Development Permit Process and its relation to other sections of the Land Use Bylaw can be found in Section 3.

1.10.13 The uses that are listed in the permitted and discretionary use columns under the land use districts in Section 10 are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Authority may, at their discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined similar to other uses allowed in that land use district. Notwithstanding the above, all uses defined as “same or similar uses” shall be considered discretionary.

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2 Approval and Appeal Authorities

2.1 Development Authority

- 2.1.1 The Development Authority, as established pursuant to Section 624 of the Act and through the Chief Administrative Officer and Designated Officer's Bylaw for the Town of Two Hills is the:
- a. Council of the Town of Two Hills; and
 - b. Designated Officer.
- 2.1.2 The Development Authority shall carry out the powers and duties set out in regulations established under the Act and this Bylaw, as amended from time to time.

2.2 Designated Officer

- 2.2.1 The Office of the Designated Officer is established through this Bylaw and shall be filled by person(s) employed by the municipality.
- 2.2.2 The Designated Officer shall perform such duties that are specified in the Town of Two Hill's Chief Administrative Officer and Designated Officer's Bylaw and this Bylaw.
- 2.2.3 The Designated Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments to it. The Designated Officer shall also keep a register of all applications for development, including the decisions made on those applications, and the reasons for those decisions.

2 Approval and Appeal Authorities

2.2.4 For the purposes of Section 542 of the Act, the Designated Officer is hereby designated as authorized by the municipality to discharge the relevant powers and functions.

2.2.5 A Designated Officer shall be responsible for the following:

- a. Reviewing all applications for a development permit and establishing specific conditions related to each development permit application;
- b. Referring an application to any municipal, provincial, federal, or inter-jurisdictional department or any other agency or body; and
- c. Considering and approving a development permit that is consistent with a licence, permit, approval, or other authorization granted by either the Alberta Energy Regulator (AER) or Natural Resources and Conservation Board (NRCB).

2.3 Subdivision Authority

2.3.1 In accordance with Section 623(1) of the Act, the Subdivision Authority for the Town of Two Hills is established through the Subdivision Authority Bylaw.

2.4 Subdivision and Development Appeal Board

2.4.1 The Subdivision and Development Appeal Board (SDAB) for the Town of Two Hills, as established through the Town of Two Hills Subdivision and Development Appeal Board Bylaw, shall perform the duties and functions as described in the Bylaw and the Act.

2.4.2 The SDAB shall review all appeal applications within its jurisdiction for development permit appeal, stop order appeal, and subdivision application appeal.

2.5 Decision-Making Structure

2.5.1 The Development Authority shall be responsible for making decisions on all development permit application.

2.5.2 The Designated Officer shall be responsible for making decisions on all development permit applications involving:

- a. Permitted uses; and
- b. Discretionary uses and at their discretion may refer discretionary use development permit applications to Council for decision.



3 Development Permit Process

3.1 Control of Development

- 3.1.1 No development other than that designated in Subsection 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 3.1.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other safety code approvals or licences that may be required by other regulatory departments or agencies.
- 3.1.3 A building permit shall not be issued unless a development permit, where required, has been issued.

3.2 Development Not Requiring a Development Permit

- 3.2.1 The following developments do not require a development permit but must otherwise comply with all other provisions of this Bylaw:
 - a. Maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;
 - b. Use of any such building(s) as are referred to in Subsection (a) above for the purpose for which the construction was commenced;
 - c. Demolition of a structure, if the construction of the structure did not require a development permit;

3 Development Permit Process

- d. Erection of a fence or other enclosure which is no higher than 1.8m (6.0ft) in height, within all land use districts, provided that there is no contravention of this or any other Bylaw of the municipality and provided that such a fence or enclosure does not obstruct the visibility at roadway intersections;
- e. Erection of a fence or other enclosure which is no higher than 3.0m (10.0ft) in height, within all industrial land use districts, provided that there is no contravention of this or any other Bylaw of the municipality and provided that such a fence or enclosure does not obstruct the visibility at roadway intersections;
- f. A temporary building, 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;
- g. Maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, and municipal public authorities on land that is publicly owned or controlled;
- h. Landscaping or beautification of property through painting, paving, stuccoing, etc;
- i. Signs exempted from development permit approval as described in Section 9.11 of this Bylaw;
- j. Accessory buildings less than 11.2m² (120.0ft²) in area (applies to outside dimensions) including tarp structures;
- k. Towers not exceeding 4.6m (15.1ft) in height;
- l. Satellite dishes;
- m. Seasonal decorations;
- n. Home Occupation Minor;
- o. All decks and uncovered porches where the structure is less than 0.6m (2.0ft) above grade, provided all site setback requirements in the applicable land use district and accessory building regulations are met;
- p. Above-ground, pre-manufactured swimming pools with a water volume less than 6.1m³ (215.8ft³);
- q. In all land use districts, the municipality's use of land that it either owns, has an equitable interest in, or is the lessee, for a purpose approved by Council in connection with any municipal work or operation, including the construction, maintenance, repair, or ongoing operation of such use.

3.2.2 Notwithstanding the provisions of Subsection 3.2.1, private sector development of public infrastructure may require a development permit.

3.2.3 If there is any doubt as to whether or not a development permit is required, the Development Authority shall require a development permit.

3.3 Development Permit and Agreement Fees

3.3.1 All fees and charges under and pursuant to development permit and subdivision applications, appeals, statutory plans, Bylaws, and this Bylaw, and any amendments to them shall be as established in the Town of Two Hills's Schedule of Fees .

3.4 Requirements for Development Permit Applications

General Requirements

- 3.4.1 All applications for a development permit shall be made to the Development Authority in writing on the application provided by the Town of Two Hills, and shall:
- a. Be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make the application. The correctness of the information supplied shall, when required by the Development Authority, be verified by a statutory declaration;
 - b. State the proposed use or occupancy of all parts of the land and buildings and provide any other information as may be required by the Development Authority; and
 - c. Include parcel plans in duplicate at a scale satisfactory to the Development Authority, showing the following:
 - i. North point;
 - ii. Legal description of the parcel;
 - iii. Location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas, including buffering and screening areas where provided;
 - iv. Outlines of the roof overhangs on all buildings;
 - v. Front, rear, and side yard setbacks;
 - vi. Access and egress points to and from the parcel;
 - vii. On a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal; and
 - viii. Estimated cost of the project, excluding land prices.
 - d. At the discretion of the Development Authority, required parcel plans may also be required to show any or all of the following:
 - i. The provision of off-street loading and vehicle parking;
 - ii. The exterior elevations of all buildings showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
 - iii. A parcel grading plan indicating, but not limited to the elevation of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;
 - iv. Storm drainage plan;
 - v. The location of existing and proposed municipal and private local improvements as well as a cost and time estimation of the installation of these improvements; and

3 Development Permit Process

- vi. The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable.
- e. Be accompanied by an electronic copy (by way of USB key or CD) of all plans and drawings;
- f. Provide a real property report to be submitted by the applicant to verify compliance of all existing and proposed buildings with this Bylaw;
- g. Include certificate of title from the Land Titles Office;
- h. Indicate authorization by all registered owners where there is more than one registered owner;
- i. Be signed with the corporate seal or include verification of corporate signing authority, where the registered owner is a corporation; and
- j. Provide any other pertinent information or tests required by the Designated Officer respecting the parcel or adjacent lands.

Direct Control District Requirements

- 3.4.2 In the case of a development permit application made pursuant to a Direct Control district, all requirements and procedures pertaining to the development permit application will be at the direction and to the satisfaction of Council.
- 3.4.3 In determining the development permit application requirements and procedures pursuant to a Direct Control district the Council may consider and be guided by the provisions outlined in this Section and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of the Town of Two Hills:
 - a. An explanation of the intent of the project.
 - b. The features of the project that make it desirable to the general public and the Town of Two Hills. This is to include an evaluation of how the project may contribute to the present and projected needs of the Town of Two Hills as a whole.
 - c. An economic analysis of the proposal's anticipated economic impact on the municipality.
 - d. A detailed development scheme containing the following information:
 - i. Location of all proposed buildings;
 - ii. Elevation and architectural treatment of all buildings and associated structures;
 - iii. Proposed servicing scheme and its relationship to the Town of Two Hills existing and/or proposed servicing plans;
 - iv. Anticipated scheduling and sequence of development;
 - v. Mechanisms by which conformance to the plan will be ensured, such as through a combination of caveats, easements, service agreements and performance bonds;
 - vi. Details of all earthwork and tree removal;

- vii. All yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, and number of parking stalls; and
- viii. Such additional requirements as are determined necessary by Council with regard to the nature of the proposed development and the surrounding use(s) that may be affected.

- 3.4.4 When, in the opinion of the Designated Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Authority may return the application to the applicant for further details. The returned application shall not be determined to be in its final form until all required details have been submitted to the satisfaction of the Development Authority. Should the municipality deem the submitted application incomplete, the Development Authority may issue a notice acknowledging the application is incomplete.
- 3.4.5 As part of the development permit application, the Development Authority may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- 3.4.6 Where an incomplete application has been submitted, the Town of Two Hills shall hold the application for thirty (30) days. If the applicant fails to collect the incomplete application within this period, the Town of Two Hills shall return the application by post and retain all fees associated with the application.

Demolition

- 3.4.7 Upon application for a building demolition, the Development Authority may require a demolition plan detailing the following:
- a. Footprint of building and site plan of property on which the building is to be demolished;
 - b. Measures to be taken to ensure that the demolition is done in a safe and efficient manner and what measures are to be taken to ensure the disturbance and nuisances (dust, noise, debris, traffic, etc.) as a result of the demolition are mitigated or minimal;
 - c. Timelines for completion of demolition and site restoration project;
 - d. Salvage operation and stockpiling of building demolition material and fill from excavation; and
 - e. Site restoration and land reclamation upon building demolition (filling, grading, landscaping, etc.).

Home Occupations

- 3.4.8 An application for a development permit for a home occupation shall include the following:
- a. A detailed description of the business;
 - b. Typical hours of operation;
 - c. Number of resident and non-resident employees;
 - d. Number of vehicle trips per day;
 - e. A site plan indicating:
 - i. Location of Outdoor Storage and potential measures to mitigate visual and noise impacts on adjacent properties;

3 Development Permit Process

- ii. Parking layout; and
- iii. A breakdown of the business use area in relation to the remainder of the property.
- f. An application fee as established by the Business Licence Bylaw 2014-947 as amended from time to time.
- g. Any other information requested by the Development Authority.

Relocation of Buildings

- 3.4.9 Any building to be moved in or placed within any district established by this Bylaw shall require approval by the Development Authority.
- 3.4.10 An application to relocate a building shall require:
 - a. Properly labeled colour photos of all sides of the structure;
 - b. A statement of the present location of the building;
 - c. A notification of the relocation route, date, and time that the relocation is to take place;
 - d. A complete site plan showing all buildings located or to be located on the parcel; and
 - e. A deposit of:
 - i. \$4000.00 for a habitable residence; or
 - ii. \$1500.00 for any other structure greater than 27.9m² (300.0ft²).

3.5 Notice of Proposed Development

- 3.5.1 Prior to an application being considered for a discretionary use, the Development Authority may require one or more of the following prior to the date of consideration of the application:
 - a. A similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; or
 - b. A similar notice to be published on the Town of Two Hills website.
- 3.5.2 The notices issued pursuant to Section 3.6 shall state:
 - a. The proposed use of the building or parcel;
 - b. That an application respecting the proposed use will be considered by the Development Authority; and
 - c. That any person who objects to the proposed use of the parcel 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.

3.6 Referrals for Development Applications

- 3.6.1 The Development Authority may refer any development permit application to the MPC for their review and comment.
- 3.6.2 The Development Authority may refer any development permit application to another municipal department or external agency for their review and comment. The following is a description of mandatory referrals to external agencies.

Crown Land Development

- a. When the municipality receives a development permit application that is to be located on Crown land or near a regionally significant or natural area, a copy of the development permit application shall be forwarded to the appropriate government department for comment and recommendations;

Provincial Highway Network

- b. The applicant shall be required to obtain an approval from Alberta Transportation, in the following circumstances:
- i. Subdivision applications within 800.0m (0.5 miles) of a provincial highway;
 - ii. Development permit applications within 300.0m (0.19miles) of a provincial highway; and
 - iii. Development permit applications within 800.0m (0.50miles) of a provincial highway intersection.

Critical Wildlife, Vegetation, and Physical Environments

- c. To support the preservation of land that is identified or determined by the municipality to be a critical wildlife habitat, vegetative area, and/or physical environment, the Development Authority may refer any development permit application that may adversely affect the subject or adjacent property to the appropriate government department for comments and recommendations;

Alberta Energy Regulator (AER)

- d. The applicant shall be required to obtain approval from AER for developments within 100.0m (328.1ft) of sour gas, gas or oil facilities in accordance with AER regulations;

Alberta Environment and Parks (AEP)

- e. The applicant may be required to obtain an approval from AEP, subject to location of the subject property, at the discretion of Development Authority. All environmental audits and Environmental Impact Assessments shall be referred to AEP for review and comment;

Alberta Health

- 3.6.3 The applicant may be required to obtain an approval from Alberta Health, subject to location of the subject property, at the discretion of Development Authority; andAt the discretion of the Development Authority, interested person(s) may be provided with an opportunity to make representation on the application as part of the development permit application review process.

3.7 Decision on Development Permit Applications

Permitted Use Applications

- 3.7.1 The Development Authority shall be the approving authority for all proposed development that is listed as either a permitted or discretionary use under a land use district contained in Section 10 of this Bylaw.

3 Development Permit Process

- 3.7.2 Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall approve the application, with or without conditions, where the proposed use conforms to this Bylaw.

Discretionary Use Applications

- 3.7.3 The Designated Officer shall decide on development permit applications for all discretionary uses under land use districts contained in Section 10 of this Bylaw and may at their discretion refer the application to Council for their review and decision.

Direct Control District Applications

- 3.7.4 Upon receipt of a completed application for a development permit pursuant to a Direct Control District, the Council may, and prior to making a decision, refer the application to the Development Authority or any municipal department or external agency for comment.
- 3.7.5 At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council may provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and that Council 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 said application.
- 3.7.6 The Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.

Temporary Use Approval

- 3.7.7 Where a development is not required on a permanent basis, the Development Authority may approve the proposed development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

3.8 Variance Provisions

- 3.8.1 The Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority, the proposed development would not:
- a. Unduly interfere with the amenities of the neighborhood;
 - b. Materially interfere with or affect the use, enjoyment, or value of the neighboring properties; and
 - c. The proposed development conforms to the use prescribed for the land or building in this Bylaw.
- 3.8.2 In approving an application for a development permit the Development Authority shall adhere to the general purpose and intent of the appropriate land use district and to the following:
- a. A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building that are not generally common to other land in the same land use district;
 - b. Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing dwelling density; and

- c. Notwithstanding other provisions related to the granting of variances, the Designated Officer shall not vary a development control standard (such as site setback criteria) by more than 10%. Variance requests exceeding 10% shall require the approval of Council.

3.9 Deemed Refusal

- 3.9.1 In accordance with the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority unless an agreement to extend the forty (40) day period herein described is established between the applicant(s) and the Development Authority.

3.10 Notice of Decision

- 3.10.1 A notice of decision shall be mailed to the applicant.
- 3.10.2 A development permit does not come into effect until fourteen (14) days after a notice of decision is communicated. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 3.10.3 The Development Authority may require a notice of decision to be:
 - a. Published in a newspaper circulating in the area;
 - b. Published on the Town of Two Hills website; or
 - c. Be mailed to the directly adjacent landowners.
- 3.10.4 Further to Subsection 3.10.3, the Development Authority may provide further notice if determined necessary.
- 3.10.5 Where notice is provided through mail, an additional twelve (12) days shall be added to the notice period for in-province notifications and nineteen (19) days for out-of-province notifications.
- 3.10.6 Development permits issued for permitted uses where the proposed development is in complete conformance with this Bylaw need only be advertised, at the discretion of the Development Authority, to the applicant and landowner of the subject property.
- 3.10.7 Where an application for a development permit has been refused, the notice of decision need only be sent by mail to the applicant.
- 3.10.8 Where an appeal is lodged against a notice of decision of the Development Authority, the Subdivision and Development Appeal Board, or the Alberta Court of Appeal, a development permit shall not come into effect until the appeal has been finally determined.
- 3.10.9 Where a development permit has been refused, an application for a development permit for a similar use for the same site will not be accepted for a period of six (6) months from the date of the Development Authority's decision on the previous application.

3 Development Permit Process

3.11 Development Permit Conditions

General Conditions for all Development Permits

- 3.11.1 Subsection 3.11 contains standard conditions that apply to all development permits. The Development Authority may amend or remove any of the conditions listed or add additional conditions not referenced here as needed on a case by-case basis.
- 3.11.2 In addition to other requirements of this Bylaw, the Development Authority shall require the applicant to enter into an agreement and to abide by any or all of the following as conditions of approval for a development permit application:
- a. Install or pay for the installation of utilities (i.e., water, sewer and natural gas);
 - b. Pay for an off-site levy or redevelopment levy imposed by Bylaw;
 - c. Prior to construction or commencement of any development, the owner/applicant or contractor is responsible to obtain building, electric, plumbing, sewage, and gas permits, if required. Permits must be obtained from the Town of Two Hills. The applicant is required to consult with the permit issuer to ensure that there are no conflicts between homeowner/contractor permits and the person(s) responsible for performing the actual work;
 - d. All arrears that may be owed by the applicant to the Town of Two Hills be paid in full;
 - e. The development that is the subject of the permit be commenced within twelve (12) months of the issue date of the development permit and be completed within twenty-four (24) months;
 - f. Failure to conform to the conditions of a permit will render it null and void;
 - g. All development shall be landscaped and graded in a manner that all surface run-off is either contained on-site, directed into an existing water body (i.e., a lake or stream) or public drainage system (i.e., a municipal ditch);
 - h. A lot grading, elevation, and drainage plan;
 - i. The applicant shall remove all garbage and waste at his/her own expense and keep the site in a neat and orderly manner;
 - j. The proposed development shall be sited and conform to all building setbacks as shown on the submitted drawing and shall not be moved or enlarged except where authorized;
 - k. Any field work or construction undertaken prior to the effective date of the development permit is at the risk of the owners/applicants;
 - l. Any changes or additions to a permit shall require a new development permit application; and
 - m. All development permit fees shall be paid in full prior to construction or commencement of any development. Failure to pay permit application fees will render a permit null and void.
- 3.11.3 In addition to the requirements set out in Subsection 3.11.2, the Development Authority may also require the applicant to enter into an agreement and to abide by any or all of the following as conditions of approval for a development permit application:

- a. Construct or pay for the construction of public roadways or parking areas;
 - b. Construct or pay for a pedestrian walkway (sidewalk) system to serve the development;
 - c. Repair, reinstate, or pay for the repair or reinstatement to original condition of the curbing, sidewalk, and boulevard, and landscaping, which may be damaged or otherwise affected by the development or building operations on the site; and
 - d. Additional conditions for development permit approval as described below for specialized uses.
- 3.11.4 The applicant must obtain Public Works approval for all approaches required for the proposed development.
- 3.11.5 The building should be connected to municipal service (water and/or sewer) at the applicant's expense.

Conditions for Commercial Development

- 3.11.6 Notwithstanding other provisions in this Bylaw, any commercial development will be subject to the following conditions:
- a. The site shall be re-districted to commercial land use district for any commercial development;
 - b. The applicant will be required to provide an emergency and fire protection plan; and
 - c. The applicant will be required to submit an engineering assessment evaluating the storm water management capacity of the site and potential solutions for mitigating the impacts on the capacity of the overall storm water basin.

Conditions for Home Occupation Application

- 3.11.7 The permit is valid for one (1) year commencing the effective date, and shall be automatically renewed each year afterwards subject to conformance with the Land Use Bylaw and the conditions of approval contained in the permit.
- 3.11.8 The applicant is advised that any application for renewal is subject to review by the Development Authority. The Development Authority shall be notified in writing of such renewal requests, accompanied by the appropriate development permit application fee, if required, at least six (6) months prior to the expiry date of the development permit.
- 3.11.9 The applicant is responsible for obtaining and complying with any required permits from federal, provincial, or other legislation, or the condition of any easement, covenant, building scheme, or development agreement affecting the land.
- 3.11.10 All home occupations may also be regulated through the the Town of Two Hills's Business Licence Bylaw.

Conditions for Relocation of Buildings

- 3.11.11 The applicant shall sign a letter of undertaking (agreement) and post security in the form of an irrevocable letter of credit or cash in the amount of \$4,000.00 for a residence and \$2,000.00 for a single-wide manufactured home prior to the issuance of a permit and the building being moved on-site. This security will ensure that any required modification to the design siting, finishing, and cladding of the relocated building are completed.

3 Development Permit Process

- 3.11.12 In the event the funds allocated in the letter of credit are not sufficient to ensure satisfactory completion of the require modifications, the Development Authority may undertake the modifications at the expense of the applicant.
- 3.11.13 If this is a temporary residence, the applicant shall enter into a memorandum of agreement with the Town of Two Hills pertaining to the following:
- a. The applicant shall post security in the applicable amount as outlined in the Town of Two Hills's Schedule of Fees;
 - b. The present manufactured home shall be removed from the property within thirty (30) days of occupying the new dwelling unit, or thirty days of the construction requiring the use of a temporary residence ending; and
 - c. If modifications, renovations, or improvements are required they shall be specified in the permit application.
- 3.11.14 The modifications, renovations, or improvements shall be completed within 160 days of the relocation of the structure or at the Development Authority's discretion.
- 3.11.15 Upon completion of the structure the Development Authority will inspect the site to determine compliance. If work is not done to the Town of Two Hills's satisfaction, the Development Authority shall be at the liberty to use the security to have the work completed to bring the building into compliance.
- 3.11.16 The Development Authority may require, when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the neighbourhood.
- 3.11.17 Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one (1) year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
- 3.11.18 Except where exempted by the Development Authority, any building receiving approval to be relocated shall be brought up to all existing standards, ordinances, rules, regulations, and Bylaws, including the *Alberta Safety Codes Act*.
- 3.11.19 When reviewing development permit applications for relocated buildings, the Development Authority shall consider the impact of the proposed relocated building on the aesthetics and value of the adjoining properties.
- 3.11.20 In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
- 3.11.21 All homes constructed outside of the Province of Alberta must comply with the *Alberta Safety Codes Act*.
- 3.11.22 Prior to the relocation of a building within the Town of Two Hills, the applicant must provide a copy of the approved building permit.

Additional Conditions

- 3.11.23 The Development Authority may, at its discretion, apply any further conditions upon a development permit as it deems necessary.

3.12 Validity of Development Permits

3.12.1 A development permit remains in effect unless:

- a. It is suspended or cancelled; or
- b. The development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit or as otherwise noted, or not carried out with reasonable diligence; and
- c. The development that is the subject of the development permit is to be externally completed within twenty-four (24) months of the effective date of the development permit (or as otherwise noted), or be shown to be carried out with reasonable diligence.

3.13 Extension of Development Permits

3.13.1 The Development Authority may grant a one-time extension to the end date of a development permit for a maximum of one (1) year where the permit is for a building or use that is permitted or, in the opinion of the Development Authority, does not adversely impact the use, enjoyment, or value of neighbouring properties.

3.14 Resubmission Interval

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

- 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 Permits

3.15.1 The Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of the permit if, after a development permit has been issued, the Development Authority becomes aware that:

- a. The application for the development 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;
- c. The development permit was issued in error; or
- d. The conditions of development approval are not complied with in a satisfactory manner.

3.15.2 If a person fails to comply with a notice under Section 645 of the Act, the Development Authority may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.

3 Development Permit Process

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4 Subdivision Process

4.1 Requirements for Subdivision Applications

4.1.1 The applicant shall be responsible for the following:

- a. All applicable fees according to the Town of Two Hills Fee Schedule. These include, but are not limited to, application, appraisal, mapping, administration, and endorsement fee.
- b. The expense of drafting a development agreement.
- c. Payment of a Subdivision Road Improvement Levy in accordance with the Town of Two Hills policy.
- d. All legal, engineering, and evaluation costs related to the application and approval of the proposed subdivision.

4.2 Decision on Subdivision Applications

- 4.2.1 The municipality may use the recommendations of an environmental audit or Environmental Impact Assessment as a basis for comments to the Subdivision Authority in recommending to approve, approve with conditions, or refuse an application for subdivision.
- 4.2.2 A decision from the Subdivision Authority may be appealed to the Subdivision and Development Appeal Board or Municipal Government Board.

4 Subdivision Process

4.3 Subdivision Approval Conditions

- 4.3.1 Subsection 4.3 contains standard conditions that apply to all subdivisions, in addition to any outlined in the applicable district. The Subdivision Authority may amend, remove or add to any of the conditions listed as needed on a case-by-case basis.
- 4.3.2 All subdivision conditions must be fulfilled within twenty-four (24) months of date of subdivision approval.
- 4.3.3 The applicant shall enter into a development agreement, in a form satisfactory to the Town of Two Hills, to do any or all of the things referenced in Section 655 of the Act. This development agreement may include, but is not limited to:
- a. Suitable access to each parcel constructed to the Town of Two Hills standards;
 - b. Water;
 - c. Sewage disposal;
 - d. Public transportation operated by or on behalf of the municipality;
 - e. Irrigation;
 - f. Drainage;
 - g. Fuel;
 - h. Electric power;
 - i. Heat;
 - j. Waste management;
 - k. Telecommunications;
 - l. Traffic control signs;
 - m. Subdivision entrance signs;
 - n. Street names and addressing;
 - o. Installation of addressing for each lot created;
 - p. School Division bus signage installed at the entrance of the subdivision; and
 - q. That the Town of Two Hills must approve all infrastructure, signage, street names, and addressing prior to installation or plan endorsement.
- 4.3.4 Pursuant to Section 662 of the Act, 5.2m (17.0ft) of road widening adjoining all municipal road allowances is required and may be registered through caveat.
- 4.3.5 The Subdivision Authority may require a restrictive covenant be placed on all residential lots:
- a. Restricting basements on all lots that are restricted for basement development as per any geotechnical report required by the Town of Two Hills;

- b. Prohibiting clearing of vegetation outside of established building sites except where required for weed management, removal of hazardous trees, and/or selective removal of deadfall;
 - c. Prohibiting the development of water wells unless a report prepared in accordance with Section 23 of the Water Act recommends that a water well may be approved for the residential site;
 - d. Restricting waste-water disposal systems to holding tanks only on certain lots based on assessment of an on-site Wastewater Treatment System Suitability report.
- 4.3.6 Restricting some lots or units to the sole use of utility services such as water and waste-water above ground infrastructure, sani-dump treatment and collection facilities, pump stations and fire ponds.

Reserve Lands

- 4.3.7 Municipal, school, or municipal and school reserve shall be provided in accordance with the Act and the MDP.
- 4.3.8 Public utility lots and rights of way must be provided, if required, in accordance with the Act and the MDP.
- 4.3.9 The applicant may be required to provide a landscaped buffer area where the Subdivision Authority feels it is necessary to limit any potential noise impact from a neighbourhood use.

4.4 Validity of Subdivision Approval

- 4.4.1 An approval from the Subdivision Authority, SDAB or MGB is valid for two (2) years from date of issuance. Extension of this period shall not be allowed.
- 4.4.2 Subject to a fourteen (14) day appeal period, the applicant must submit a plan of subdivision to the Subdivision Authority for endorsement within one (1) year from date of subdivision approval.

4.5 Endorsement of Subdivision

Plan of Subdivision

- 4.5.1 The applicant shall prepare and present to the Town of Two Hills staff a plan of subdivision that:
- a. Complies with Section 657 of the Act;
 - b. Complies with the Land Titles Act of Alberta;
 - c. Is acceptable in all respects to the Registrar of the Land Titles Office of Alberta;
 - d. Shows the boundaries of the proposed subdivision, including all approaches; and
 - e. Shows any required reserve lands.

Endorsement

- 4.5.2 The plan of subdivision shall not be endorsed by the Subdivision Authority if there are any outstanding:
- a. Property taxes on the property of the proposed subdivision;
 - b. Compensation of the items outlined in Subsection 4.1.1; or
 - c. Statutory required approvals.

4 Subdivision Process

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5 Subdivision and Development Appeals Process

5.1 Grounds for Appeals

- 5.1.1 In accordance with Section 685 of the Act, the person applying for the permit or affected by the stop order under Section 645 may appeal to the Subdivision and Development Appeal Board (SDAB), if a 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 Section 645 of the Act.
- 5.1.2 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.

5.2 Procedure for Appeals

- 5.2.1 In accordance with Section 686 of the Act, development appeal to an SDAB is commenced by filing a notice of the appeal, containing reasons, with the board within fourteen (14) days,
- a. In the case of an appeal made by a person referred to in Section 685, after:
 - i. The date on which the person is notified of the order or decision or the issuance of the development permit;

5 Subdivision and Development Appeals Process

- ii. If no decision is made with respect to the application within the forty (40) day period or within any extension under Section 684, the date the period or extension expires; or
- iii. In the case of an appeal made by a person referred to in Section 685(2), the date on which the notice of the issuance of the permit was given in accordance with the Land Use Bylaw.

5.2.2 The SDAB must hold an appeal hearing within thirty (30) days after receipt of a notice of appeal.

5.2.3 The SDAB 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 the Land Use Bylaw and any other person that the SDAB considers to be affected by the appeal and should be notified.

5.2.4 The SDAB 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 Section 645 of the Act.

5.3 Hearing and Decision

5.3.1 In accordance with Section 687(1) of the Act, at a hearing under Section 686, the SDAB 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 SDAB agrees to hear, or a person acting on behalf of that person.

5.3.2 The SDAB must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.

5.3.3 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 the Land Use 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

5 Subdivision and Development Appeals Process

- 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 the Land Use 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 the Land Use Bylaw.

5.4 Court of Appeal

- 5.4.1 Pursuant to Section 688 of the Act, 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. The Municipal Government Board on a decision of an appeal under Section 619 of the Act, an inter-municipal dispute under Division 11 of the Act, or a subdivision appeal.
- 5.4.2 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 Two Hills;
 - b. The Municipal Government Board or the Subdivision and Development Appeal Board; and
 - c. Any other person(s) that the judge directs.

5 Subdivision and Development Appeals Process

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6 Enforcement

6.1 Contravention

6.1.1 A Development Authority may find that a development or use of land or buildings is not in accordance with:

- a. The Act or the regulations;
- b. A development permit or subdivision approval; or
- c. This Bylaw.

If this is the case, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or any or all of them to:

- d. Stop the development or use of the land or buildings in whole or in part as directed by the notice;
- e. Demolish, remove or replace the development; or
- f. Take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval, or this Bylaw, as the case may be.

6.1.2 Where a notice is issued under Subsection 6.1.1, the notice may state the following and any other information considered necessary by the Development Authority:

6 Enforcement

- a. An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
- b. The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
- c. A time frame in which the contravention must be corrected prior to the Town of Two Hills pursuing further action; and
- d. Advise the person of their right to appeal the notice to the Subdivision and Development Appeal Board.

6.1.3 Where a person fails or refuses to comply with an order directed to them pursuant to Subsection 6.1.1 or an order of the SDAB under Section 687 of the Act within the time specified, Council, or a person appointed by it, may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where an order has not been complied with, Council may register a caveat against the title of the subject property related to the order. Costs and expenses incurred in carrying out the order may be placed on the tax roll for the subject property and shall be collected in the same manner as property taxes.

6.2 Prohibitions

- 6.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 6.2.2 No person shall contravene a condition of a permit issued under this Bylaw.
- 6.2.3 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 Designated Officer.

6.3 Non Compliance

- 6.3.1 If, after a development permit has been issued, the Development Authority becomes aware that:
- a. The application for the development 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;
 - c. The development permit was issued in error;
 - d. The application was withdrawn by way of written notice from the applicant; or
 - e. If the condition(s) imposed in the development permit have not been complied with;

The Development Authority may cancel, suspend, or modify as considered appropriate, the development permit by notice, in writing, to the holder of the permit.

6.3.2 A person whose development permit is cancelled, suspended or modified under Subsection 6.3.1 may appeal to the SDAB in accordance with Section 5 of the Bylaw within fourteen (14) days of notice of such action.

6.4 Warning Notice

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

6.5 Violation Tickets

- 6.5.1 A Designated Officer shall be authorized and empowered to issue a municipal ticket to any person who the Designated Officer has reasonable and probable grounds to believe it has contravened any provision of this Bylaw.
- 6.5.2 A municipal ticket may be served:
- a. Personally to the person; or
 - b. Mailed to the address shown on a certificate of title for the lands on which the contravention is alleged to have occurred.
- 6.5.3 The municipal ticket shall be in a form approved by the Chief Administrative Officer and shall state:
- a. The name of the person to whom the municipal ticket is issued;
 - b. A description of the offence and the applicable Bylaw Section;
 - c. The appropriate penalty for the offence as specified in this Bylaw;
 - d. That the penalty shall be paid within fourteen (14) days of the issuance of the municipal ticket in order to avoid prosecution; and
 - e. Any other information as may be required by the Chief Administrative Officer.
- 6.5.4 Where a contravention of this Bylaw is of a continuing nature, further municipal tickets may be issued by a Designated Officer.
- 6.5.5 A person to whom a municipal ticket has been issued may pay the penalty specified on the municipal ticket and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 6.5.6 Where a municipal ticket has been issued and the penalty specified on the municipal ticket is not paid within the prescribed time, a Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*.
- 6.5.7 Notwithstanding Subsection 6.5.6, a Designated Officer may immediately issue a violation ticket to any person whom the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.5.8 A violation ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 6.5.9 If a violation ticket is issued in respect of an offence, the violation ticket may:
- a. Specify the fine amount established by Bylaw for the offence; or
 - b. Require a person to appear in court without the alternative of making a voluntary payment.

6 Enforcement

- 6.5.10 A person who commits an offence may, if a violation ticket is issued in respect of the offence and the violation ticket specifies the fine amount established by Bylaw for the offence, make a voluntary payment equal to the specified fine.
- 6.5.11 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Act*, the receipt of that payment by the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- 6.5.12 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

6.6 Right of Entry

- 6.6.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
- a. Part 17 of the Act, regulations thereto, and/or the Land Use Bylaw; or
 - b. A development permit;

The Development Authority may take such action as specified in Sections 542 and 543 of the Act.

6.7 Stop Orders

- 6.7.1 The Development Authority may act under Subsection 6.7.2 pursuant to Section 645(1) of the Act, if a Development Authority finds that a development, land use, or use of a building is not in accordance with:
- a. This Part or a Land Use Bylaw or regulations under this Part; or
 - b. A development permit or subdivision approval.
- 6.7.2 If Subsection 6.7.1 applies, the Development Authority 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 Section, the Land Use Bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- 6.7.3 A person who receives a notice referred to in Subsection 6.7.2 may appeal to the SDAB in accordance with Section 685 of the Act.

6.8 Appeal to Stop Orders

- 6.8.1 A person named in a stop order may appeal to the Subdivision and Development Appeal Board (SDAB).

6.9 Enforcement of Stop Orders

- 6.9.1 Pursuant to Section 646(1) of the Act, if a person fails or refuses to comply with an order directed to the person under Section 645 or an order of an SDAB under Section 687, the municipality may, in accordance with Section 542, enter on the land or building and take any action necessary to carry out the order.
- 6.9.2 A municipality may register a caveat under the Land Titles Act in respect of an order referred to in Subsection 6.9.1 against the certificate of title for the land that is the subject of the order.
- 6.9.3 If a municipality registers a caveat under Subsection 6.9.2, the municipality must discharge the caveat when the order has been complied with.

6.10 Offenses and Penalties

- 6.10.1 Any person who fails or contravenes any provision of this Bylaw or who commits an offence pursuant to Section 557 of the Act is guilty of an offence and is liable upon conviction to a fine of \$250.00 in accordance with Section 566 of the Act.
- 6.10.2 Where a person undertakes development prior to a development permit being issued shall be liable to a fine established by Bylaw of Council.

6 Enforcement

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7

Land Use Bylaw Amendment Process

7.1 Procedure for Amendments

Application Requirements

- 7.1.1 A person may apply to amend this Bylaw, in writing, to the Development Authority by completing the proper form. All proposed amendments to this Bylaw shall be made in accordance with Section 692 of the Act.
- 7.1.2 As part of the application referred to in Subsection 7.1.1, the applicant must provide the following information:
- Reasons in support of the application;
 - The use to be made of the land that is the subject of the application;
 - Reference to all utility corridors; and
 - The method of land servicing.

Payment and Undertaking

- 7.1.3 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
- Pay the Town of Two Hills an application fee as set by Bylaw of Council;

7 Land Use Bylaw Amendment Process

- b. Undertake in writing on a form provided by the Town of Two Hills to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town of Two Hills may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
- c. Sign a consent authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

Investigation by Development Authority

- 7.1.4 Upon receipt of an application to amend the Land Use 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.

Procedure by Applicant

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

Review by Council

- 7.1.6 As soon as reasonably convenient, the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively determined by the applicant in Subsection 7.1.5 as the case may be, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.

Proposed Amendments may originate from Development Authority

- 7.1.7 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

- 7.1.8 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.

7.2 Amendment Review Process

- 7.2.1 Council may, after administrative review, give first reading to a Bylaw to amend this Bylaw.
- 7.2.2 Should first reading be given to a Bylaw to amend this Bylaw, Council shall:
 - a. Establish the date, time, and place for a public hearing on the proposed Bylaw;

- 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.

7.2.3 Council may give a second and third reading to an application to amend this Bylaw.

7.3 Advertisement Requirements

7.3.1 On first reading being given to a Bylaw to amend this Bylaw, the administration shall:

- a. Arrange for notice of the public hearing to be published in two (2) issues of a newspaper circulating in the Town of Two Hills, 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.

7.3.2 If the proposed amendment provides for a change of district or change of provisions of a district, the Administration shall mail, not less than fourteen (14) days preceding the date of the public hearing, notice to:

- a. The applicant;
- b. The registered owner(s) of the land if not the applicant, the registered owner(s) of adjacent land;
- c. If the subject amendment lands are adjacent to lands in another municipality, notice to that municipality; and
- d. Any other authorities or persons who, in the opinion of the Development Authority, may be affected.

7.3.3 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;
- c. That a copy of the proposed Bylaw and any public documents applicable to the proposed Bylaw may be inspected at the Town of Two Hills office during regular office hours; and
- d. The procedure to be followed at the public hearing.

7.4 Notification Hearing/Public Hearing

7.4.1 Where a public hearing is to take place under the provisions of Subsections 7.2.2, 7.2.3, and 7.3.1, the Development Authority shall provide notice of public hearing for the proposed Bylaw amendment to the affected land owners as defined by Subsection 7.3.2. The area of influence for such notice shall be determined by Council resolution.

7.4.2 The Council shall hear anyone who has received the notice of public hearing and who is interested in speaking at the public hearing.

7.5 Decision by the Town of Two Hills Council

7.5.1 Council shall review the report and recommendations and may:

7 Land Use Bylaw Amendment Process

- a. Request further information;
- b. Approve the proposed text amendment or re-districting as proposed;
- c. Approve the proposed text amendments or re-districting with modifications within the scope of the limitations of the Act; or
- d. Refuse the proposal.

7.5.2 The Council may use the recommendations of an environmental audit or Environmental Impact Assessment as a basis for:

- a. Reasons to amend this Bylaw;
- b. Reasons to refuse an application to amend this Bylaw;
- c. Reasons to approve an application to adopt or amend a statutory plan; and
- d. Reasons to refuse an application to adopt or amend a statutory plan.

7.6 Resubmission Interval

7.6.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application for the same or substantially the same amendment shall not be considered within six (6) months of the date of the refusal unless Council otherwise directs.

7.6.2 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in Section 692 of the Act regarding enactment of Bylaws.



8 General Development Regulations

8.1 Accessory Building

- 8.1.1 Where a structure is attached to the principal building on a site by a roof, open, or closed structure, a floor or foundation, it is considered a part of the principal building and not an accessory building.
- 8.1.2 An accessory building shall not:
- Be used as a dwelling except where it contains a garden suite in accordance with Section 9.1;
 - Exceed one storey or 4.5m (14.8ft) in height excluding a garden suite that shall not exceed two storeys 7.0m (23.0ft) in height;
 - Cover more than twelve percent (12%) of the subject property lot coverage.
- 8.1.3 An accessory building shall be located:
- A minimum of 2.0m (6.6ft) from any dwelling;
 - No closer to the front property line than the front line of the dwelling;
 - No closer than 1.0m (3.3ft) to any side or rear property line if the accessory building height is 4.0m (13.1ft) or less in height;
 - No closer than 1.5m (4.9ft) to any side or rear property line if the accessory building is greater than 4.0m (13.1ft) in height;

8 General Development Regulations

8.2 Corner Lots

- 8.2.1 On corner lots in a Residential District, no fence, wall, tree, bush, structure or thing more than 0.9m (3.0ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points on the road or highway lines 6.1m (20.0ft) from their intersection.
- 8.2.2 On corner lots in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 0.9m (3.0ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points of the road or highway 4.6m (15.0ft) from their intersection.

8.3 Dwelling Units on a Parcel

- 8.3.1 Except as otherwise provided under this Section, there shall only be one (1) dwelling unit per lot.
- 8.3.2 Section 8.3.1 does not apply to:
- Buildings designed for, or divided into, two or more dwelling units and located in a land use district which permits such multiple family dwellings;
 - Dwellings containing secondary suites and garden suites;
 - Dwellings that are located within an approved manufactured home park; or
 - 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 Act, and has been approved by the Town.

8.4 Fences and Walls

- 8.4.1 Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a parcel of land.
- 8.4.2 No fence, wall or hedge in any Residential District shall be:
- Higher than 1.8m (6.0ft) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw;
 - Higher than 0.9m (3.0ft) in front yards, except in the case of a corner lot, the side yard adjacent to the road or highway shall be deemed to be a front yard for the purpose of this subsection;
 - Higher than 1.8m (6.0ft) within a side yard along a building; or
 - Higher than 0.9m (3.0ft) within 6.1m (20.0ft) of the intersection of lanes, roads, highways, or any combination of them.
- 8.4.3 All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2m (4.0ft) and not more than 1.8m (6.0ft) in height, along any side lines adjacent to any Residential District.
- 8.4.4 All non-residential developments adjacent to residential uses shall be buffered in accordance with the following:

8 General Development Regulations

Non-residential Development	Buffer Width	Buffer Type
Highway Commercial	3.0m (10.0ft)	Solid fence at least 1.5m (5.0ft) in height and no higher than 2.1m (7.0ft).
Highway	0.0m (0.0ft)	Wooden fence at least 1.5m (5.0ft) in height and of "good neighbour" design.
Commercial Developments	0.0m (0.0ft)	Wooden fence at least 1.8m (6.0ft) in height.

8.4.5 At the discretion of the Development Authority, a non-residential development adjacent to residential uses may be buffered by means of a landscape berm of not less than 2.0m (6.6ft).

8.5 Landscaping

8.5.1 Commercial developments in residential areas shall have at least 10% of the lot area landscaped.

8.5.2 Garbage containers and outdoor storage shall be screened and accessible for convenient pickup.

8.5.3 Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.

8.5.4 As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year (weather permitting) of the occupancy or the commencement of operation of the proposed development.

8.5.5 Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

8.6 Objects Prohibited or Restricted in Yards

8.6.1 No person shall keep or allow in any part of any yard in any Residential District:

- a. Any dismantled or wrecked vehicle for more than fourteen (14) successive days;
- b. Any object or chattel which, in the opinion of the Development Authority, is unsightly according to the Unsightly and Dangerous Premises Bylaw, as amended from time to time, or tends to adversely affect the amenities of the district in which it is located; or
- c. Any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, 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

8.6.2 No person shall keep or allow in any part of any rear or side yard in any Residential District a commercial vehicle, of a loaded or unloaded weight in excess of 4018.0kg (9000.0lbs), for a period of more than 24 consecutive hours.

8 General Development Regulations

8.6.3 No person shall keep or allow in any part of any front yard in any Residential District:

- a. A commercial vehicle, of a loaded or unloaded weight in excess of 4018.0kg (9000.0lbs);
- b. Recreational trailers, boats, vehicles; or
- c. Any accessory use or parking space, without the specific approval of the Development Authority.

8.6.4 Notwithstanding any other provision of this Bylaw to the contrary, school buses may be parked in driveways.

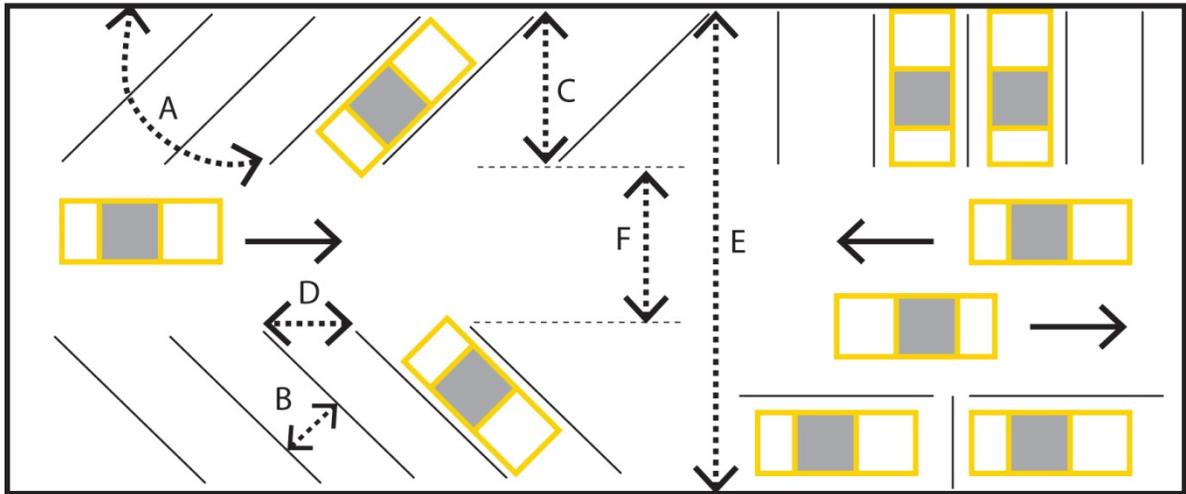
8.7 Off-Street Parking

8.7.1 All off-street parking areas and accessory off-street parking areas shall:

- a. Not be located within 0.9m (3.0ft) of a lot boundary line common to the lot and to a road or highway;
- b. Be constructed so that adequate access to, and exit from each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority; and
- c. Have necessary curb cuts located to the satisfaction of the Development Authority.

8.7.2 All parking spaces shall conform to the following requirements:

A	B	C	D	E	F
Parking Angle	Width of Space	Depth of Space Perpendicular to Aisle	Width of Space Parallel to Maneuvering Aisle	Overall Depth	Width of Maneuvering Aisle (one way)
0°	2.7m (9.0ft)	2.7m (9.0ft)	7.0m (23.0ft)	9.1m (30.0ft)	3.7m (12.0ft)
30°	2.7m (9.0ft)	5.2m (17.0ft)	5.5m (18.0ft)	14.0m (46.0ft)	3.7m (12.0ft)
45°	2.7m (9.0ft)	5.8m (19.0ft)	3.9m (12.7ft)	15.1m (50.0ft)	3.7m (12.0ft)
60°	2.7m (9.0ft)	6.1m (20.0ft)	3.1m (10.3ft)	18.3m (60.0ft)	6.1m (20.0ft)
90°	2.7m (9.0ft)	6.1m (20.0ft)	2.7m (9.0ft)	18.3m (60.0ft)	7.3m (24.0ft)



Surfacing and Drainage

- 8.7.3 At the discretion of the Development Authority, parking spaces and the accesses to them may be required to be hard surfaced if the access is from a road, highway, or lane which is hard surfaced.
- 8.7.4 Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
- 8.7.5 Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

Required Number of Off-Street Parking Spaces

- 8.7.6 The minimum number of off-street parking spaces required for each development shall be calculated from the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
- 8.7.7 The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development occupies an existing building where no or little parking is available. Subject to the approval of Council the applicant may, at his option, pay to the municipality a payment equal to the cost of an equivalent public parking space provided elsewhere in the district.

8 General Development Regulations

Use of Building or Development	Minimum Number of Parking Spaces
Residential Uses	
Dwelling, Single Family	2.0 per dwelling unit
Secondary Suite or Garden Suite	1.0 per secondary suite
Duplexes, apartments and town houses	1.5 per dwelling unit (Where this results in a fractional requirement, the total requirement shall be the next whole number.)
Home Occupations	1 in addition to the requirements for the residential use
Commercial Uses	
Retail and personal service shops, banks and offices	1 per 46.5m ² (500.0ft ²) of gross leasable floor area; 1.5 per residence above commercial developments
Restaurants, cocktail bars, taverns	1 per 5 seating spaces plus 1 per 3 employees
Hotel, and motel	1 per sleeping unit plus 1 per 10 seating spaces in any restaurants, taverns, or other eating or drinking establishments
Places of Public Assembly	
Auditoriums, place of worship, halls, private club, theatres and other amusement or recreation places	To the satisfaction of the Development Authority, but not less than 1 space per 10 seating spaces.
Schools – Public, separate or private elementary and Jr. High Schools	1 per employee, plus 5
Schools – Public or private Sr. High Schools, with or without an auditorium, gymnasium or swimming pool	1 per employee, plus 1 for every 10 students
Industrial Uses	
Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings.	1 per 3 employees on maximum shift provided that this standard may be varied by the Development Authority
Hospitals & Similar Uses	
Hospitals	1 per 92.9m ² (1000.0ft ²) of gross floor area, or 1 per 4 beds and 1 for every 2 employees on maximum shift, whichever is greater



9

Specific Development Regulations

9.1 Cannabis Store

Conformance with Provincial Legislation

- 9.1.1 A cannabis store shall be in conformance with all requirements of the *Federal Cannabis Act*, *Municipal Government Act*, and the *Gaming, Liquor and Cannabis Act*.
- 9.1.2 The Development Authority shall only issue a development permit for a cannabis store if the proposed development complies with the applicable requirements of regulations under the *Alberta Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

Location

- 9.1.3 A cannabis store may not have any part of an exterior wall located within **100m (328.1ft)** of a:
- Provincial health care facility or a boundary of the parcel of land on which the facility is located;
 - Building containing a school or a boundary of a parcel of land on which the building is located; or
 - Boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.

Hours

- 9.1.4 A cannabis store may only sell cannabis from 10:00am – 2:00am.

9 Specific Development Regulations

Prohibition of Smoking and Vaping

- 9.1.5 No person may smoke or vape cannabis:
- a. In any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or the bylaws of the municipality;
 - b. On any hospital property, school property or child care facility property;
 - c. Within 5.0m (16.4ft) from:
 - i. A playground;
 - ii. A sports or playing field;
 - iii. A skateboard or bicycle park;
 - iv. A zoo;
 - v. An outdoor theatre; or
 - vi. An outdoor pool or splash pad.

9.2 Garden Suite

- 9.2.1 A garden suite may be located in an accessory detached garden on a residential lot where a single family dwelling is the principal dwelling.
- 9.2.2 A garden suite shall:
- a. Be limited to one (1) garden suite per property;
 - b. Comply with setbacks for accessory buildings and structures within Section 8.1;
 - c. Have a covered entrance feature above the main entrance; and
 - d. Have a gross floor area less than the gross floor area of the principal dwelling; and
 - e. Provide parking in accordance with Section 8.7.
- 9.2.3 A garden suite located within an accessory detached garage shall:
- a. Have a direct separate entrance to the exterior of the detached garage that it is located above.

9.3 Home Occupations

General

- 9.3.1 A home occupation shall not:
- a. Create any adverse variation from the external appearance and residential character of land or buildings;
 - b. Create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature;
 - c. Be located on a property that does not have a principle residential dwelling located on it;

9 Specific Development Regulations

- d. Occupy more than 30% of gross floor area of the principal residential dwelling; and
- e. Involve the use or storage of hazardous material in quantities exceeding those found in a normal dwelling.

9.3.2 A home occupation shall be subordinate to the principle use of the residential dwelling.

9.3.3 A development permit application for a home occupation shall, in addition to the general requirements a development permit application within Section 3.4, meet the specific requirements of a home occupation development permit application within Subsection 3.4.8.

9.3.4 A development permit for a home occupation shall be in accordance with conditions set out in Subsections 3.11.7, 3.11.8, 3.11.9, and 3.11.10.

9.3.5 A home occupation may have a sign:

- a. With a surface area no greater than 0.19m² (2.0ft²); and
- b. Placed within a window or affixed to an external wall.

Home Occupation Minor

9.3.6 A home occupation minor shall:

- a. Not require a development permit;
- b. Be operated by the permanent resident(s) of the principal dwelling; and
- c. Provide one (1) visitor parking stall on site.

9.3.7 A home occupation minor shall not:

- a. Employ any non-residents of the principal building;
- b. Have more than one (1) home occupation vehicle, with a maximum gross vehicle weight of 11,750.0kg (25,904.0lbs), used in conjunction with the home occupation, parked and maintained on the site; and
- c. Involve the storage of related materials outdoors or within an accessory structure.

Home Occupation Medium

9.3.8 A home occupation medium shall:

- a. Be operated by the permanent resident(s) of the principal dwelling; and
- b. Be permitted visits from clients and customers within the hours of 7:00 am – 5:00 pm.

9.3.9 A home occupation medium shall not:

- a. Employ more than two (2) non-residents concurrently;
- b. Involve the storage of related materials outdoors or within an accessory structure;
- c. Have more than three (3) home occupation vehicles, with an individual maximum gross vehicle weight of 22,600kg (49,824.5lbs), used in conjunction with the home occupation, parked and maintained on the site; and

9 Specific Development Regulations

- d. Involve the storage of related materials outdoors or within an accessory structure.

Home Occupation Major

9.3.10 A home occupation major shall:

- a. Be operated by the permanent resident(s) of the principal dwelling;
- b. Be permitted visits from clients and customers within the hours of 7:00 am – 5:00 pm;
- c. Be permitted the storage of related materials within an accessory building; and
- d. Be permitted the use of indoor mechanical or electrical equipment that creates low external noise that in the opinion of the Development Authority does not cause any nuisance to adjacent dwellings.

9.3.11 A home occupation major shall not:

- a. Employ more than five (5) non-residents concurrently; and
- b. Have more than three (3) home occupation vehicles, with an individual maximum gross vehicle weight of 60,000.0kg (132,277.0lbs), used in conjunction with the home occupation, parked and maintained on the site.

9.4 Hotels/Motels

9.4.1 For the purposes of this Section, a rentable unit means a separate unit on a hotel/motel site used or intended to be used for the accommodations of one or more persons.

9.4.2 Site requirements for hotels/motels shall be in accordance with Table 1.

Table 1. Site Requirements for Hotels/Motels

	Minimum Site Area/Unit	Minimum Required Yards	Minimum Parking on Site
ONE STOREY	139.0m ² (1496.2ft ²)	Front: 7.5m (24.6ft) Side: 3.0m (9.8ft) Rear: 3.0m (9.8ft)	One per sleeping unit
TWO STOREY	92.0m ² (990.3ft ²)	Front 7.5m (24.6ft) Side 3.0m (9.8ft) Rear 3.0m (9.8ft)	One per sleeping unit

9.4.3 Except in the case of rentable units and any other buildings connected by a continuous roof to form a shelter for motor vehicles, not less than 13.6m (11.8ft) of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the site.

9 Specific Development Regulations

- 9.4.4 Each rentable unit of a motel shall face onto or abut a driveway not less than 6.0m (19.7ft) in width and shall have unobstructed access thereto.
- 9.4.5 Not more than one motor vehicle entrance and one motor vehicle exit of a hotel/motel to a street, each with a minimum width of 7.5m (24.6ft) at its narrowest point, shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.0m (29.5ft) in width.
- 9.4.6 The owner, tenant, operator or person in charge of a hotel/motel shall at all times:
- a. Maintain the site, buildings, structures, and improvements in a clean, tidy and attractive condition free from all rubbish and debris;
 - b. Maintain garbage and/or incineration facilities to the satisfaction of the Development Authority;
 - c. Maintain an appropriate fence where required, not less than 75.0cm (29.5in) in height around the boundaries of the site;
 - d. Landscape and keep the site landscaped; and
 - e. Be responsible for providing all utility and sewage disposal and water supply facilities to meet the requirements of Provincial Regulations and legislation.

9.5 Keeping of Animals

- 9.5.1 The keeping of livestock shall be prohibited within all land use districts excluding the Urban Reserve (UR) District.
- 9.5.2 The keeping of urban hen coops shall be in accordance with Section 9.13 and the Town of Two Hill's Animal Control Bylaw.

9.6 Manufactured Homes

- 9.6.1 Manufactured homes shall have Canadian Standard Association Certification.
- 9.6.2 A development permit application involving a manufactured home with a construction date older than fifteen years of the development permit application date shall not be permitted.
- 9.6.3 All accessory structures, such as patios, porches, additions and skirting, shall be:
- a. Designed and erected as to harmonize with the manufactured homes;
 - b. Considered as part of the main building; and
 - c. Erected only after obtaining a development permit.
- 9.6.4 A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match or complement the external finish of the manufactured home.
- 9.6.5 The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- 9.6.6 No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall.

9 Specific Development Regulations

- 9.6.7 The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home unit stall or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.

Manufactured Home Subdivision

- 9.6.8 The following regulations apply to manufactured homes located in all subdivisions:
- a. The hitch and wheels are to be removed from the manufactured home;
 - b. All manufactured homes shall be placed on a foundation or base.
 - c. The lot is to be fully landscaped within one year from the date of issuance of the development permit; and
 - d. Minimum lot area and width may be less in the case of existing registered sub-standard lots, with the approval of the Development Authority.

Manufactured Home Park

- 9.6.9 The following regulations also apply to manufactured home parks:
- a. Manufactured home stalls shall be located at least 3.0m (10.0ft) from a property boundary line. This 3.0m (10.0ft) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
 - b. All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1m (30.0ft).
 - c. A safe, convenient, all season pedestrian walkway of at least 0.9m (3.0ft) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents.
 - d. Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured homes. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
 - e. The design of manufactured home parks shall be to the satisfaction of the Development Authority.
 - f. All municipal utilities shall be provided underground to stalls.
 - g. A minimum of 5% of the gross site area shall be devoted to recreational use.
 - h. All areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
 - i. No part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.

- j. Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- k. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- l. Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
- m. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- n. Manufactured homes shall be separated from each other by at least 3.0m (10.0ft) in all directions and by at least 4.6m (15.0ft) in all directions when either unit has a window on the subject side. Any porch or addition to the manufactured home shall be regarded as part of the manufactured home for the purpose of this separation.
- o. The placement of adjacent manufactured homes shall be coordinated in a manner such that windows are staggered from adjacent windows of neighbouring manufactured homes.
- p. The maximum permissible density for a manufactured home park shall be eight (8) manufactured homes per gross developable 3.25 ha (1.0ac) of the lot being developed at each stage of development.
- q. The minimum area for a manufactured home stall shall be as follows:
 - i. Single wide – 278.7m² (3000.0ft²); and
 - ii. Double wide – 325.2m² (3500.0ft²).
- r. The minimum average width for a manufactured home stall shall 15.2m (50.0ft).

9.7 Secondary Suite

- 9.7.1 A secondary suite shall only be allowed in single detached or duplex dwellings.
- 9.7.2 Only one (1) secondary suite shall be allowed per principal building.
- 9.7.3 A secondary suite shall not be allowed in an accessory building.
- 9.7.4 A secondary suite shall not exceed 50% of the total floor area of the principal building, including upper floors and basement combined, or 90.0m² (968.8ft²), whichever is less, and shall not be smaller than 38.0m² (409.0ft²).
- 9.7.5 A separate entrance door shall be required for a secondary suite either from outdoors or from a shared entry area within the principal building.
- 9.7.6 A minimum of one (1) off-street parking stall shall be provided per secondary 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.

9 Specific Development Regulations

9.8 Service Stations and Bulk Fuel Station

9.8.1 The minimum site area of a service station shall be 1,500m² (16,145.9ft²).

9.8.2 The minimum site area of a bulk fuel station shall be 2,700m² (29,062.6ft²).

Setback of Building and Structures

9.8.3 Petroleum Tank Management Association of Alberta (PTMAA) is the designated approval authority for administration of Alberta Fire Code for the Town of Two Hills as it relates to one or more of petroleum and/or bulk fuel product storage system construction, registration, upgrading, testing, closure, maintenance and operation standards.

9.8.4 The setback requirements for the above ground and underground storage tanks from buildings and property lines shall be to the satisfaction of the PTMAA guidelines.

Site and Building Requirements

9.8.5 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.

9.8.6 A minimum of 10% of the site area of a service station shall be landscaped to the satisfaction of the Development Authority.

9.8.7 The maximum building coverage for a service station or bulk fuel station shall be 25% of the site area.

Vehicle Wash Facilities

9.8.8 For service stations with vehicle washing facilities, a minimum of two (2) queuing spaces shall be provided per service lane or washing bay, plus a minimum of one (1) queuing spaces located downstream of each service lane or washing bay.

9.9 Shipping Containers – Residential Use

9.9.1 Within the Residential 1 (R1) District and Residential 2A (R2A) District shipping containers may be used as a principal building at the discretion of the Development Authority and shall:

- a. Require a development permit;
- b. Provide compliance with the Alberta Building Code and Safety Code;
- c. Have exterior aesthetics that complement the residential character within the surrounding area;
- d. Conform to required setbacks; and
- e. Be in accordance with height regulations.

9.9.2 Within the Residential 1 (R1) District and Residential 2A (R2A) District shipping containers may be used as an accessory building to the principal building and shall:

- a. Be considered as a garden suite;
- b. Require a Development Permit;

- c. Provide compliance with the Alberta Building Code and Safety Code;
- d. Have exterior aesthetics that complement the principal building;
- e. Conform to required setbacks; and
- f. Be in accordance with height regulations.

9.10 Shipping Containers – Storage

- 9.10.1 The placement of shipping containers requires a development permit. An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).
- 9.10.2 Shipping containers are prohibited in all districts except:
 - a. Commercial or Industrial Land Use Districts north of Highway 45 as a permitted use;
 - b. Plan 4397MC Lot L, Plan 6575KS Lot K, and Plan 8322078 Block 27 Lot 1; and
 - c. Town facilities such as the hall and public works yard.
- 9.10.3 A maximum of one (1) shipping container may be permitted, at the discretion of the Development Authority, on residential parcels of one (1) or more acre (0.4 ha) in size. Shipping containers are not permitted on residential lots that may be further subdivided into one (1) acre (0.4 ha) or less parcels; such as, Block 15 6104NY; and Lot A Block 19 Plan 8021429.
- 9.10.4 Shipping containers are permitted in any district on a temporary basis:
 - a. Does not require a development permit but does require notification to the Development Officer;
 - b. Is for the purposes of storage during moving, construction, rehabilitation, or reclamation;
 - c. If for a maximum of thirty (30) days if placed on the lot associated with the container;
 - d. An extension may be provided by the Development Authority to a maximum of one hundred and eighty (180) days;
 - e. If a temporary permit has been extended beyond forty-five (45) days; the shipping container must be painted to match the colour(s) of the primary building or a neutral colour to the satisfaction of the Development Authority; and
 - f. The shipping container is to be removed immediately upon completion of moving, construction, reclamation, or sooner as required by the Development Authority.
- 9.10.5 There shall be a legal primary use on the property where the shipping container is to be located.
- 9.10.6 Up to one (1) shipping container shall be allowed per acre; unless approved by the Development Authority.
- 9.10.7 Shipping containers shall not be stacked; unless approved by the Development Officer.
- 9.10.8 Shipping containers shall be painted to match the color(s) of the primary building or painted a neutral color such as beige to the satisfaction of the Development Authority.

9 Specific Development Regulations

- 9.10.9 Shipping containers must be maintained in a clean, painted, rust-free condition for the life of the development.
- 9.10.10 The Development Authority may require, as a condition of approval, that a shipping container be screened from view or landscaped to make it aesthetically pleasing.
- 9.10.11 The Development Authority, upon passing of this Bylaw, shall take inventory of all current shipping containers. All current landowners who have shipping containers on their property are to be notified of the amendment to this Land Use Bylaw, and may be required to paint the shipping containers to match the colour(s) of the primary building or a neutral colour such as beige to the satisfaction of the Development Authority within six (6) months of notification.
- 9.10.12 Shipping containers shall not be used as a dwelling.
- 9.10.13 Shipping containers shall only be located in the rear or side yard only. Where it is not possible to place the shipping container in the rear or side yard, authorization may be granted by the Development Officer to place the shipping container in the front yard, for a maximum of seven (7) days.
- 9.10.14 Shipping containers shall have the same setbacks and site coverage regulations as indicated for accessory building.

9.11 Signs

- 9.11.1 No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless a development permit has been issued for the sign or structure.
- 9.11.2 No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- 9.11.3 No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- 9.11.4 Notwithstanding the generality of subsection 9.11.1, nor the provisions of subsections 9.11.2 and 9.11.3, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit provided that no such signs shall be illuminated and provided further that any necessary permits have been obtained in accordance with the applicable Highway Development Authority:
- a. Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character, or to a hotel, motel, club or similar institution, provided that such signs shall not exceed 1.2m² (12.9ft²) and be limited to one sign per parcel of land;
 - b. Temporary advertisement relating to the sale or leasing of land, the sale of goods, the carrying out of construction or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character provided that such advertisement shall not exceed 2.0m² (21.5ft²), and provided further that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate; and

9 Specific Development Regulations

c. Advertisements or signs in relation to the function of local public authorities, utility boards or other public or quasi-public bodies.

9.11.5 No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.

9.11.6 All advertisements shall be kept in a safe, clean and tidy condition, and may by decision of the Development Authority be required to be renovated or removed.

9.11.7 No signs or advertising structures other than those specified under subsection 9.11.4 shall be permitted in the Residential 1 (R1) District, Residential 2 (R2) District, Residential 2A (R2A) District, Residential 3 (R3) District, Residential Manufactured Home Subdivision (RMHS) District, or Residential Manufactured Home Park (RMHP) District.

9.12 Solar Energy Collector System

9.12.1 A solar energy collector system:

a. May be located on a wall or roof of a building in any land use district; and

b. Shall only be located on a pole within the Urban Reserve (UR) District.

Roof Mounted

9.12.2 A solar energy collector system that is mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.1m (7.0ft) from the surface of the roof.

9.12.3 A solar energy collector system mounted on a roof with a pitch of 4:12 or greater:

a. May project a maximum of 1.2m (4.0ft) from the surface of the roof; and

b. Shall not extend beyond the outermost edge of the roof.

Wall Mounted

9.12.4 A solar energy collector system that is mounted on a wall:

a. Shall be positioned a minimum of 2.4m (8.0ft) above grade; and

b. May project a maximum of 0.6m (2.0ft) from the surface of the wall.

9.13 Urban Hen Coop

9.13.1 The keeping of an urban hen coop shall be in accordance with Section 9.13.

Urban Hen Coop License

9.13.2 No property owner or tenant shall operate an urban hen coop without an approved Town of Two Hills annual Urban Hen Coop License.

9.13.3 An Urban Hen Coop License is valid for the period of January 1st to December 31st and is required to be renewed annually.

9.13.4 The associated fee for an Urban Hen Coop Licence, established within the Town of Two Hills's Schedule of Fees, must be provided prior to approval.

9 Specific Development Regulations

- 9.13.5 If an urban hen coop is in non-compliance with an approved Urban Hen Coop License or this Bylaw, the Development Authority may revoke or terminate an approved Urban Hen Coop License.
- 9.13.6 An Urban Hen Coop License shall require the following information:
- a. Name of applicant;
 - b. Address of the subject property;
 - c. Phone number;
 - d. Email address;
 - e. Number of urban hens;
 - f. Indication if the applicant is the property owner or tenant;
 - g. If the applicant is a tenant, an authorization letter from the property owner;
 - h. Disclaimer statement that the granting of an Urban Hen Coop License shall not exempt the applicant from complying with the other Town of Two Hills Bylaws, or other Provincial and Federal regulations;
 - i. Statement that the applicant acknowledges that they are required to obtain a Premises Identification Number (PID) through Alberta Agriculture and Rural Development;
 - j. Statement that the applicant will conform to all Urban Hen Coop regulations upon receiving the Urban Hen Coop License and that failure to conform may result in termination of the Urban Hen Coop License;
 - k. Applicant signature and date;
 - l. Freedom of Information and Protection of Privacy (FOIP) disclaimer; and
 - m. Payment of associated fee.

Development Permit Requirement

- 9.13.7 A development permit application for an urban hen coop shall contain, in addition to the development permit application requirements of Section 3.4, the following:
- a. An approved Urban Hen Coop License; and
 - b. Supplementary information that satisfies the requirements of Subsection 9.13.8.

Urban Hen Coop Requirements

- 9.13.8 An urban hen coop shall:
- a. Not exceed one (1) urban hen coop per property;
 - b. Be used for personal use only;
 - c. Not contain any roosters;
 - d. House a maximum of three (3) urban hens;
 - e. Contain urban hens within the confines of the urban hen coop at all times;

9 Specific Development Regulations

- f. Provide 0.4m² (4.0ft²) of interior floor area per urban hen;
- g. Provide 0.9m² (9.7ft²) of securely enclosed outdoor area per urban hen;
- h. Provide one nest box;
- i. Provide one perch, of at least 15.0cm (5.9in) in length, per urban hen;
- j. Not involve the slaughter of hens on the property;
- k. Provide sufficient living conditions for each hen with access to food, water, shelter, light, air ventilation, care, and opportunities for dust-bathing, scratching, and roosting;
- l. Be located within a rear yard and conform to accessory building and structure setbacks within Section 8.1;
- m. Be maintained in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- n. Constructed to and maintained to prevent any rodent from harbouring underneath or within or within walls, and to prevent entrance by any other animal;
- o. Have leftover feed, trash, and manure removed in a timely and safe manner;
- p. Have feed stored within a fully enclosed container;
- q. Have manure stored within a fully enclosed 3 cubic feet container; and
- r. Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak.

9.14 Wireless Communications Facility

Location

- 9.14.1 Wireless communication facilities should be encouraged to locate within the Urban Reserve (UR) District.
- 9.14.2 Where possible, visually unobtrusive antennas are encouraged to co-locate with existing infrastructure such as but not limited to signs located on private property and water towers.
- 9.14.3 New wireless communications facilities should be built to a standard to accommodate multiple devices. If such co-location of facilities is not feasible, the clustering of such facilities shall be encouraged.
- 9.14.4 Wireless communication facilities and/or their access roads should avoid locating within environmentally sensitive areas such as but not limited to steep slopes and those areas adjacent to watercourses or water bodies. Facilities that are proposed to be located within such areas will be requested to provide an environmental assessment and/or a geo-technical report to the Town.

Design

- 9.14.5 The visibility of all wireless communications facilities and their associated appurtenances should be minimized through the use of design, colour, and architectural style.
- 9.14.6 Guyed facilities are encouraged to have daytime visual markers to prevent interference with bird migration.

9 Specific Development Regulations

9.14.7 In those instances where Transport Canada requires that a wireless communication facility be lit, the following measures are encouraged:

- a. The light source should not spill-over onto adjacent properties;
- b. The lighting should be a minimum number of low intensity white lights; and
- c. The strobe interval should be the maximum allowable by Transport Canada.

Setback

9.14.8 Wireless communication facility sites should be established with regard to Alberta Transportation and the Town of Two Hills setbacks from highways and roads.

Signage

9.14.9 Signage for wireless communications facilities should only:

- a. Identify the facility;
- b. Identify the owner and give their contact information; or
- c. Warn of any safety issues.

Management

9.14.10 Wireless communications facilities should be removed within six (6) months of cessation of use.

9.14.11 All carriers interested in locating a wireless communications facility within the Town should first contact all other carriers providing similar services and pursue co-location before meeting with the Development Officer. These responses should be provided to the Development Officer in writing prior to meeting with him or her.

9.14.12 The Town shall request public consultation for proposed wireless communications facilities greater than 10.0m (49.2ft) in height for landowners within a radius of six (6) times the tower height. The carrier will be required to pay the costs associated with the public consultation.

9.14.13 A letter of support will be sent by the Town to Industry Canada if:

- a. Any technical assessment that was requested by the Town has been completed to the satisfaction of Council; and
- b. A public consultation was either not necessary or, if public consultation was deemed necessary, it was completed and the results of the consultation provided to Council for final decision. The results of this decision will be forwarded by the Development Officer to Industry Canada.



10 Land Use Districts

The Town of Two Hills is divided into the Land Use Districts within Table 2. Land Use Districts and the boundaries of these Land Use Districts are shown on the Land Use Districts Map within Appendix A.

Table 2. Land Use Districts

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10 Land Use Districts

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Summary of Permitted (P) and Discretionary (D) Land Use Classes

Land Use Classes	R1	R2	R2 A	R3	RM HS	RM HP	C1	C2	IL	IH	PR	I	UR
ACCESSORY BUILDING	P	P	P	P	P	P	D	D	P	P	P	P	P
AUCTION FACILITY, NON-LIVESTOCK										P			
AUCTION FACILITY, LIVESTOCK													D
AGRICULTURAL EXTENSIVE													P
AGRICULTURAL INTENSIVE													P
AGRICULTURAL SUPPORT SERVICE									P				
ASSISTED LIVING FACILITY												P	
AUTOMOTIVE AND EQUIPMENT REPAIR AND SERVICE								D	P				
AUTOMOTIVE AND EQUIPMENT SALES AND RENTAL								P	D				
BAR/NEIGHBOURHOOD PUB							D						

10 Land Use Districts

Land Use Classes	R1	R2	R2 A	R3	RM HS	RM HP	C1	C2	IL	IH	PR	I	UR
BULK FUEL STATION								D	P				
CAMPGROUND											D		
CANNABIS PRODUCTION FACILITY									D	D			
CANNABIS STORAGE AND DISTRIBUTION FACILITY									D	D			
CANNABIS STORE							D	D					
DAY CARE							D					P	
DAY HOME	P	P	P										
DRIVE-THROUGH BUSINESS								D					
DWELLING UNIT							D						
DWELLING, APARTMENT				P			P						
DWELLING, DUPLEX	D	D		D									
DWELLING, SINGLE FAMILY	P	P	P				D						
DWELLING, TOWN HOUSE				P									
ENTERTAINMENT ESTABLISHMENT, INDOOR							P						
ENTERTAINMENT ESTABLISHMENT, OUTDOOR													D
FAMILY CARE FACILITY	D	D	D	D									
FUNERAL HOME							P	D					
GROUP CARE FACILITY	D	D	D	D									
HOME OCCUPATION	D												

10 Land Use Districts

Land Use Classes	R1	R2	R2 A	R3	RM HS	RM HP	C1	C2	IL	IH	PR	I	UR
MAJOR													
HOME OCCUPATION MEDIUM	D	D	D										
HOME OCCUPATION MINOR	P	P	P	P	P	P							
HOTEL							P	P					
INDUSTRIAL USE, HEAVY										D			
INDUSTRIAL USE, LIGHT									P				
INSTITUTIONAL USE											D	P	
KENNEL									D				D
MANUFACTURED HOME					P	P							
MOTEL								P					
PERSONAL SERVICE							P						
PLACE OF WORSHIP							D					P	
PRIVATE CLUB							D						
PROFESSIONAL, FINANCIAL, OFFICE, HEALTH AND BUSINESS SUPPORT SERVICE							P						
PUBLIC PARK											P		
PUBLIC UTILITY	P	P	P	P	P	P	P	P	P	P	P	P	P
RESTAURANT							P	P					
RETAIL, GENERAL							P	P					
RETAIL, SHOPPING CENTRE								P					
SECONDARY SUITE	P	P	P										

10 Land Use Districts

Land Use Classes	R1	R2	R2 A	R3	RM HS	RM HP	C1	C2	IL	IH	PR	I	UR
SERVICE STATION								P					
SOLAR ENERGY COLLECTOR SYSTEM	P	P	P	P	P	P	P	P	P	P	P	P	P
TEMPORARY BUILDING													D
TEMPORARY USE													D
URBAN HEN COOP	P	P	P		P	P							
VETERINARY CLINIC								D					
WORKSHOP								P	P				
WIRELESS COMMUNICATION FACILITY													D

10 Land Use Districts

10.1 Residential 1 (R1) District

Purpose

10.1.1 The General Purpose of the Residential 1 (R1) District is to permit development of low-density single family dwellings, and associated uses at the discretion of the Development Authority.



Permitted and Discretionary Land Use Classes

10.1.2 Land use classes within the following table shall be permitted or discretionary within the Residential 1 (R1) District.

Permitted	Discretionary
ACCESSORY BUILDING	DWELLING, DUPLEX
DAY HOME	FAMILY CARE FACILITY
DWELLING, SINGLE FAMILY	GROUP CARE FACILITY
HOME OCCUPATION MINOR	HOME OCCUPATION MAJOR
PUBLIC UTILITY	HOME OCCUPATION MEDIUM
SECONDARY SUITE	
SOLAR ENERGY COLLECTOR SYSTEM	
URBAN HEN COOP	

Regulations

10.1.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Dwelling Density	25 units per net hectare
Min. Lot Area	557.4m ² (6,000.0ft ²)
Max. Lot Coverage	30% for principal buildings
Min. Lot Dimensions	
Width	12.2m (40.0ft)
Depth	31.2m (102.4ft)
Min. Floor Area	92.9m ² (1,000.0ft ²)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	1.5m (5.0ft)
Yard – Side on a Corner Lot	4.6m (15.0ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	2 Storeys – 10.1m (33.0ft)

Additional Regulations

- 10.1.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.
- 10.1.5 Regulations not outlined within this Section or Sections 8 and 9 shall be at the discretion of the Development Authority.
- 10.1.6 One side yard on Residential 1 (R1) District properties that do not back onto a rear lane and do not contain an attached garage shall have a minimum setback of 3.0m (10.0ft).

10 Land Use Districts

10.2 Residential 2 (R2) District

Purpose

10.2.1 The General Purpose of the Residential 2 (R2) District is to permit the development of duplexes and smaller ground floor single family dwellings than within the Residential 1 (R1) District.



Permitted and Discretionary Land Use Classes

10.2.2 Land use classes within the following table shall be permitted or discretionary within the Residential 2 (R2) District.

Permitted	Discretionary
ACCESSORY BUILDING	FAMILY CARE FACILITY
DAY HOME	GROUP CARE FACILITY
DWELLING, DUPLEX	HOME OCCUPATION MEDIUM
DWELLING, SINGLE FAMILY	
HOME OCCUPATION MINOR	
PUBLIC UTILITY	
SECONDARY SUITE	
SOLAR ENERGY COLLECTOR SYSTEM	
URBAN HEN COOP	

Regulations

10.2.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Dwelling Density	25 units per net hectare
Min. Lot Area	Dwelling, Single Family: 557.4m ² (6,000.0ft ²) Dwelling, Duplex: 576.0m ² (6,200.0ft ²)
Max. Lot Coverage	Dwelling, Single Family: 30% Dwelling, Duplex: 40%
Min. Lot Dimensions	
Width	12.2m (40.0ft)
Depth	47.2m (155.0ft)
Min. Floor Area	Dwelling, Single Family: 79.0m ² (850.0ft ²) Dwelling, Duplex: 55.7m ² (600.0ft ²) per unit
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	1.5m (5.0ft)
Yard – Side on a Corner Lot	4.6m (15.0ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	2 Storeys – 10.1m (33.0ft)

Additional Regulations

10.2.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.2.5 One side yard on Residential 2 (R2) properties that do not back onto a rear lane and do not contain an attached garage shall have a minimum setback of 3.0m (10.0ft).

10 Land Use Districts

10.3 Residential 2A (R2A) District

Purpose

- 10.3.1 The purpose of the Residential 2A (R2A) District is to provide for the development of single family dwellings on smaller lot sizes.



Permitted and Discretionary Land Use Classes

- 10.3.2 Land use classes within the following table shall be permitted or discretionary within the Residential 2A (R2A) District.

Permitted	Discretionary
ACCESSORY BUILDING	FAMILY CARE FACILITY
DAY HOME	GROUP CARE FACILITY
DWELLING, SINGLE FAMILY	HOME OCCUPATION MEDIUM
HOME OCCUPATION MINOR	
PUBLIC UTILITY	
SECONDARY SUITE	
SOLAR ENERGY COLLECTOR SYSTEM	
URBAN HEN COOP	

Regulations

10.3.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Dwelling Density	25 units per hectare
Min. Lot Area	334.5m ² (3,600.0ft ²)
Max. Lot Coverage	30%
Min. Lot Dimensions	
Width	9.1m (30.0ft)
Depth	36.6m (120.0ft)
Min. Floor Area	55.7m ² (600.0ft ²)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	1.5m (5.0ft)
Yard – Side on a Corner Lot	4.6m (15.0ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	2 Storeys – 10.1m (33.0ft)

Additional Regulations

10.3.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.3.5 One side yard on Residential 2A (R2A) properties that do not back onto a rear lane and do not contain an attached garage shall have a minimum setback of 3.0m (10.0ft).

10 Land Use Districts

10.4 Residential 3 (R3) District

Purpose

- 10.4.1 The purpose of the Residential 3 (R3) District is to provide for the development of medium and high density dwellings.



Permitted and Discretionary Land Use Classes

- 10.4.2 Land use classes within the following table shall be permitted or discretionary within the Residential 3 (R3) District.

Permitted	Discretionary
ACCESSORY BUILDING	DWELLING, DUPLEX
DWELLING, APARTMENT	FAMILY CARE FACILITY
DWELLING, TOWN HOUSE	GROUP CARE FACILITY
HOME OCCUPATION MINOR	
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	

Regulations

10.4.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Dwelling Density	Dwelling, Apartment: 80 units per hectare Dwelling, Town House: 40 units per hectare
Min. Lot Area	Dwelling, Apartment – 754.5m ² (8,121.6ft ²) Dwelling, Town House – 557.4m ² (6,000.0ft ²)
Max. Lot Coverage	Dwelling, Apartment – 60% Dwelling, Town House – 40%
Min. Lot Dimensions	
Width	Dwelling, Apartment – 21.9m (72.0ft) Dwelling, Town House – 11.9m (39.0ft)
Depth	Dwelling, Apartment – 34.4m (112.8ft) Dwelling, Town House – 34.4m (112.8ft)
Min. Floor Area	Dwelling, Apartment: Bachelor Unit – 32.5m ² (350.0ft ²) One Bedroom Unit – 46.5m ² (500.0ft ²) Two Bedroom Unit – 55.7m ² (600.0ft ²) Three or more Bedroom Unit – 65.0m ² (700.0ft ²) Dwelling, Town House – 24.1m ² (259.2ft ²)
Min. Setback	
Yard – Front	Dwelling, Apartment – 4.6m (15.0ft) Dwelling, Town House – 4.6m (15.0ft)
Yard – Side	Dwelling, Apartment – 3.0m (10.0ft) Dwelling, Town House – 3.0m (10.0ft)
Yard – Rear	Dwelling Apartment – 7.6m (25.0ft) Dwelling, Town House – 7.6m (25.0ft)
Max. Building Height	Dwelling, Apartment – 16.2m (53.0ft) 4 storeys Dwelling, Town House – 10.1m (33.0ft) 2 storeys

10 Land Use Districts

Additional Regulations

- 10.4.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.
- 10.4.5 Each Dwelling Town House unit shall have an outdoor living area with a minimum depth of 6.1m (20.0ft) adjacent to it. A minimum of 4.6m (15.0ft) of this depth must be a privacy zone, contained by a fence at least 1.5m (5.0ft) in height.
- 10.4.6 An apartment development shall have a landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the apartment. The required amenity area shall be the sum of the following:
- a. For each bachelor dwelling unit – 18.6m² (200.0ft²)
 - b. For each one bedroom dwelling unit – 27.9m² (300.0ft²)
 - c. For each two bedroom dwelling unit – 69.7m² (750.0ft²)
 - d. For each three or more bedroom dwelling unit – 92.9m² (1000.0ft²)
- 10.4.7 Required side yards and parking areas shall not be considered as part of or contributing to any amenity area of a Dwelling Apartment.

10.5 Residential Manufactured Home Subdivision (RMHS) District

Purpose

10.5.1 The General Purpose of the Residential Manufactured Home Subdivision (RMHS) District is to permit development of manufactured home subdivisions, in which each unit is located on a separately registered parcel of land.



Permitted and Discretionary Land Use Classes

10.5.2 Land use classes within the following table shall be permitted or discretionary within the Residential Manufactured Home Subdivision (RMHS) District.

Permitted	Discretionary
ACCESSORY BUILDING	
HOME OCCUPATION MINOR	
MANUFACTURED HOME	
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	
URBAN HEN COOP	

10 Land Use Districts

Regulations

10.5.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	464.5m ² (5,000.0ft ²)
Max. Lot Coverage	25%
Min. Lot Dimensions	
Width	15.2m (50.0ft)
Depth	45.7m (150.0ft)
Min. Floor Area	46.5m ² (500.0ft ²)
Min. Setback	
Yard – Front	4.6m (15.0ft)
Yard – Side	3.0m (10.0ft)
Yard – Rear	4.6m (15.0ft)
Max. Building Height	4.6m (15.0ft)

Additional Regulations

10.5.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.6 Residential Manufactured Home Park (RMHP) District

Purpose

10.6.1 The General Purpose of the Residential Manufactured Home Park (RMHP) District is to permit and regulate manufactured home parks wherein stalls are provided on a rental basis.



Permitted and Discretionary Land Use Classes

10.6.2 Land use classes within the following table shall be permitted or discretionary within the Residential Manufactured Home Park (RMHP) District.

Permitted	Discretionary
ACCESSORY BUILDING	
MANUFACTURED HOME	
HOME OCCUPATION MINOR	
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	
URBAN HEN COOP	

10 Land Use Districts

Regulations

10.6.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Dwelling Density	8 manufactured homes per acre (3.3 per ha) at each stage of development
Max. Lot Area	1.2ha (3.0ac)
Min. Stall Dimensions	
Width	15.2m (50.0ft)
Depth	36.6m (120.0ft)
Min. Stall Area	Single wide manufactured home – 278.7m ² (3000.0ft ²) Double wide manufactured home – 325.2m ² (3500.0ft ²)
Max. Stall Coverage	30%
Min. Floor Area	65.0m ² (700.0ft ²)
Min. Stall Setback	
Yard – Front	3.0m (10.0ft)
Yard – Side	1.5m (5.0ft)
Yard – Rear	4.6m (15.0ft)
Max. Building Height	4.6m (15.0ft)

Additional Regulations

10.6.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.7 Town Centre Commercial (C1) District

Purpose

- 10.7.1 The general purpose of the Town Centre Commercial (C1) District is to permit commercial development appropriate for the Central Business District of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.



Permitted and Discretionary Land Use Classes

- 10.7.2 Land use classes within the following table shall be permitted or discretionary within the Town Centre Commercial (C1) District.

Permitted	Discretionary
ENTERTAINMENT ESTABLISHMENT, INDOOR	ACCESSORY BUILDING
FUNERAL HOME	BAR/NEIGHBOURHOOD PUB
HOTEL	CANNABIS STORE
PERSONAL SERVICE	DAY CARE
PROFESSIONAL, FINANCIAL, OFFICE, HEALTH AND BUSINESS SUPPORT SERVICE	DWELLING UNIT
PUBLIC UTILITY	PLACE OF WORSHIP
RESTAURANT	PRIVATE CLUB
RETAIL, GENERAL	
SOLAR ENERGY COLLECTOR SYSTEM	

10 Land Use Districts

Regulations

10.7.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Max. Lot Area	300.0m ² (3,229.2ft ²)
Max. Lot Coverage	80% or to the satisfaction of the Development Authority
Min. Lot Dimensions	
Width	4.6m (15.0ft)
Depth	30.5m (100.0ft)
Min. Setback	
Yard – Front	0.0m (0.0ft); or A distance determined by the Development Authority that would conform to front yard setbacks of existing development on adjacent properties.
Yard – Side	0.0m (0.0ft); or Abutting a Residential District – 1.5m (5.0ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	3 storeys – 10.7m (35.0ft)

Additional Regulations

10.7.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.8 Highway Commercial (C2) District

Purpose

- 10.8.1 The General Purpose of the Highway Commercial (C2) District is to permit commercial development of involving workshops, commercial uses which will serve the travelling public, and, at the discretion of the Development Authority, more land extensive uses.



Permitted and Discretionary Land Use Classes

- 10.8.2 Land use classes within the following table shall be permitted or discretionary within the Highway Commercial (C2) District.

Permitted	Discretionary
AUTOMOTIVE AND EQUIPMENT SALES AND RENTAL	ACCESSORY BUILDING
HOTEL	AUTOMOTIVE AND EQUIPMENT REPAIR AND SERVICE
MOTEL	BULK FUEL STATION
PUBLIC UTILITY	CANNABIS STORE
RESTAURANT	DRIVE-THROUGH BUSINESS
RETAIL, GENERAL	FUNERAL HOME
RETAIL, SHOPPING CENTRE	
SERVICE STATION	
VETERINARY CLINIC	
SOLAR ENERGY COLLECTOR SYSTEM	
WORKSHOP	

10 Land Use Districts

Regulations

10.8.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	300.0m ² (3,229.2ft ²)
Max. Lot Coverage	50%
Min. Lot Dimensions	
Width	4.6m (15.0ft)
Depth	45.7m (150.ft)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	3.0m (9.8ft)
Yard – Rear	6.1m (20.0ft)
Max. Building Height	4 storeys – 15.0m (49.2ft)

Additional Regulations

10.8.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.8.5 Developments within this District adjacent to Highway 45 shall be accessed by a service road or by similar standards for controlling turning traffic, such as one-way roads and lanes, to the satisfaction of the Development Authority. The number of accesses provided to a road or highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation and Utilities.

10.9 Industrial Light (IL) District

Purpose

10.9.1 The General Purpose of the Industrial Light (IL) District is to provide opportunities for light industrial and manufacturing uses, with heavier industry permitted in approved locations at the discretion of the Development Authority. Uses and operations within this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.



Permitted and Discretionary Land Use Classes

10.9.2 Land use classes within the following table shall be permitted or discretionary within the Industrial Light (IL) District.

Permitted	Discretionary
ACCESSORY BUILDING	AUTOMOTIVE AND EQUIPMENT SALES AND RENTAL
AGRICULTURAL SUPPORT SERVICE	
AUTOMOTIVE AND EQUIPMENT REPAIR AND SERVICE	CANNABIS PRODUCTION FACILITY
BULK FUEL STATION	CANNABIS STORAGE AND DISTRIBUTION FACILITY
INDUSTRIAL USE, LIGHT	KENNEL
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	
WORKSHOP	

10 Land Use Districts

Regulations

10.9.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	As required by the Development Authority
Max. Lot Coverage	60%
Min. Lot Dimensions	
Width	30.0m (98.4ft)
Depth	45.7m (150.0ft)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	As required by the Development Authority
Yard – Rear	6.1m (20.0ft)
Max. Building Height	3 storeys – 12.0m (39.4ft)

Additional Regulations

10.9.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable

10.9.5 The storage of materials within front yards shall be prohibited.

10.10 Industrial Heavy (IH) District

Purpose

10.10.1 The purpose of the Industrial Heavy (IH) District is to provide for the development of heavy industrial uses on large parcels adjacent to compatible land uses that are not negatively impacted by the nuisances associated with heavy industrial uses.



Permitted and Discretionary Land Use Classes

10.10.2 Land use classes within the following table shall be permitted or discretionary within the Industrial Heavy (IH) District.

Permitted	Discretionary
ACCESSORY BUILDING	CANNABIS PRODUCTION FACILITY
AUCTION FACILITY, NON-LIVESTOCK	CANNABIS STORAGE AND DISTRIBUTION FACILITY
PUBLIC UTILITY	INDUSTRIAL USE, HEAVY
SOLAR ENERGY COLLECTOR SYSTEM	

10 Land Use Districts

Regulations

10.10.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	2.8ha (7.0ac)
Max. Lot Coverage	60%
Min. Lot Dimensions	
Width	30.0m (98.4ft)
Depth	45.7m (150.0ft)
Min. Floor Area	As required by the Development Authority
Min. Setback	
Yard – Front	9.1m (30.0ft)
Yard – Side	As required by the Development Authority
Yard – Rear	9.1m (30.0ft)
Max. Building Height	As required by the Development Authority

Additional Regulations

10.10.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.11 Parks and Recreation (PR) District

Purpose

10.11.1 The general purpose of the Parks and Recreation (PR) District is to permit the use of land for public parks and playgrounds.



Permitted and Discretionary Land Use Classes

10.11.2 Land use classes within the following table shall be permitted or discretionary within the Parks and Recreation (PR) District.

Permitted	Discretionary
ACCESSORY BUILDING	CAMPGROUND
PUBLIC PARK	INSTITUTIONAL USE
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	

10 Land Use Districts

Regulations

10.11.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	Shall be required by the Development Authority
Min. Lot Dimensions	Shall be required by the Development Authority
Min. Setback	
Yard – Front	6.0m (19.7ft)
Yard – Side	4.5m (14.8ft)
Yard – Rear	7.5m (24.6ft)
Max. Building Height	Shall be required by the Development Authority

Additional Regulations

10.11.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.12 Institutional (I) District

Purpose

10.12.1 The general purpose of the Institutional (I) District is to permit development of uses of a public or private nature which provide services to the community.



Permitted and Discretionary Land Use Classes

10.12.2 Land use classes within the following table shall be permitted or discretionary within the Institutional (I) District.

Permitted	Discretionary
ACCESSORY BUILDING	DAY CARE
ASSISTED LIVING FACILITY	
INSTITUTIONAL USE	
PLACE OF WORSHIP	
PUBLIC UTILITY	
SOLAR ENERGY COLLECTOR SYSTEM	

10 Land Use Districts

Regulations

10.12.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	464.5m ² (5,000.0ft ²)
Max. Lot Coverage	45%
Min. Lot Dimensions	
Width	4.6m (15.0ft)
Depth	30.5m (100.0ft)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	3.0m (9.8ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	4 storeys – 16.2m (53.0ft)

Additional Regulations

10.12.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.13 Urban Reserve (UR) District

Purpose

10.13.1 The general purpose of Urban Reserve (UR) District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.



Permitted and Discretionary Land Use Classes

10.13.2 Land use classes within the following table shall be permitted or discretionary within the Urban Reserve (UR) District.

Permitted	Discretionary
ACCESSORY BUILDING	AUCTION FACILITY, LIVESTOCK
AGRICULTURAL EXTENSIVE	ENTERTAINMENT ESTABLISHMENT, OUTDOOR
AGRICULTURAL INTENSIVE	KENNEL
DWELLING, SINGLE FAMILY (PRIOR TO ADOPTION OF THIS BYLAW)	TEMPORARY BUILDING
PUBLIC UTILITY	TEMPORARY USE
SOLAR ENERGY COLLECTOR SYSTEM	WIRELESS COMMUNICATIONS FACILITY

10 Land Use Districts

Regulations

10.13.3 Development regulations within this land use district shall be in accordance with the following table.

Regulation	Standard
Min. Lot Area	As required by the Development Authority
Max. Lot Coverage	As required by the Development Authority
Min. Lot Dimensions	
Width	As required by the Development Authority
Depth	As required by the Development Authority
Min. Floor Area	69.7m ² (750.0ft ²)
Min. Setback	
Yard – Front	6.1m (20.0ft)
Yard – Side	1.5m (5.0ft)
Yard – Side on a Corner Lot	4.6m (15.0ft)
Yard – Rear	7.6m (25.0ft)
Max. Building Height	As required by the Development Authority

Additional Regulations

10.13.4 In addition to the regulations listed in this Section, regulations within Sections 8 and 9 shall also apply to development in this land use district where applicable.

10.13.5 No subdivision or development other than for the above uses listed in this Section shall take place until an overall plan for the area has been resolved. Such plan should establish the subdivision design, proposed land use classifications, public reserve dedications and utilities policies.

10.14 Direct Control (DC) District

Purpose

- 10.14.1 The purpose of the Direct Control (DC) District is to provide for site specific development control at the discretion of Council to address unique project conditions.

Permitted and Discretionary Land Use Classes

- 10.14.2 Any land uses and buildings shall be subject to the approval of Council.

Regulations

- 10.14.3 All site requirements shall be at the discretion of Council, based on a review of the merits of the development proposal and the relevant land use planning consideration.
- 10.14.4 All development shall conform to the Town of Two Hills MDP.
- 10.14.5 Council may refer to other Sections of this Bylaw to determine requirements for specific types of proposed land uses on property zoned under this District. However, Council is not bound by any other provisions of this Bylaw other than those contained within this District.
- 10.14.6 When deciding upon a development permit application, Council shall consider the following:
- a. The existing and future land use of neighbouring properties;
 - b. The suitability of the site for the proposed use;
 - c. The provision of municipal or on-site services such as water and sewer;
 - d. The provision of access to the subject property; and
 - e. Any considerations which are unique to the proposed development.

Administrative Procedures

- 10.14.7 Council shall review and decide all applications for Principal Uses on property zoned under this district. Development proposals for secondary or accessory uses may be delegated to the Development Authority at Council's discretion.
- 10.14.8 There shall be no appeal to the SDAB on decisions made by Council on applications for proposed development on land zoned as Direct Control except in accordance with Section 641 (4) of the Act.

10 Land Use Districts

10.14.9 The purpose and regulations of each Direct Control District shall be detailed in Appendix B of this Bylaw.

11

Definitions

An undefined word or term within this Bylaw shall be defined by the Act.

In this Bylaw the following shall mean:

A

Accessory Building means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land. Accessory buildings shall include decks, gazebos and play structures.

Accessory Use means a use customarily incidental and subordinate to the main use or building and is located in the same parcel of land with such main use or building.

Act means the *Municipal Government Act* and subsequent amendments thereto.

Agricultural Support Service means a development providing products or services directly related to the agricultural industry. Without restricting the generality of the foregoing, this shall include such facilities as bulk fertilizer distribution plants, bulk agricultural chemical distribution plants, and farm implement dealerships (not including automotive, equipment and vehicle services).

Agriculture Extensive means the use of land or buildings for the production of crops or livestock which require larger tracts of land. Extensive agriculture does not include confined feeding operations, hog barns, poultry farms or fur farms;

11 Definitions

Agriculture Intensive means a commercial agricultural operation other than confined feeding operations which, due to the nature of the operation, may be able to use smaller tracts of land. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, sod farms, market gardens, and beekeeping;

Apartment means a dwelling containing three (3) or more dwelling units, but shall not mean row housing.

Assisted Living Facility means a facility where meals, lodging and continuing nursing care are provided for compensation, including assisted living facilities, nursing homes, retirement homes and medical receiving homes.

Auction Facility, Non-Livestock means a development intended for the auctioning of goods and equipment including the temporary storage of such goods and equipment. An auction facility non-livestock does not include the auctioning of livestock.

Auction Facility, Livestock means a development intended for the auctioning of livestock, goods and equipment, including the temporary storage of such livestock, goods and equipment.

Automotive and Equipment Repair and Service means land, buildings and structures used for the mechanical repair and servicing of vehicles, equipment, motorcycles, and recreation vehicles or craft and may include the accessory sale, installation or servicing of related parts and accessories.

Automotive and Equipment Sales and Rental means a development used for the retail sale or rental of new or used automobiles, equipment and motorcycles, together with incidental maintenance services and sale of parts.

B

Bar/Neighbourhood Pub means a development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the site. This use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges.

Building Height means the vertical distance measured from the average grade level at the subject building to the higher of the highest point of a flat roof, or the average level between the eaves of the subject building and the top ridge of a pitched roof on the subject building. This dimension shall be exclusive of any accessory roof construction such as a chimney, steeple or antenna.

Bulk Fuel Station means lands, buildings, and structures for the bulk storage and distribution of petroleum products and may include key lock retail sales. This does not include a service station.

Business Frontage means any side of a lot or building which abuts a road or highway, or in the case of individual business or tenants within a building, any business which has separate access to a road or highway.

C

Campground means a development where tents, vacation trailers, or motor homes used by travellers and tourists for overnight accommodation are located.

Cannabis Production Facility means an enclosed building licensed by the Federal Government to grow and harvest cannabis for distribution (for medical or private retail purposes) and includes processing, labeling and packaging, storing, and shipping of cannabis and cannabis related products.

Cannabis Storage and Distribution Facility means an enclosed building licensed by the Provincial Government to store cannabis, but not grow (for medical or private retail purposes), and may include processing, labeling and packaging, storing, and shipping of cannabis and cannabis related products.

Cannabis Store means a development where the retail sale of cannabis and cannabis accessories is permitted through a cannabis licence in accordance with the *Federal Cannabis Act*, and *Alberta Gaming, Liquor and Cannabis Act*.

Comer Lot means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall not include a lane.

Council means the Council of the Town of Two Hills.

D

Day Care means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of fifteen (15) years, by persons unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purposes of this definition, a day care shall include all day-care centres, nurseries, and after school or baby-sitting programmes which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division.

Day Home means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of thirteen (13) years in addition to resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations.

Deck means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. An uncovered porch shall be considered as a deck.

Development means:

1. An excavation or stockpile and the creation of either of them;
2. A building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
3. 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;
4. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
5. The demolition or removal of a building; or
6. The placement of an already constructed or a partially constructed building on a parcel of land.

Development Authority means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council.

Development Permit means a document authorizing a development issued pursuant to this Bylaw.

Discretionary Use means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made.

11 Definitions

Drive-through Business means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-through businesses include, but are not limited to drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes.

Driveway means a vehicle access connection from an individual lot or site to a public road.

Duplex means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other.

Dwelling means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single family dwelling, duplexes, row housing, and apartments, but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation.

Dwelling Unit means a residential unit containing one (1) or more habitable rooms that provide living accommodations and is intended as a permanent residence, as an accessory use, to a non-residential principal use.

Dwelling, Single Family means a building containing a single dwelling unit as the main use of the building. A single-family dwelling may be site-built or modular.

Dwelling, Town House means a dwelling that includes three (3) or more dwelling units which are located one beside the other, with at least one common wall between each unit, and each unit having a separate exterior entrance.

E

Entertainment Establishment, Indoor means a development providing recreational facilities with table games or electronic games or both, used by patrons for entertainment. Typical developments include movie theatres, billiard parlours, electronic games arcades with tables or games or both, and bowling alleys, but do not include gambling machine establishments.

Entertainment Establishment, Outdoor means a development providing recreational facilities outdoors played by patrons for entertainment. Typical developments include amusement parks, go-cart tracks, motocross tracks and miniature golf courses but do not include drive-in motion picture theatres, carnivals or circuses.

F

Family Care Facility means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes.

Front Line means the boundary line of a parcel of land lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line.

Front Yard means a yard extending across the full width of a parcel of land from the front line to the leading wall of the main building situated on the parcel of land. In the case of a curved front line, the front yard will also form a curve.

Funeral Home means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services.

G

Garden Suite means an accessory use on the same lot as a principal dwelling, which is either a suite above a detached garage or within an accessory building. A garden suite has a gross floor area less than the primary dwelling, and contains cooking, food preparation, sleeping and sanitary facilities.

General Advertising means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the lot on which the sign is displayed.

Gross Floor Area means the total area for all floors of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of gross floor area.

Gross Floor Area Ratio means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total area of the parcel of land on which the buildings are located.

Ground Floor Area means the total area of a parcel of land including accessory buildings which is covered by any building or structure.

Group Care Facility means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.

Group Home means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults.

H

Home Occupation Major means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and does not employ more than five (5) non-residents concurrently.

Home Occupation Medium means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and does not employ more than two (2) non-residents concurrently.

Home Occupation Minor means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, does not employ any non-residents of the primary dwelling.

Hotel means a 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 minor/major food and beverage establishments.

11 Definitions

I

Industrial Use, Heavy means industrial uses which require large tracts of land and may have a significant detrimental effect on adjacent or nearby sites as a result of its normal operations by way of noise, vibration, smoke, emissions, odour or other element. Industrial use heavy involves the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of concrete, asphalt, gravel, cement, lime, brick, tar or forestry products.

Industrial Use, Light means industrial uses which do not create a significant adverse impact or nuisance beyond the boundaries of the site and involves manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, finished goods, products or equipment. Industrial use light does not include uses listed under industrial use heavy.

Institutional Use means a development of a public character including governmental, religious, health, educational, social, recreational, and cultural facilities having a close affinity with public services to a municipality, area, or region. This use includes cemeteries and community halls.

K

Kennel means a development in which domestic pets are maintained, boarded, trained, cared for, bred, or raised for remuneration or for sale.

L

Leading Wall means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.

Lot means:

1. A quarter section;
2. A part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision; or
3. A part of a parcel of land 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 Width means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard.

M

Marquee/Canopy means a projection outward from the face of a building, which may provide protection from climatic elements.

Main Building means a building in which is conducted the main or principle use of the parcel of land on which it is erected.

Manufactured Home means a prefabricated dwelling unit, with a width of at least 5.00m (16.40ft), that has been constructed in whole or in part in a Canadian Standards Association (CSA) certified plant or site in accordance with the Alberta Building Code for transportation to a building site. A manufactured home may be a single structure (single-wide) or consist of two parts which are put together to comprise a complete dwelling unit (double-wide). A manufactured home is transportable and may be towed in one or two sections to be joined together into one dwelling unit on site. This does include a mobile home but not a modular home, a park model trailer, a recreational vehicle or an industrial camp trailer.

Manufactured Home Park means any lot on which two or more occupied manufactured homes are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks.

Modular means a single detached dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction.

Motel means a 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 food and beverage establishments.

Municipality means the Town of Two Hills.

N

Non-Conforming building means a building:

1. That is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and
2. That on the date the Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

Non-Conforming Use means a lawful specific use:

1. Being made of land or a building or intended to be made of a building lawfully under construction at the date a Land Use Bylaw affecting the land or building becomes effective; and
2. That on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

O

Owner means:

1. In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
2. In the case of any other land, the owner of the land according to the municipality's assessment roll.

11 Definitions

P

Parcel of Land means the aggregate of the 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.

Permitted Use means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made.

Personal Service means a development used for the provision of personal services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects, and may include such uses as barbershops, hairdressers, tattoo parlours, beauty salons, tanning salons, shoe repair shops, laundromats, and dry cleaning outlets, but does not include health services, retail stores, service stations, or adult entertainment facilities.

Place of Worship means a building or outdoor area where people regularly assemble for worship and related religious, philanthropic, or social activities that is maintained and controlled for public worship. Typical uses include churches, chapels, mosques, temples, synagogues, convents, and monasteries. It also includes accessory manses or rectories.

Point-of-sale Advertising means advertising which relates to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the lot on which the advertising is displayed.

Private Club means a development used for the meeting, social or recreational activities of members of a philanthropic, social service, non-profit, athletic, business or fraternal organization. Private clubs may include eating and drinking establishments and rooms for assembly.

Professional, Financial, Office, Health and Business Support Service means a 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, film processing establishments, janitorial firms, medical practitioners and business equipment repair shops

Provincial Health Care Facility means an approved hospital as defined in the *Hospitals Act*;

Public Park means land developed for public recreational activities that do not require major buildings or facilities. A park may include but is not limited to picnic areas, day use areas, playgrounds, trails, landscaped areas and associated public washrooms;

Public Utility means a development or building, as defined in the Municipal Government Act, used to provide one or more of the following for public consumption, benefit, convenience or use: water; wastewater or storm water; public transportation; communication; drainage ditch; natural gas; electric power; or heat. It includes communications towers and the buildings required to operate the public utility.

R

Rear Line means the boundary line of a parcel of land lying opposite to the front line of the parcel and/or farthest from a highway or road.

Rear Yard means a yard extending across the full width of a parcel of land from the leading wall of the main building situated on the parcel to the rear line of the parcel of land.

Restaurant means a development where the primary purpose of the facility is the sale of prepared foods to the public, for consumption within the premises or off the site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Retail, General means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, garden supplies, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationery, second hand goods, and or similar goods are bought, rented, and or sold from within a building. General retail does not include developments where gasoline, new or used motor vehicles, manufactured homes, recreational vehicles, or heavy agricultural or industrial equipment are sold or rented.

Roof means the top of any enclosure, above or within the vertical walls of a building.

S

School means a school as defined in the *School Act*;

Secondary Suite means a separate set of living quarters within a principal building, containing independent and physically separate sleeping, sanitary and kitchen facilities.

Service Station means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include a retail convenience store, vehicle washes, facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops.

Side Line means the boundary line of a parcel of land lying between a front line and a rear line of a parcel of land. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line.

Side Yard means a yard extending from the leading wall of the main building situated on a parcel of land to the side line, and lying between the front and rear yards on the parcel of land.

Sign means any word, letter, model, picture, symbol, device or representation which is used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is considered to be part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without limiting the generality of the foregoing, a sign includes posters, notices, panels, boards, and banners.

Sign Area means the total area within the outer periphery of the sign. In the case of a sign comprised of individual letters or symbols, the area of the sign 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 the area of a sign.

Sign, Billboard means a primarily self-supporting sign, which is used for the display of general advertising.

Sign, Fascia means a sign placed flat and parallel to the face of a building so that no part projects more than 0.3m (1.0ft) from the building.

Sign, Free-standing means a sign on a standard or column permanently attached to the ground, which is not connected in any way to any building or other structure.

11 Definitions

Sign, Free-standing Portable means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually.

Sign, Marquee/Canopy means a sign attached to a marquee or canopy.

Sign, Projecting means a sign which is attached to a building or structure so that part of the sign projects more than 0.3m (1.0ft) from the face of the building or structure.

Sign, Roof means any sign placed on or over a roof.

Sign, Sky means a roof sign comprising individual letters or symbols on an open framework.

Shipping Container means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this Bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and requires a permit.

Solar Energy Collector System means a structure and accessories designed to convert solar radiation into electrical or thermal energy;

Stall means an area of land upon which manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park.

Subdivision and Development Appeal Board means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act.

T

Temporary Building means a structure which is permitted to exist for a maximum of six (6) months, or such period of time as determined by the Development Authority.

Temporary Use means a use which is permitted for a maximum of six (6) months, or such period of time as determined by the Development Authority.

U

Units per Net Hectare means the total number of dwelling units per hectare of land.

Urban Hen means a domesticated female chicken that is of at least sixteen (16) weeks of age and is kept on an urban residential property for non-commercial purposes.

Urban Hen Coop means a weather proof outdoor structure designed to house an urban hen that includes an attached securely enclosed outdoor area that is fenced and roofed.

V

Veterinary Clinic means a development where domestic pets or livestock are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days.

W

Workshop means a development involving the assembling or crafting of goods by hand or small equipment and is considered by the Development Authority to not create or cause any nuisance to adjacent land uses. A workshop includes uses such as cabinetry making, carpentry, artist studio, electrician, gas fitter, metal worker, painter, plumber, pipe fitter, tinsmith and upholsterer.

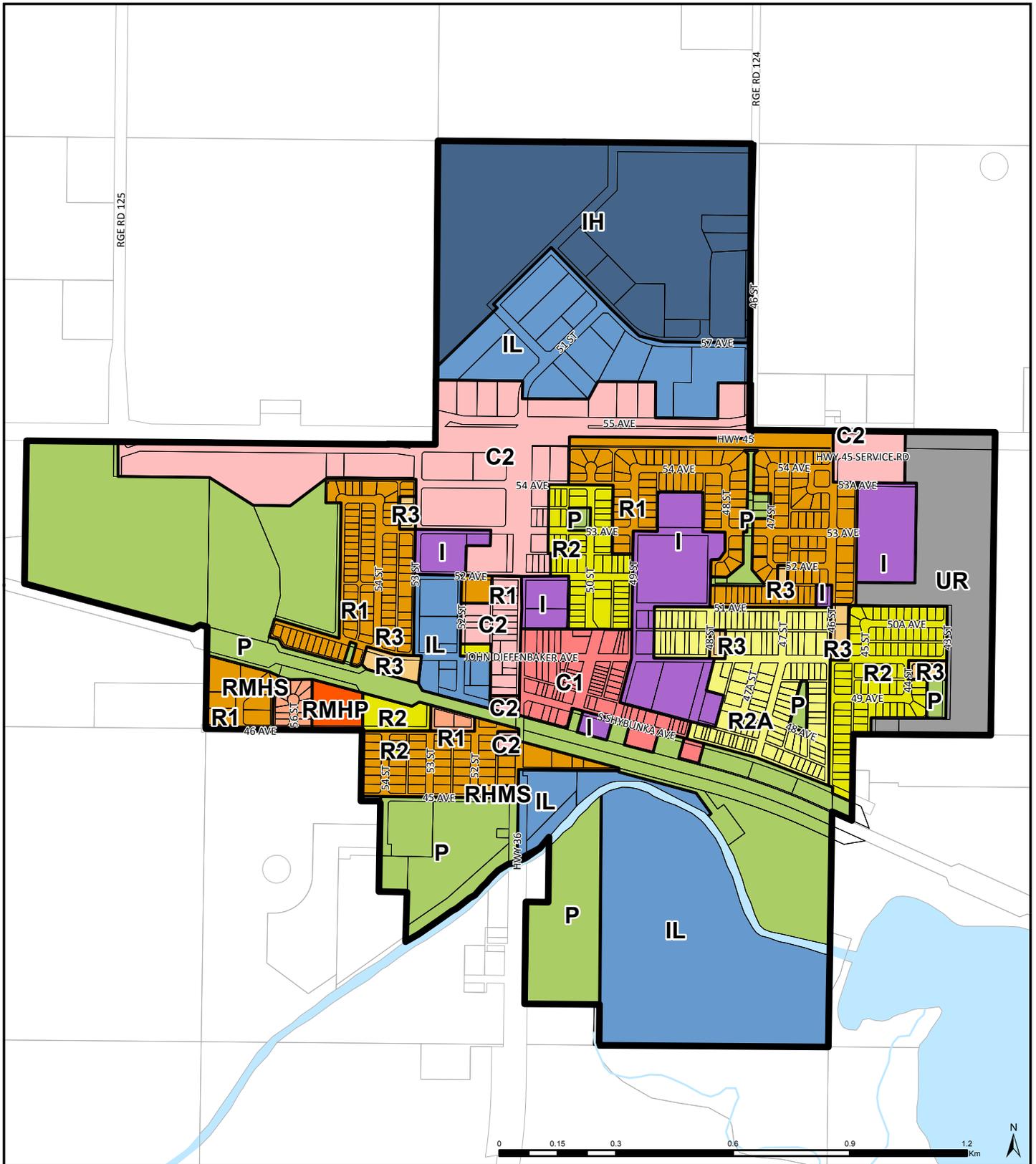
Wireless Communications Facility means a development involving a structure and components needed to operate wireless transmitters or receivers for television, radio, telephone and internet signals.

Y

Yard means that portion of a site located between the property line and nearest exterior wall of the principal building.

Appendix A

Land Use Districts Map



Town of Two Hills
Land Use Bylaw



Map 1 | Land Use Districts

Legend

- Residential 1 (R1)
- Residential 2 (R2)
- Residential 2A (R2A)
- Residential 3 (R3)
- Residential Manufactured Home Subdivision (RMHS)
- Residential Manufactured Home Park (RMHP)
- Town Centre (C1)
- Highway Commercial (C2)
- Institutional (I)
- Parks and Recreation (PR)
- Industrial Light (IL)
- Industrial Heavy (IH)
- Urban Reserve (UR)
- Town Boundary

Appendix B

Direct Control Districts

