

Town of Killam Land Use Bylaw #860 (Amended)



**Town of Killam Bylaw #860 including
Amendments to November xx 2023**



ONE: Enactment and Administration

Section 1: Title

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

Section 2: Purpose

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

Section 3: Application

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

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

Section 4: Effective Date

This Bylaw comes into force and takes effect upon the date of its third reading, xx, 2023.

Section 5: Other Legislative Requirements

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

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

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

Section 6: Transition

An application submitted and accepted prior to the approval of this Bylaw Amendment shall be considered under the provisions of Land Use Bylaw No. 860, as amended to xx, 20xx.

All re-designation, subdivision and development applications received on or after the effective date of Bylaw No. 860 shall be processed under its provisions.

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

“CARPORT” means a roofed structure free standing or attached to the principal building which is not enclosed on the front and is used for storing or parking of not more than two private vehicles, which has not less than 40% of its total perimeter open and unobstructed.

“CATERER” means an establishment in which food and beverages are prepared for the consumption off premises, and are not served to customers on the premises or for take-out. This is not a food and/or beverage service facility.

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

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

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

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

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

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

“CONDOMINIUM UNIT” means:

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

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

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

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

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

“FUNERAL HOME”- means a use where funerals are held and/or the preparation of the deceased for burial or cremation and may incorporate a crematorium as an accessory use.

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

“GARAGE” means an ancillary building or portion of a main building, including a carport, used or intended to be used in conjunction with a dwelling unit principally for the private parking or storage of motor vehicles for personal transportation. A garage is not a “Dwelling”.

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

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

“GAS BAR” means a development used for the sale of gasoline, fuel, lubricating oils, automotive fluids and associated convenience store products. The gas bar may be a self-serve, full service, key lock, card lock or other similar operation. Gas bars may include accessory vehicle washing facilities.

“GOLF COURSE” means an area of land laid out for golf (a game in which a player using special clubs attempts to sink a ball with as few strokes as possible into each of the 9 or 18 successive holes on a course) with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards —called also *golf links*.

“GREEN HOUSE OR PLANT NURSERY” means development used primarily for the raising, storage, basic processing and sale of fruits and vegetables, bedding, edible, household and ornamental plants. This use includes the retail sales of landscaping materials, but excludes the growing, processing or sales of cannabis

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

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

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

provisions of Section 42 are considered permitted uses as noted in the each specific residential district, however businesses which would involve variances from any of the standards will considered discretionary uses.

"HOTEL" means a building designed for the provision of accommodation in a commercial development for temporary sleeping accommodation where rooms have access from a common interior corridor and may be equipped with individual kitchen facilities. Hotels may include accessory food services, meeting rooms and personal service establishments.

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

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

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

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

"KENNEL" means any building in which more than six (6) dogs over the age of six (6) months are boarded, bred, trained, cared for or kept for purposes of sale.

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

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

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

- i. Unoccupied by any building or structure;
- ii. Situated on ground level on a lot;
- iii. Used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not restricted to, planting strips, facilities for outdoor recreation, ornamental ponds, play areas, surfaced walks, and patios; but
- iv. Does not include any part of a driveway or parking area, regardless, of surface composition, or any roof-top terrace, balcony, or space enclosed within a building.

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

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

“OPEN OR OUTDOOR STORAGE AREA” means the storage of equipment, goods and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the materials alteration of the existing state of the land.

“OTHER RELATED IMPROVEMENTS” means utilities (power, gas, well or septic system) and/or mature shelterbelts.

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

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

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

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

“PARKING FACILITY” means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility.

“PARKING LOT” means an area of land providing for the parking of motor vehicles that is not primarily intended for the use of residents, employees or clients of a particular development.

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

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

“PERSONAL SERVICE SHOP” means a use of a building or part of a building in which services are provided and administered to an individual and personal needs of persons, care and appearance of the person or the cleaning and repair of personal effects and without limiting the generality of the foregoing, includes a barber shop, hairdressing

establishment, beautician, beauty parlor, shoe repair and shoe shining shop, formal rental shop, tailor shop, bake shops, depots for collection and delivery of dry cleaning and laundry, self-serve laundry establishments and pet grooming facilities or other similar uses with no adverse impact on adjoining properties.. The sale of merchandise shall be permitted as an accessory use to the personal service provided.

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

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

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

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

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

“**PROFESSIONAL OFFICE**” means a development whose principal use is to provide administrative, consulting, financial, information, management or professional services, and includes a bank, call center, or office of an architect, engineer, lawyer, insurance agent or similar professional use with no adverse impact on adjoining properties..

“**PROFESSIONAL SUPPORT SERVICES**” means a development whose principal use is the provision of support services to businesses, where all on site activity occurs indoors, and includes sign making, catering, janitorial, security services and similar uses which have no adverse impact on adjoining properties.

“**PROPERTY LINE**” means the legally defined limit of any lot, shown on a legal plan of survey.

“**PROPERTY LINE, FLANKING SIDE**” means in the case of a corner lot, the longest property line that abuts a street.

“**PROPERTY LINE, FRONT**” means the property line that abuts a public street or on a corner lot, the shortest property line that adjoins a public street or as assigned by the Development Authority.

“**PROPERTY LINE, REAR**” means the property line opposite the front property line.

“**PROPERTY LINE, SIDE**” means the property line that connects the front and rear property line.

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

“SIGN – PORTABLE” means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs, temporary signs, inflatable signs, or devices or banners, whether tethered to a building or no, vehicles placed in a location for advertising purposes, but does not include an A-Board or real estate sign or signage permanently attached and forming part of motor vehicles use in the day to day conduct of business.

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

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

“SOLAR ENERGY – COMMERCIAL USE” means a solar energy system that is designed exclusively to provide for the commercial distribution of electricity.

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

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

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

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

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

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”, means the Board established pursuant to the Act and the Subdivision and Development Appeal Board Bylaw of the Town.

“SUPERMARKET”, means a self-service retail market selling especially foods and household merchandise.

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

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

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

FOUR: Development Permits

Section 13: Control of Development

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

Section 14: Fees

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

Section 15: When a Development Permit is Not Required

- 15.1 A Development Permit is not required for the following developments provided that the proposed development complies with all applicable regulations of this Bylaw:
- 15.1.1 Altering, maintaining or repairing any building, provided that the work does not include structural alterations or does not result in an increase in the number of dwelling units;
 - 15.1.2 The completion of any development which has lawfully commenced before the passage of the Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it has commenced within 12 months of the date of approval.
 - 15.1.3 The use of any such development as is referred to in subsection (b) for the purpose for which the development was commenced.
 - 15.1.4 The temporary erection, installation or use of machinery, structures or buildings such as a construction trailer, that is incidental to the erection or alteration of a permanent development for which a permit has been issued under this Bylaw. This does not include a real estate sales office, show home or similar facility;
 - 15.1.5 The temporary use of a parcel not exceeding six months per year for the sole purpose of mobile commercial sales, providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
 - 15.1.6 The maintenance and repair of public works, services or utilities carried out by or on behalf of federal, provincial or municipal authorities;
 - 15.1.7 Development specified in Section 618 of the Municipal Government Act;
 - 15.1.8 Any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
 - 15.1.9 Any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
 - 15.1.10 The erection of an on-site sign offering for sale, lease or rent any land or building pursuant to the regulations contained in this Bylaw;
 - 15.1.11 The erection of one unilluminated sign for non-residential uses of the following nature and size for use within a building or on a parcel, provided such signs do not resemble traffic signs: a fascia sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.2 ft²); a fascia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.2 ft²); and a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1.0 m² (10.8 ft²).

- 15.1.12 Erection of towers, flagpoles and other poles not exceeding 4.5 m (14.8 ft.) in height from grade in any Residential District.
- 15.1.13 Fences in a residential district with a maximum height of 1m in the front yard or 2m in a rear or side yard (all other relevant provisions in Section 40 of this bylaw still apply). Fences for homes which are currently in other districts will also fall under same provision if the property is being used for residential purposes.
- 15.1.14 In a residential district, structures of a recreational or aesthetic nature or an accessory building associated with the principal residence if less than 10m² gross floor area and of a maximum height to the peak of the roof of no greater than 3m provided the structure is located in the rear yard. Prefabricated vinyl structures (new) over 10m² and up to 12m² will require a development permit only as they are not able to be processed within the building permit process.
- 15.1.15 In a non-residential district, the construction of an accessory building or relocation of a prefabricated accessory building having a total gross floor area of less than 10m² and a maximum height to roof peak of 4.6m.
- 15.1.16 The construction of a deck, landing or patio, less than 0.61m in height measured from the finished grade to the top of the supporting structure.
- 15.1.17 A temporary outdoor above ground private swimming pool so long as it
- a- is not located in the front setback area
 - b- has a total area less than 15% of the parcel area
 - c- does not have any above grade components including a deck, walkway, supporting member, heater or mechanical equipment within 1.2m of any property line;
 - d- is located in a fenced yard with a minimum fence height of 1.8m and be constructed in a manner that will reasonably deter children from climbing over or crawling under to gain access and the area must be secured against entry by the public other than owners, tenants and guests
- 15.1.18 Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a Development Permit allows for such landscaping; and
- 15.1.19 Stripping, site grading or excavation that is part of a development for which a Development Permit has been issued.

Section 16: Non-Conforming Buildings and Uses

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

Section 17: Application for Development Permit

- 17.1 A Development Permit application shall be made to the Development Officer on the prescribed form and shall be signed by the Registered Owner or his agent.
- 17.2 Each application for a development permit shall be accompanied by a fee as established by Section 14 of this Bylaw.
- 17.3 In addition to the completed application form, the following are required:
- (a) a duplicate site plans at a scale of 1:100, unless otherwise acceptable to the development officer, north arrow showing;
 - (b) scale of plan.
 - (c) legal description of property.
 - (d) municipal address.

- (e) lot lines shown with dimensions.
- (f) proposed front, side, and rear yards shown with dimensions.
- (g) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, parking spaces, fences, driveways, paved areas, exterior lighting, and major landscaped areas including buffering and screening areas where provided.
- (h) the grades of adjacent streets, lanes and sewers servicing the property.
- (i) development density, site coverage calculations, height by meters and number of stories according to the definitions of this bylaw.
- (j) dimension layout of existing and proposed parking areas, entrances and exits abutting roads shown and labelled.
- (k) site topography, drainage patterns, grades, and special conditions; and
- (l) location of all registered utility easements and rights-of-way.
- (m) a copy of the certificate of title showing ownership.

- 17.4 In addition, the Development Officer may require any of the following:
- i. Photographic prints or slides showing the site in its existing state;
 - ii. A Plan of Survey prepared by an Alberta Land Surveyor showing the site to be developed.
 - iii. A geotechnical or floodplain study prepared by a qualified engineer recognized by APEGGA if in the opinion of the Development Officer the site is potentially hazardous or unstable.
 - iv. A reclamation plan for aggregate extraction or other major surface disturbance.
 - v. A Phase 1 Environmental Site Assessment, conducted according to Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation.
 - vi. An Environmental Impact Review prepared by a qualified professional if the proposed development may, in the opinion of the Development Officer, result in potentially significant environmental effects.
 - vii. Detailed studies regarding the potential impact and approach to dealing with traffic, utilities and storm drainage prepared by a qualified engineer or engineering technologist recognized by APEGGA.
 - viii. Elevations of any signs proposed for the development.
 - ix. A letter of security and/or performance bond or certified cheque commensurate with the scope of the project to ensure completion of the development. (\$5000 cap was eliminated)
 - x. Such other information that is deemed necessary by the Development Officer and/or Municipal Planning Commission.

- 17.4 The Development Officer may deal with an application without all of the required information if, in the opinion of the Development Officer, a decision can be properly made on the application without that information.

Section 18: Decision

- 18.1 The Development Officer and/or Municipal Planning Commission may issue a development permit with any condition deemed necessary to ensure that the development complies with the Municipal Government Act, this bylaw and any or all statutory plans.
- 18.2 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:
- 18.2.1 Shall approve, with or without conditions, the application if the proposed development conforms with this Bylaw; and
 - 18.2.2 May require security as per the development agreement (if applicable) from the applicant to secure performance of any of the conditions of a development; and
 - 18.2.3 May require as a condition of issuing the development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favor of the Town; or
 - 18.2.4 Refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses, but which in the opinion of the Development Officer, should be directed to the Municipal Planning Commission; or
 - 18.2.5 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 18.3 In making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission:
- 18.3.1 May approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or,
 - 18.3.2 May refuse the application even though it meets the requirements of this Bylaw; or,
 - 18.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw.
 - 18.3.4 May require as a condition of issuing the development permit, that the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may register a caveat against the said lands in favour of the Town.
 - 18.3.5 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall consider the circumstances and merits of the application, including but not limited to:
 - (a) the impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odors and noise;
 - (b) the design, character, and appearance of the proposed development and in particular whether it is compatible with the surrounding properties; and,
 - (c) the servicing requirements for the proposed development;
 - (d) The purpose and intent of any statutory plan adopted by the Town; and
 - (e) The purpose and intent of any non-statutory plan or pertinent policy adopted by the Town.

- 18.4 Notwithstanding any provisions or requirements of this Bylaw, the Municipal Planning Commission may establish a more stringent standard for a Discretionary Use when the Municipal Planning Commission deems it necessary to do so.
- 18.6 The Municipal Planning Commission may refuse a development permit for a use or development that is not listed as a Permitted or Discretionary Use.
- 18.7 Only one development permit application shall be allowed for any one use on a site at any one time.
- 18.8 An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt of the application by the Development Officer, unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Officer and/or Municipal Planning Commission.
- 18.9 **Re Applications** – If an application for a development permit is refused, or after an appeal, the development authority may refuse to accept a subsequent application for the same or similar use until a period of 6 months has passed from the date of the most recent refusal. Additionally, if 2 or more Development Permit applications for the same purpose or activity within a Use on the same site have been refused by the Development Officer/ Authority, the SDAB, The Alberta Court of Appeal, the Supreme Court or any combination of the above, the 3rd or subsequent application shall not be accepted by the Development Officer until one year form the date of the most recent refusal.

Section 19: Temporary Permits

- 19.1 A development permit may be issued on a temporary basis and the Development Officer and/or Municipal Planning Commission may specify the length of time that the permit remains in effect.
- 19.2 Where a temporary permit is issued, the Development Officer and/or Municipal Planning Commission shall:
- 19.2.1 Require that the use be stopped, or the temporary development removed once the permit expires.
 - 19.2.2 Impose a condition that the Town is not liable for any costs incurred in removing the development.
 - 19.2.3 The Development Officer and/or Municipal Planning Commission may require that the applicant enter into an agreement with the Town guaranteeing the removal of the temporary development when the intended use is changed or discontinued. The agreement may require the applicant to post a security guaranteeing the removal of the development.
 - 19.2.4 Upon expiry of a temporary development permit, a new application is required. Such application shall be considered as a first application and the Development Officer and/or Municipal Planning Commission is not obliged to approve it on the basis that a previous permit was issued.
- 19.3 Where a temporary permit is issued for a sea can or (transmodal container box) in a Residential (R-1A, R1, R2, R3 or R4) land use district, the Development Officer and/or Municipal Planning Commission shall:
- 19.3.1 Require that the use be stopped or the temporary development removed once the permit expires;
 - 19.3.2 Impose a condition that the Town is not liable for any costs incurred in removing the development.
 - 19.3.3 The Development Officer and/or Municipal Planning Commission may require removal of the temporary development when the intended use is changed or discontinued. The agreement may require the applicant to post a security guaranteeing the removal of the development.
 - 19.3.4 Only permit this type of development to a maximum of 3 months and upon expiry of the temporary development permit, only 1 extension will be granted for a period not to exceed 3 months. Such an application shall be considered as a first application and the Development Officer and/or Municipal Planning Commission is not obliged to approve it on the basis that a previous permit was issued.

Section 20: Variance Authority

- 20.1 Notwithstanding Sections 18.2.5 and 18.3.3, the Development Authority may consider an application for a development that does not conform to this Bylaw, if in its opinion:
- 20.1.1 the proposed development conforms with the use prescribed for the land or building in this Bylaw; and
- 20.1.2 the proposed development would not:
- (a) unduly interfere with the amenities of the neighbourhood; or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- 20.2 Unless otherwise prescribed elsewhere in this Bylaw, all development permit applications for a variance shall be referred to the Municipal Planning Commission for a decision.
- 20.3 In exercising their discretion under Section 20.1, the Development Authority shall consider the general purpose and intent of the appropriate district and the following requirements:
- 20.3.1 except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing dwelling unit density or parcel coverage;
- 20.3.2 a variance from the provisions in this Bylaw shall not be granted when the variance will knowingly cause a building or use to not comply with federal, provincial, or other municipal regulations, including the Safety Codes Act;
- 20.3.3 variance requests to height, setbacks, and other regulations that may affect the conformance of a structure with municipal, provincial, or federal regulations shall be circulated to affected departments for review and comment prior to a decision on the application for the development permit;
- 20.3.4 as part of the authority given to the Development Authority to process Real Property Reports (RPR's), the Development Authority may sign an RPR and issue a Certificate of Compliance if the District requirements are not met, provided the variance required is a distance of not more than 0.15m.
- 20.4 A variance request shall include justification as to why the regulation cannot be adhered to. In applying for a variance to a Bylaw regulation, the applicant shall demonstrate to the Development Authority that the impact of the variance will be no more than minor. In assessing the impact, the considerations for granting a variance may include the following:

a) Reduction of Front and Side Yard Setback on Corners

- i) That the location the building does not adversely affect the visual urban presence of the building in context with the surrounding area; and
- ii) That the building does not adversely impact the ability for on-site parking to occur; and
- iii) That the building does not adversely impact the ability of vehicles to obtain clear visibility when moving to and from the site.

(b) Reduction of Side Yard Setback

- i) That the scale of the building or structure is not significantly out of context with the scale of buildings adjoining the subject property; and

- ii) That the building or structure does not result in an invasion of privacy on adjoining properties; and
- iii) That the building or structure does not adversely result in the loss of additional sunlight to principal living areas or outdoor areas of adjoining residential properties beyond the permitted setback;
- iv) Where the structure is required for addressing mobility access to a residential dwelling where no other practical alternative can be provided; and
- v) That adequate access is able to be maintained to the rear of the property in which it is demonstrated that barbecues, wheelbarrow or utility equipment, where applicable, can easily be maneuvered down one side of the property. This assessment needs to take into consideration the impact related to a fence being constructed along the boundary to which the variance applies.

(c) Reduction of Rear Yard Setback

- i) That the scale of the building is not out of context with the scale of buildings adjoining the subject property; and
- ii) That the building does not result in an invasion of privacy on adjoining properties; and
- iii) That the building does not adversely result in the loss of additional sunlight to principal living areas or outdoor areas of adjoining properties beyond the permitted setback; and
- iv) That the building does not adversely affect the ability to have an adequate consolidated outdoor amenity area; and
- v) In the case of a rear lane, it should be demonstrated that the building does not adversely impact the ability for vehicles to obtain clear visibility when moving to and from the site.

(d) Increase in Lot Coverage

- i) That the scale of the building is not out of context with the scale of buildings adjoining the subject property; and
- ii) That the building does not result in an invasion of privacy on adjoining properties; and
- iii) That the building does not adversely result in the loss of additional sunlight to principal living areas or outdoor areas of adjoining properties beyond the permitted lot coverage; and
- iv) That the building does not adversely affect the ability to have an adequate consolidated outdoor amenity area.

(e) Reduction of Lot Size

- i) That the size of the lot does not adversely impact the urban lot layout that would lead to a building being out of character with the scale of other buildings in the surrounding area; or
- ii) That the size of the lot does not result in the inability for a building of a similar scale and character to the other buildings in the neighbourhood to be placed on the lot and meet all other respective setback controls.

(f) Increase in Height of Buildings or Structures

- i) That the scale of the building or structure is not significantly out of context with the scale of buildings or structures in the surrounding area; and
- ii) That the building or structure does not result in an invasion of privacy on adjoining properties; and
- iii) That the building or structure does not result in the significant additional loss of sunlight to the principal indoor living areas and outdoor amenity areas of adjoining properties; and
- iv) That the building or structure does not create a dominant impact on the adjoining property(s).

(g) Increases or Decreases in Density

- i) That any increase or decrease in density does not result in development which is significantly out of context or scale with the development pattern of abutting lots; and
- ii) That any decrease in density does not result in a development which significantly limits the future development potential of a Lot; and
- iii) That the building does not result in an invasion of privacy on the adjoining properties; and
- iv) That the building does not adversely result in the loss of additional sunlight to principal living areas or outdoor areas of adjoining properties; and
- v) That the building or structure does not create a dominant impact on the adjoining property(s).

(h) Increase in Fence Height

- i) That the height of the fence does not adversely impact the loss of sunlight to indoor spaces or principal outdoor living spaces of the adjoining property; and
- ii) That the height of the fence is not out of scale with other fences in the surrounding area; and
- iii) That the fence does not create a dominant impact on the adjoining property(s).

(i) Reduction of Landscaping

- i) That the landscaping shortfall or loss will not adversely impact the aesthetic and visual urban form of the surrounding area or new development; or
- ii) Where it is demonstrated that there would be greater benefit to the community through providing alternative landscaping options.

(j) Revised Parking Requirements

- i) The applicant shall be required to provide a parking impact assessment.
- ii) The number of parking spaces may be reduced provided that the reduction in parking will not lead to parking, related to the use, within the public right of way.
- iii) The number of parking spaces required to be hard surfaced may be reduced based on the use of the building provided that a report from a qualified Engineer is provided to identify the potential impact on traffic, parking, on-site maintenance, and any off-site impacts and how these impacts will be mitigated.
- iv) A portion of the required parking spaces in commercial, industrial, or institutional developments may be developed to a smaller standard or dimension for compact vehicles, provided that there are no off-site impacts.

(k) Reduced Access Distance

- i) That the access does not adversely affect the safe movement of vehicles along the right-of-way; and
- ii) That the access does not adversely affect the ability for vehicles to safely move to and from site; and

(l) Signs

- i) that the size of the sign does not dominate in context to other legal signs in the immediate area
- ii) that the size of the sign does not adversely impact the architectural character of the building and adjacent buildings.
- iii) that the sign does not obstruct sight lines for vehicular traffic
- iv) that the sign does not obstruct the ability of pedestrians to move freely along the sidewalk

v) that the sign does not contribute to clutter on the site adversely affecting the aesthetic value of the immediate surrounding area

vi) that the cumulative impacts of the signage of the overall area does not adversely impact the aesthetic and visual character of the surrounding area.

20.4 The Development Authority may issue a variance in accordance with Table 20-1:

Table 20-1: Variances

District	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the Municipal Planning Commission
R1A - Residential Single Detached	0.1% - 19.9%	20.0% - 75%
R1 - Residential General	0.1% - 19.9%	20.0% - 75%
R2 - Residential Mobile Home Subdivision	0.1% - 19.9%	20.0% - 75%
R3 - Residential Multi Family	0.1% - 9.9%	10.0% - 75%
R4 - Residential Low Density	0.1% - 19.9%	20.0% - 75%
C1 - Commercial Central	0.1% - 9.9%	10.0% - 75%
LIB - Light Industrial Business	0.1% - 29.9%	30.0% - 75%
P - Parks	0.1% - 9.9%	10.0% - 75%
I - Institutional	0.1% - 9.9%	10.0% - 75%
UR - Urban Reserve	0.1% - 29.9%	30.0% - 750%

Variances for the districts listed above in excess of what is prescribed in the third column of Table 20-1 shall be refused by the Development Authority unless otherwise noted.

Variations for the districts listed above in excess of what is prescribed in the third column of Table 20-1 shall be refused by the Development Authority unless otherwise noted.

Section 21: Notice of a Proposed Development

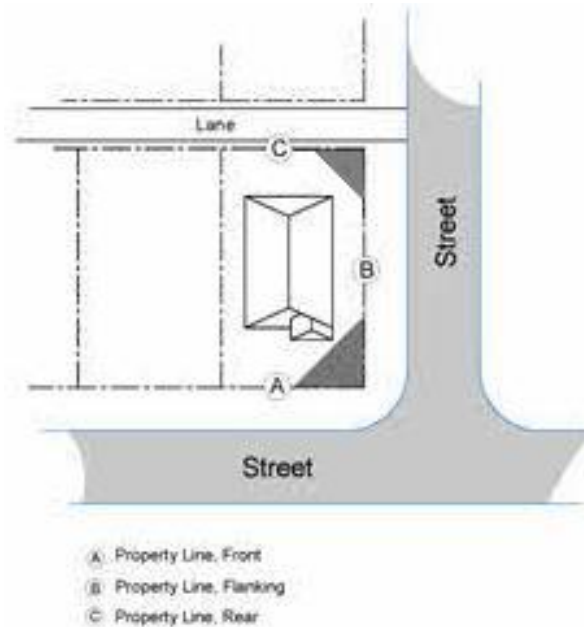
- 21.1 The Development Officer may refer a development permit application to any external agency for comment and advice.
- 21.2 On receipt of a complete application for a development permit for a development listed as a Discretionary Use or a development permit that requires a variance, the Development Officer may send a written notice to adjacent property owners indicating the location and nature of the proposed development and ask for comment.
- 21.3 After 30 days from the date of referral to any external agency, the Development Officer and/or Municipal Planning Commission may deal with the application whether or not comments have been provided.

Section 22: Notice and Validity of Decision

- 22.1 A decision of the Development Officer and/or Municipal Planning Commission on an application for a development permit shall be given in writing and sent by regular mail to the applicant.
- 22.2 Where a development permit application is refused, the reason(s) for the refusal shall be stated in the decision letter.
- 22.3 When a development permit, that is a discretionary use or if it is a permitted use but requires a variance, is approved, the Development Officer shall publicize a notice of decision in any or all of the forms as described as follows:
 - 22.3.1 Mail a notice of the decision to all persons whose use, enjoyment or value of the property may, in the opinion of the Development Officer, be affected; and/or
 - 22.3.2 Post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - 22.3.3 Publish in a newspaper circulating in the municipality a notice of the decision.
- 22.4 A permit does not come into effect until 21 days after the date the approval is posted or published in the newspaper. If an appeal is lodged with the SDAB, no development shall be commenced until the appeal is finally determined and the issuance of the development permit is upheld.
- 22.5 When a development permit is granted, the Development Officer shall send a notice by regular mail to adjacent landowners advising them of the variance and the right of appeal.
- 22.6 A development permit issued is not valid until all conditions of the permit, except those of a continuing nature have been met and not notice of appeal has been filed with the Subdivision and Development Appeal Board.

- 31.2 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve upon such person an offence ticket allowing the payment of the specified penalty to the Town in lieu of prosecution for the offence.
- 31.3 Council may revise penalties for contravention of or non-compliance with the provisions of this Bylaw while following the procedure as prescribed by the Municipal Government Act to amend the Land Use Bylaw. Additional permit fees will be levied as per the Town of Killam fee schedule at the time of application for any development permits applications where construction or use has commenced without a permit as per Town of Killam Fee Bylaw schedule for these types contraventions.
- 31.4 If the Town takes action to carry out a Stop Order the Town shall cause the costs and expenses incurred in doing so to be placed on the tax roll of the property concerned.

FIGURE 36.1: RESTRICTIONS ON CORNER LOTS



Section 37: Accessory Structures

37.1 Accessory Use in a Non Residential District

- a) an accessory structure must not be developed prior to the development permit for the Principal Building
- b) is considered part of the principal use of the site on which it is located and must be in compliance with the development regulations of the district
- c) shall have the same height requirements as for the principal building of the district
- d) accessory buildings shall not be in the front of the principal buildings
- e) a solar collector/panel maybe located on the roof or wall of a building or structure, or ground mounted in a side or rear yard provided the structure complies with the minimum requirements of the district.
- f) a solar collector or panel mounted to a roof shall not extend beyond the outermost edge or above the peak of the roof.

37.2 Accessory Use in a Residential District

- a) where an accessory use, other than a garage or deck is attached to a principal building on a site by a roof, an enclosed structure, a floor or foundation, or any structure below grade allowing access between the building and structure, it is considered part of the principal building and subject to the setback requirements for the principal building.
- b) where more than one garage is proposed on a lot, the total site coverage of the principal building and all accessory buildings must not exceed the maximum prescribed in the district standards .Remove this line
- c) the floor area or combined floor area of all accessory buildings and structures, excluding decks and accessory uses with a floor area of less than 10m2, (108sf), must not exceed the greater of 112m2, (1200sf), per structure or the lot coverage of the principal building; Applications for structures beyond this limit may be considered by MPC on a case by case basis if the applications can demonstrate there would

not be adverse effects to adjoining properties, the overall streetscape of the neighbourhood is not negatively impacted, there is sufficient lot size to such a development, the development overall will be aesthetically pleasing, and any other factors MPC may deem relevant to the approval.

d) an accessory use must not be developed prior to the development of the principle building on the site. (an accessory structure may be permitted to remain on a site where a demolition permit has been issued provided the structure is in good repair and is used only for residential storage only until such time as the site is re-developed)

e) a solar collector/panel may be located on the roof or wall of a building or structure, or ground mounted in a side yard provided the structure complies with the minimum side yard requirements of the district.

f) a solar collector or panel mounted to a roof shall not extend beyond the outermost edge or above the peak of the roof.

Section 38: Easements

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

Section 39: Environmental Conservation and Hazardous Lands

- 39.1 Within developing areas, existing trees and shrubs should be conserved to the maximum extent possible.
- 39.2 The following areas shall be retained in their natural state;
- 39.2.1 Swamps, gullies and natural drainage courses;
 - 39.2.2 Unstable land;
 - 39.2.3 Land subject to flooding by a 1:100 year flood;
 - 39.2.4 Land with a natural gradient of 15% or greater; and
 - 39.2.5 Any lands designated as Environmental Reserve.
- 39.3 Building sites for schools, hospitals, food establishments and residential areas are not allowed within 300m, (984 ft), of the working area of a wastewater treatment plant.
- 39.4 A wastewater treatment plant cannot be built or expanded within 300m, (984 ft) of the parcel boundary of an existing school, hospital, food establishment or residential area unless waived by the Deputy Minister of Environment and Sustainable Resource Development.
- 39.5 Schools, hospitals, food establishments and residential uses are not allowed within 300m, (984ft) of the operating or non- operating landfill disposal area or storage site, or 450m, (1476ft) of the current or future working area of a landfill or hazardous waste management facility. Similarly, a landfill, storage site or hazardous waste management facility cannot be built or expanded within these distances.

Section 40: Fencing and Screening

- 40.1 Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, A fence may be constructed along a boundary line of a parcel of land. Fences shall complement the character and quality of the principal building.
- 40.2 In residential front yards, no fence shall be higher than 1 meter (3.3 ft.).
- 40.3 In residential side and rear yards, no fence shall be higher than 2 meters (6.6 ft.).
- 40.4 Where yards are adjacent to a roadway (street or avenue), the setback for the fence shall be 1.0 meter (3.3ft) from the property line. (MPC may waive this requirement if it can be demonstrated there is no detrimental impact to the streetscape, site lines, utilities or any other factor MPC may determine is relevant.
- 40.5 On corner lots, the development authority will determine which 1 of the 2 frontages is to be considered the front yard. Once it is determined, no fence shall be higher than 1 meter (3.3 ft.) in the front yard and no fence shall be higher than 2 meters (6.6 ft.) in the 2 side yards and back yard.
- 40.6 On corner lots, where the side yard is adjacent to a sidewalk, the setback for the fence shall be 1.0 meter (3.3ft) from the property line.
- 40.7 On corner lots, where an alley intersects with a roadway (street or avenue) no person shall construct a fence within a triangle formed by points setback 2 metres (6.6 ft.) from the corner boundary point on each side of the boundary sides and the straight line connecting the points on each of the said sides.
- 40.8 Commercial/industrial buildings adjacent to residential areas must be screened by a fence of not less than 2.0 m (6.6 ft.) in height on those sides of the commercial lot abutting the residential area.
- 40.9 In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Officer. Solid fences shall be provided at least 2.0 m (6.6 ft.) in height adjacent to residential areas.
- 40.10 Notwithstanding 40.2, a higher fence or a fence with barbed or other security features may be approved for public safety, security, and privacy or buffering purposes.
- 40.11 No barbed wire fences shall be permitted in residential areas.
- 40.12 The electrification of any fences within Killam shall not be permitted.
- 40.13 Unless required as part of the sale, promotion or display of the vehicle, equipment or product, all outdoor storage of vehicles, equipment, or products shall be screened from public view to the satisfaction of the Development Officer/Municipal Planning Commission.
- 40.14 Screening in the form of fences, hedges, landscaped berms or other means is required along the property lines of all commercial and industrial lots where such lines are coterminous with a residential property line or are adjacent to lanes that abut a neighboring residential property. Such screening shall be at least 2.0 m (6.6 ft.) high. Length and width of the screening shall be at the discretion of the Development Officer/Municipal Planning Commission.
- 40.15 For bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof to the satisfaction of the Development Officer/Municipal Planning Commission, shall be required.

Section 41: Garden Suites

- 41.1 A garden suite means a separate secondary dwelling unit located on the same site and serviced by the same utilities as a single detached dwelling.
- 41.2 The Municipal Planning Commission shall consider the following matters as part of the decision making process for an application for a garden suite:
 - 41.2.1 Compatibility of the use in relation to the site, grade elevations, height, building types and materials characteristic of surrounding development.
 - 41.2.2 The potential effect of the development on the privacy of adjacent properties; and
 - 41.2.3 The on-site and neighborhood impacts on parking and traffic.
- 41.3 Where approved, garden suites shall be developed and operated in accordance with the following regulations:
 - 41.3.1 All garden suites must meet the requirements of the Alberta Safety Codes Act;
 - 41.3.2 Shall not be located in the front yard;
 - 41.3.3 A minimum of one on-site parking space shall be provided for a garden suite;
 - 41.3.4 The number of persons occupying a garden suite shall not exceed two;
 - 41.3.5 Shall have a minimum floor area of 44.0 square meters (475.2 square feet) and a maximum floor area of 65.0 square meters (702.0 square feet), providing that the combination of the principal dwelling, garden suite and other accessory buildings does not result in the site coverage of the parcel exceeding the requirements of the District.

Section 42: Home Occupation Businesses

- 42.1 Any persons wishing to operate a home occupation business from their residence shall be required to apply for a development permit and must meet all the criteria in Sections 42.2 and 42.3.
- 42.2 All home businesses shall comply with the following general regulations:
 - 42.2.1 All home businesses shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
 - 42.2.2 One professionally produced non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 square meters (3.2 square feet) in an area placed within the dwelling unit or any accessory building is permitted.
 - 42.2.3 The applicant shall be required to obtain a business license in addition to the issuance of a development permit.
- 42.3 Home businesses shall meet all the requirements of 42.2 above and shall comply with the following regulations:
 - 42.3.1 The home business shall be operated by the permanent resident(s) of the principal dwelling and shall employ no non-resident, on-site employees.
 - 42.3.2 There shall be no more than four (4) home business clients or customers on site during any period of 24 hours for a minor home business.
 - 42.3.3 The home business shall not occupy more than 30% of the gross floor area of the principal dwelling.
 - 42.3.4 Any storage of materials or goods related to the minor home business must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
 - 42.3.5 The home business shall have no more than two (2) home business vehicles used in conjunction with the home business, parked and maintained on site. There shall be no heavy vehicles used in conjunction with a minor home business.

Section 49: Satellite Dish and Amateur Radio Antennas

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

Section 50: Temporary Structures

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

- 50.5 Metal freight/cargo storage containers/ sea cans will be considered a discretionary use in the Residential District, where residential property exceeds 1.61 ha (4acres) in size, and they must be hidden from the public eye. Further, only 1 metal freight/cargo storage container/sea can will be permitted per property.

Section 51: Non- Compliance with Parcel Standards

- 51.1 Where an existing parcel in a land use district does not comply with the parcel dimension standards of the land use district, a permitted or discretionary use may be approved by the Development Authority where determined appropriate and subject to any applicable development standards.
- 51.2 Where 2 or more contiguous substandard lots are contained in the same Certificate of title an application for development on one of them may not be considered unless a consolidation of said lots has been carried out in a way as to create one or more lots which do meet minimum standards of width, depth and area.

Section 52: Alternative Energy - Wind Power Facility and Solar Energy – Commercial Use

Wind Power Facility

- 52.1 Unless otherwise required by the Development Authority, all development applications for a wind power facility shall be accompanied by:
- An accurate site plan showing and labeling the information outlined in this section, and the location of overhead utilities on or abutting the site;
 - Scale elevations or photographs of the proposed wind power facilities showing total height, tower height, rotor diameter, and colour;
 - Potential for electromagnetic interference;
 - Specifications for the foundations and/or anchor design, including location and anchoring of any guy wires;
 - Whether or not the applicant intends to interconnect the wind power facilities with an existing electrical distribution or transmission system;
 - Any analysis of the visual impact of the project, especially with respect to the scenic qualities of the Town of Killam landscape;
 - An analysis of the potential for noise, both at the site of the installation and at the boundary of the property containing the development;
 - Environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, and other identified issues;
 - Any information regarding general public safety; and
 - Any impacts to the local road system including required approached from public roads having regard to the municipal standard.
- 52.2 A wind power facility shall meet the following minimum setbacks:
- A wind power facility shall comply with all the setbacks related to roadways as specified in this Bylaw.
 - A wind power facility shall be setback the height of the tower from all property lines. If the topography of a site warrants a lesser setback, the Development Authority may reduce the required setback provided mitigate measures are employed, to the satisfaction of the Development Authority.
 - A wind power facility shall be located not less than twice the height of the tower from a dwelling unit not belonging to the owner of the land containing the wind power facility.

- 52.3 Where, in the opinion of the Development Authority, the minimum setbacks referred to in section (2) are not sufficient to reduce the impact of a wind power facility, the Development Authority may increase the required setback.
- 52.4 Wind power facilities employing a horizontal axis rotor shall have a minimum blade clearance of 25 ft. (7.6 m), as measured from the lowest point of the rotor's arc to grade level, unless otherwise required by the Development Authority.
- 52.5 Wind power facilities shall be fenced to the satisfaction of the Development Authority, which may include:
- (a) a security fence with a lockable gate surrounding the tower not less than 6 ft. (1.8 m) in height,
 - (b) no ladder or permanent tower access devise shall be located less than 12 ft. (3.7 m) from grade level, and/or
 - (c) a locked device installed on the tower to preclude access to the top of the tower.
- 52.6 Unless otherwise required by the Development Authority, a wind power facility shall be finished in a non-reflexive matte and in a color which minimized the obtrusive impact of a wind power facility to the satisfaction of the Development Authority.
- 52.7 No lettering or advertising shall appear on the towers or blades. In other parts of the wind power facilities, the only lettering will be the manufacturer's identification or municipal symbol.
- 52.8 The Development Authority may establish a maximum density for wind power facilities on a parcel of land.
- 52.9 The Development Authority may require a reclamation / decommission plan to form part of a Development Agreement. Unless otherwise required by the Development Authority, this plan shall include:
- (a) treatment of footings;
 - (b) reclamation of roads and other disturbances;
 - (c) notice to land owners and the Special Areas Board;
 - (d) containment of hazardous materials
 - (e) site security; and
 - (f) timeline indicating when reclamation / decommissioning would commence after the wind power facility ceases power conversion.

Solar Energy – Commercial Use

- 52.10 Applicants may submit development permit applications prior to receiving approval for the appropriate provincial or federal agencies, however the Development Authority shall not approve applications for a commercial solar facility until such approvals have been obtained from the province or federal agency.
- 52.11 A development permit will be required for all commercial solar energy production facilities that are intended to generate electricity which is to be sold and transmitted into an electrical distribution system for commercial sale.
- 52.12 The applicant shall be responsible to obtain the necessary approvals from the Alberta Utilities Commission as well as the commercial electrical distribution company and provide copies of the approval documents as part of the required development approval.
- 52.13 The applicant shall be responsible to obtain the necessary inspections and commercial approvals from the Town's designated authorized inspection agency under the Alberta Safety Codes Act as required for any of the equipment or infrastructure associated with a solar energy facility.
- 52.14 When a commercial solar energy facility is decommissioned, the landowner will be required to return the solar energy location to the same land capability and quality as it was prior to the installation of the solar equipment. As part of the development process, the Development Authority will ask the applicant to submit a detailed decommissioning as part of the application process.

Section 53 – Cannabis Uses

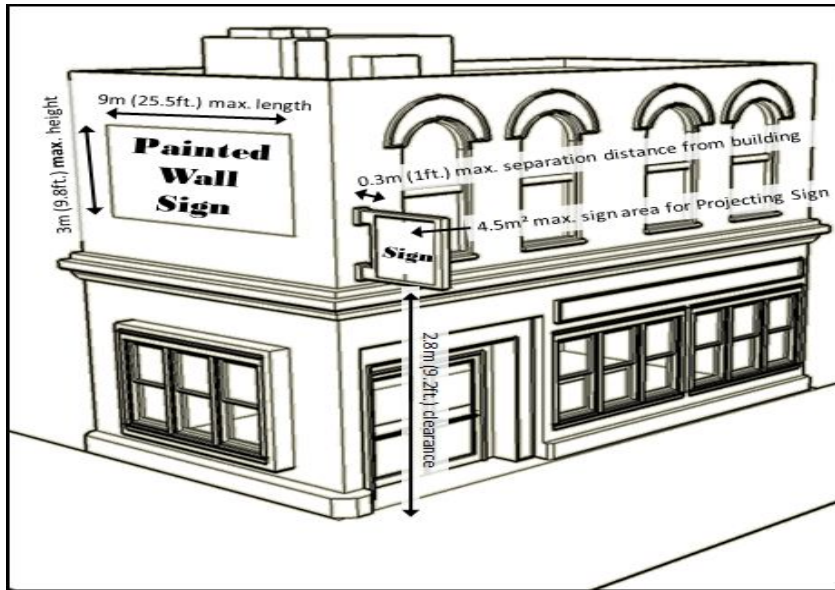
53.1 Unless otherwise required by the Development Authority, all development applications for a **Cannabis Production/ Distribution Facility** shall be accompanied by:

- a) a license for all activities associated with Cannabis growing, processing, packaging, testing, destruction or storage as issued by Health Canada.
- b) must include equipment designed and intended to remove odors from the air where it is discharged from the facility as part of the ventilation system.
- c) must not be within 500 meters of a residential district measured from the building containing the use to the nearest property line of a parcel designated as a residential district;
- d) where the development authority may require, as a condition of development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details on:
 - i. the incineration of waste products and air borne emission, including smell.
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility, and the method and location of collection and disposal of liquid and waste material and:
 - iii. other plans, drawings, maps, documentation or information that is required by the Development Authority to perform a proper review of the application.
 - iv.

53.2. Unless otherwise required by the Development Authority, all development applications for a **Cannabis Sales/Retail Store** shall be accompanied by:

- a) Proof of ownership or consent from the land owner to apply for a Development Permit for the Site where the Cannabis Retail Store is being proposed;
- b) Proof that the Applicant has made application for a license from the Alberta Gaming and Licensing Commission (AGLC) to operate a Cannabis Retail Store and has been deemed eligible by the AGLC for issuance of a license to operate a Cannabis Retail Store;
- c) Information on potential odor production resulting from the Cannabis Retail Store and the details of the installation of any equipment designed and intended to remove odors from the air where it is discharged from the Cannabis Retail Store as part of a ventilation system;
- d) A map that shows all surrounding Uses, and their business names, located within 100m of the Site of the proposed Cannabis Retail Store;
- e) Plans and drawings that show:
 - i. point-of-sale area;
 - ii. shipping and receiving area;
 - iii. secure storage area;
 - iv. secure product display area;
 - v. entrances and exits from building(s);
 - vi. proposed lighting and signage;
 - vii. locations of physical security components as required by the AGLC; and,
 - viii. other plans, drawings, maps, documentation or information that is required by the Development Authority to perform a proper review of the application.

FIGURE 64-1: PAINTED WALL SIGNS AND PROJECTING SIGNS



Section 65: Portable and Inflatable Signs

65.1 Regulations include:

- 65.1.1 A portable sign shall be installed, serviced, removed, and accessed from the property on which the sign is located.
- 65.1.2 A portable sign shall not exceed 4.0 m² (43.2 ft²) per face, nor shall any such sign exceed 3.0 m (9.8 ft.) in height from grade.
- 65.1.3 No portable sign shall be illuminated or employ any flashing or sequential lights or any mechanical or electronic device to produce or stimulate motion or be confused with traffic signs.
- 65.1.4 A portable sign shall not interfere with pedestrian and/or vehicle traffic.
- 65.1.5 Each property is entitled to utilize one portable sign.
- 65.1.6 No portable signs are permitted on Town owned property.
- 65.1.7 A portable sign must be stabilized but shall not use unsightly or potentially hazardous methods.
- 65.1.8 A portable sign shall be removed immediately on ceasing to be in use or a maximum time limit of 12 months.
- 65.1.9 A portable sign in use shall always be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within 24 hours of knowledge of same coming to the attention of the permit holder.

65.2 Inflatable Signs:

- 65.2.1 An inflatable sign shall be tethered or anchored and shall be touching the surface to which it is anchored.
- 65.2.2 An inflatable sign shall not exceed the maximum free standing sign height allowed (9.0 m or 29.5 ft.).
- 65.2.3 There shall be a maximum of one (1) inflatable sign per site, but no inflatable sign shall be permitted on the site containing any other portable sign.

Section 69: R1A Residential Single Detached District

69.1 Purpose: To provide an area for single detached residential development.

69.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwelling, Single Detached Demolition Home Occupation Business Public Assembly Public Use	Bed and Breakfast Facility Homes less than 100m ² Home Occupation Business requiring variances from Section 42 Garden Suites Utility Building Wind Powered Facility Similar Use

69.3

Site

Regulations:

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

Maximum Site Coverage	45%.
Minimum Floor Area	100 square metres (1,080 square feet). Homes under 100m ² will be considered individually by MPC on the overall merit of the application's suitability to the surrounding properties. All homes must be on a permanent foundation.
Maximum Building Height	<u>Dwelling</u> - 10.0 metres (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> - 7.0 metres (23.0 feet) from grade to roof peak.
Minimum Parcel Area	Interior Parcels 550 square metres (5,940 square feet). Corner Parcels 600 square metres (6,480 square feet).
Front Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - Detached structures to be located 2m from the principal building - None in Front Yard.
Rear Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - 1.0 metres (3.3 feet) <u>Garage Roof Overhang</u> - 0.3 metre (1.0 feet).

Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 1.5 metres (4.9 feet) interior lots - 3.0m Flanking Side Yard Setback <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two-car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>

Section 70: R1 Residential General District

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

70.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Demolition Dwelling, Single Detached Home Occupation Business Public Assembly Public Use	Apartment Assisted Living Facility Basement Suite - Dwelling, Single Detached Bed and Breakfast Facility Dwelling, Duplex Dwelling, Single Detached - Relocated not of New Construction Garden Suites Group Care Facility Homes under 100m2 Home Occupation Business requiring variances from Section 42 Utility Building Wind Powered Facility Other Residential Uses which in the opinion of the Development Authority are deemed appropriate

70.3 Site Regulations:

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

Maximum Site Coverage	45%
Minimum Floor Area	100 m ² (1,080 ft ²) Homes under 100m ² will be considered individually by MPC on the overall merit of the application's suitability to the surrounding properties. All homes must be on a permanent foundation.
Minimum Parcel Area (Single Detached)	In the case of roadway and lane systems: - 475 m ² (5,130 ft ²); and In the case of laneless systems: - 502 m ² (5,422 ft ²); or Such greater size necessitated to meet minimum yard requirements.
Minimum Parcel Area (Duplexes)	In all cases: - 177.8 m ² per unit (3,000.0 ft ² per unit).
Maximum Building Height	<u>Dwelling</u> - 10.0 metres (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> - 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.

Front Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 metres (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - Detached structures to be located 2m from the principal building - None in Front Yard.
Rear Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 6.0 m (19.7 feet). <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet. <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metre (1.0 feet).
Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 1.5 metres (4.9 feet). interior lots - 3.0m Flanking Side Yard Setback <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two-car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>

Section 71: R2 Residential Mobile Home Subdivision District

71.1 Purpose:

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

71.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Demolition Home Occupation Business Mobile Homes < Eight (8) years of age from the date of Development Permit Application Public Assembly Public Use	Mobile Homes > Eight (8) years of age from the date of Development Permit Application Single Family Homes less than 90m2 Home Occupation Business requiring variances from Section 42 Utility Building Wind Powered Facility Similar Use

71.3 Site Regulations:

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

Maximum Site Coverage	45%.
Floor Area	90 square metres (972 square feet) Homes under 90m2 will be considered individually by MPC on the overall merit of the application's suitability to the surrounding properties.
Minimum Parcel Area	Interior Parcels – 460 square metres (4,968 square feet); and Corner Parcels – 510 square metres (5,508 square feet).
Front Yard Setback	<u>Mobile Home</u> - 6.0 metres (19.7 feet). <u>Garage and Accessory Building</u> - Detached structures to be located 2m from the principal building - None in the Front Yard.
Rear Yard Setback	<u>Dwelling</u> - 6.0 m (19.7 feet). <u>Garage and Accessory Building</u> - 1.0 metres (3.3) feet Garage Roof Overhang - 0.3 metre (1.0 feet).

Side Yard Setback	<p><u>Dwelling</u></p> <ul style="list-style-type: none"> - 1.5 metres (4.9 feet). interior lots - 3.0m Flanking Side Yard Setback <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 1.0 metres (3.3) feet <p><u>Garage Roof Overhang</u></p> <ul style="list-style-type: none"> - 0.3 metres (1.0 feet).
Landscaping	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
Parking	<p>A two-car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>

Section 72: R3 Residential Multi Family District

72.1 Purpose:

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

72.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Apartment Demolition Dwelling, Fourplex Dwelling, Rowhouse Dwelling, Triplex Home Occupation Business Public Assembly Public Use	Assisted Living Facility Group Care Facility Single Family Home less than 75m ² Home Occupation Business requiring Variances from Section 42 Utility Building Wind Powered Facility (Bylaw 814) Other Residential Uses which in the opinion of the Development Authority are deemed appropriate

72.3 Site Regulations:

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

Maximum Site Coverage	50%.
Minimum Floor Area	<p>Not less than 75 m² (810 ft²) for a one bedroom unit, and an additional 11 m² (119 ft²) per unit for each bedroom in the unit included thereafter.</p> <p>Homes under 75m² will be considered individually by MPC on the overall merit of the application's suitability to the surrounding properties. All homes must be on a permanent foundation.</p>
Minimum Parcel Area	<p>Dwelling, Triplex, Fourplex and Rowhouse (Per Unit):</p> <ul style="list-style-type: none"> - 240 m² (2,592 ft²) per unit. <p>Dwelling, Apartment (Per Unit):</p> <ul style="list-style-type: none"> - Shall be the greater of 555 m² (5,995 ft²); or 80 m² (864 ft²)/one bedroom unit; 95 m² (1,026 ft²)/two-bedroom unit; and 115 m² (1,242 ft²)/three bedroom unit.
Maximum Building Height	<p><u>Dwelling, Triplex, Fourplex and Rowhouse:</u></p> <ul style="list-style-type: none"> - 10.0 metres (32.8 feet) from grade to roof peak. <p><u>Dwelling, Apartment:</u></p> <p>At the discretion of the Development Authority.</p> <p><u>Garage and Accessory Building</u></p> <ul style="list-style-type: none"> - 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.

<p>Front Yard Setback</p>	<p><u>Dwelling</u> - 6.0 metres (19.7 feet). <u>Garage and Accessory Building</u> - Detached structures to be located 2m from the principal building - None in Front Yard.</p>
<p>Rear Yard Setback</p>	<p><u>Dwelling</u> - 6.0 metres (19.7 feet). <u>Garage and Accessory Building</u> - 1.0 metre (3.3) feet. <u>Garage Roof Overhang</u> - 0.3 metre (1.0 ft.)</p>
<p>Side Yard Setback</p>	<p><u>Dwellings</u> - 1.5 metres (4.9 feet). interior lots - 3.0m Flanking Side Yard Setback <u>Garage and Accessory Building</u> - 1.0 metre (3.3) feet. <u>Garage Roof Overhang</u> - 0.3 metre (1.0 ft.)</p>
<p>Landscaping</p>	<p>All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. Notwithstanding any provisions of this Bylaw to the contrary, as a condition of approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority within twelve months of occupancy or commencement of operation of the development.</p>
<p>Parking</p>	<p>A two-car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>

Section 73: R4 Residential Low-Density District

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

73.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwellings, Single Detached Home Occupation Public Use	Garden Suite Home Occupation requiring variance from Section 42 Sea Can (on parcels exceeding 1.6ha only) Utility Building Wind Powered Facility (Bylaw 814) Other Residential Uses which in the opinion of the Development Authority are deemed appropriate

73.3 Site Regulations:

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

Maximum Site Coverage	30%.
Floor Area	Minimum 100 m ² (1,080 ft ²)
Minimum Parcel Area	0.2 hectares (0.5 acres)
Maximum Parcel Area	0.4 hectares (1.0 acres)
Maximum Building Height	<u>Dwelling</u> 10.0 m (32.8 feet) from grade to roof peak. <u>Garage and Accessory Building</u> 7.0 metres (23.0 feet) from grade to roof peak, or the height of the principal dwelling, whichever is less.
Front Yard Setback	<u>Dwelling</u> 10.0 m (32.8 ft.) <u>Garage and Accessory Building</u> - None in Front Yard. - Detached structures to be located 2m from the principal building

Side Yard Setback	<p><u>Dwelling</u> 1.5 m (4.9 ft.) except where it abuts a public roadway 3.0 m (9.8 ft.), or as required by the Alberta Building Code, whichever is greater.</p> <p><u>Garage and Accessory Building</u> - 1.0 metre (3.3) feet.</p> <p>Garage Roof Overhang - 0.3 metres (1.0 feet).</p>
Rear Yard Setback	<p><u>Dwelling</u> 15.0 m.</p> <p><u>Garage and Accessory Building</u> - 1.0 metre (3.3) feet</p> <p>Garage Roof Overhang. - 0.3 metres (1.0 feet).</p>
Parking	<p>A two-car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.</p>
Accessory Buildings	<p>Sea cans will only be allowed on parcels exceeding 1.6ha, limited to one per property and hidden from street view</p>
Building Orientation	<p>Notwithstanding the foregoing regulations, all buildings shall be oriented and located to facilitate re-subdivision into residential parcels, roughly equivalent to those required in the R1 District.</p>

Section 74: C1 Commercial Central District

74.1 Purpose:

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

74.2 Uses:

Permitted Uses	Discretionary Uses
Automobile Supply Store	Accessory Use
Accessory Building to Principal Structure	Apartment
Bank / Financial Institution	Automobile Repair Garage
Clinic	Communication Tower
Convenience Food Store	Funeral Home
Contracting Services – Minor	Parking Facility
Drinking Establishment	Recreation Facility
Dry Cleaning and Laundry Depot / Plant	Recycling Depot
Dwelling Units Above Ground Floor Business	Taxi / Bus Depot
Florist Shop	Temporary Mobile Commercial Sales
Food and/or Beverage Service Facility	Vehicle Wash
Handicraft Business	Utility Building
Laundromat	Wind Powered Facility (Bylaw 814)
Light Equipment Repair / Rental	Other Commercial Uses which in the opinion of the Development Authority are deemed appropriate
Office Building	
Medical Office	
Personal Service Shop	
Pharmacy	
Professional Office	
Professional Office Support	
Public Use	
Restaurant	
Restaurant – Drive Thru	
Restaurant – Takeout / Delivery	
Retail Store	
Retail Liquor Store	
Sign	
Supermarket	

74.3 Site Regulations:

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

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

Section 75: LIB Light Industrial Business District

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

75.2 Uses:

Permitted Uses	Discretionary Uses
<p>Accessory Building to Principal Structure</p> <p>Automobile and RV Sales and Rental</p> <p>Automobile Service Station</p> <p>Automobile Supply Store</p> <p>Bank / Financial Institution</p> <p>Caterer</p> <p>Clinic</p> <p>Convenience Food Store</p> <p>Contracting Services – Minor</p> <p>Drinking Establishment</p> <p>Farm Supply Store</p> <p>Florist Shop</p> <p>Food and/or Beverage Service Facility</p> <p>Funeral Home</p> <p>Gas Bar</p> <p>Handicraft Business</p> <p>Hotel</p> <p>Laundromat</p> <p>Light Equipment Repair / Rental</p> <p>Medical Office</p> <p>Motel</p> <p>Office Building</p> <p>Personal Service Shop</p> <p>Professional Office</p> <p>Professional Office Support</p> <p>Pharmacy</p> <p>Public Use</p> <p>Restaurant – All Types</p> <p>Retail Store</p> <p>Retail Store - Liquor</p> <p>Shopping Centre</p> <p>Sign</p> <p>Supermarket</p> <p>Theatre – Movie</p> <p>Truck and Mobile Home Sales and Rental (permitted use only on parcels north of Highway 13)</p> <p>Truck Stop</p> <p>Veterinary Clinic</p> <p>Warehouse Store</p>	<p>Abattoir</p> <p>Accessory Use</p> <p>Auction Mart</p> <p>Autobody and Repair Shop</p> <p>Automobile Repair Garage</p> <p>Bottled Gas Sales and Storage</p> <p>Campground</p> <p>Cannabis Production or Distribution Facility</p> <p>Cannabis – Retail Sales/ Store</p> <p>Caretaker's Residence</p> <p>Communication Tower</p> <p>Concrete Manufacturing/Plant</p> <p>Contracting Services - Major</p> <p>Dry Cleaning and Laundry Plant / Depot</p> <p>Dwelling Units Above Ground Floor Business</p> <p>Feed Mills and Grain Elevators</p> <p>Gaming or Gambling Establishment</p> <p>Industry/Manufacturing – Small Scale</p> <p>Kennel</p> <p>Laboratory</p> <p>Livestock Auction Mart</p> <p>Oilfield Support Services</p> <p>Parking Facility</p> <p>Propane Transfer Facility</p> <p>Recreational Amusement Park</p> <p>Recreation Facility</p> <p>Recycling Depot</p> <p>Research Facility</p> <p>Sea Can</p> <p>Seed Cleaning Plant</p> <p>Tanker Truck Washing Facility</p> <p>Taxi / Bus Depot</p> <p>Temporary Mobile Commercial Sales</p> <p>Transport/Truck Operation</p> <p>Truck and Mobile Home Sales and Rental (discretionary use on parcels south of Highway 13)</p> <p>Utility Building</p> <p>Vehicle Wash</p> <p>Wind Powered Facility</p> <p>Other Industrial and Commercial Uses which in the opinion of the Development Authority are deemed appropriate</p>

75.3 Site Regulations:

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

Minimum Parcel Area	0.4 hectares (1.0 acres), however parcels located south of Highway 13 may have a minimum 0.1ha (11,000 m ²)
Minimum Parcel Frontage	30 metres (98.4 feet).
Maximum Building Height	10.0 metres (32.8 feet) without approval of the Development Authority.
Front Yard Setback	9.0 metres (29.5 feet).
Side Yard Setback	3.0 metres (9.8 feet).
Rear Yard Setback	3.0 metres, except where abutting a residential district 7.5 metres (24.6 feet).
Landscaping	When a development is proposed adjacent to a residential land use district, a public park, or a recreational use, a buffer shall be provided and maintained to the satisfaction of the Development Authority. The buffer may be comprised of any or all of the following: landscaped greenspace; closed or open fencing; trees; and earth berming.
Parking and Loading	Part 8 of this Bylaw.
Outdoor Storage	All outdoor storage shall be screened. All outdoor display shall be screened from residential districts. Storage is not allowed in front yard. Garbage storage shall not have an adverse impact on the use or circulation on the parcel or adjacent parcels.

Title	Development Permits Fees	Policy number	E002
Policy Reference <i>Planning and Development</i>		MGA	

PURPOSE

To establish fees for development permits for various developments in the Town of Killam.

DEFINITIONS

POLICY

The following fees will be charged for issuing a Development:

Development Permit Applications:

Minor development

Decks, Signage*, Portable Signs, Fencing* \$25.00

Demolition, Residential..... \$50.00

Residential Development

Change of Use \$75.00

Addition \$100.00

Accessory Building* \$100.00

Mobile \$100.00

Dwelling, Detached \$200.00

Dwelling, Duplex \$200.00

Dwelling, 3 or more units \$300.00

Discretionary Use / Variance \$100.00

Penalty – Post Construction Development Permit2x Development Permit Fee + \$350.00

Penalty – Post Construction Development Permit

Discretionary Use or Variance.....2xDevelopment Permit Fee +\$500.00

Commercial Development

Change of Use \$75.00

Demolition \$50.00

Addition \$100.00

Accessory Building* \$100.00

Commercial Building less than 10,000 ft² (929 m²) \$350.00

Commercial Building 10,000 ft² (929 m²) or greater \$500.00

Discretionary Use / Variance \$150.00

Penalty – Post Construction Development Permit2x Development Permit Fee + \$350.00

Penalty – Post Construction Development Permit with

Discretionary Use or Variance.....2x Development Permit Fee + \$500.00

Industrial Development

Change of Use	\$75.00
Demolition	\$50.00
Addition	\$100.00
Accessory Building*	\$100.00
Industrial Building less than 10,000 ft ² (929 m ²)	\$350.00
Industrial Building 10,000 ft ² (929 m ²) or greater	\$500.00
Discretionary Use / Variance	\$150.00
Penalty – Post Construction Development Permit	2x Development Permit Fee + \$350.00
Penalty – Post Construction Development Permit Discretionary Use or Variance	2x Development Permit Fee + \$500.00

Land Use Bylaw Amendment \$350.00

Subdivision Application

Three lots or less per application	\$1050.00 Plus \$100 per lot created
Four lots or more per application	\$ 1100.00 Plus \$200 per lot created
Lot line adjustment where no new parcels are created	\$1000.00
Time Extension of subdivision approval (first)	\$250.00
Time Extension of subdivision approval (second)	\$300.00

Endorsement Fees

Three lots or less per application	\$100.00 per new lot + remainder
Four Lots or more per application	\$ 200.00 per new lot + remainder (Remnant parcels and bareland condominium units are included, Roads, reserve lot and public utility lots are excluded).
Lot line adjustment application	\$100.00

Other

Separation of title (flat fee)	\$800.00
Condominium Unit Conversion (buildings only)	\$40.00 (Section 75 of Condominium Property Regulation)

<u>Compliance Certificate</u>	\$150.00
<u>Encroachment Agreements</u>	\$200.00
<u>Appeals</u>	\$300.00

1. The Town of Killam Development Authority will accept and issue development permits.

IMPLEMENTATION



1. This policy shall be posted on the website
2. Policy 7.3 ?? is hereby repealed.

	Date	Resolution Number
APPROVED		
AMENDED		
AMENDED		

Ben Kellert
Mayor of the Town of Killam

Kimberly Borgel
CAO of the Town of Killam