

## **SPECIFIC USES - CONTENT**

Accessory Buildings and Uses

Aggregate Extraction and Natural Resource Extraction Processing

Bed and Breakfast

Commercial Equestrian Centres

Communication Towers and Facilities

Community Garden

Country Recreational Centres and Lodges

Dwelling Unit

Energy Generation Systems (Small and Large)

Factory Built Dwelling

Home-Based Businesses

Industrial Work Camps

Keeping of Dogs

Keeping of Livestock

Kennels

Secondary and Studio Suites

Signs

Shipping Containers

Temporary Developments

Visitor and Resort Accommodation

## **4 REGULATIONS FOR SPECIFIC USES**

### **4.1. Accessory Buildings and Uses**

- 4.1.1. Unless a Development Permit is not required pursuant to this Bylaw, an accessory building or use shall not be developed or approved prior to the issuance of a Development Permit, where required, for the principal use or building on the site.
- 4.1.2. Accessory buildings must be secondary and subordinate to the Principal Building or use on the same site, except for air monitoring stations as required by the provincial government, which may be located on a different site from the Principal Building or use.
- 4.1.3. The determination of whether a use, building or structure is considered accessory shall be at the discretion of the Development Authority.
- 4.1.4. When an accessory building is attached to a Principal Building by a structural element such as a common foundation, roof, wall or breezeway, it shall be deemed to be part of the Principal Building and shall be subject to all yard setback and site coverage regulations of the district in which it is located, at the discretion of the Development Authority.
- 4.1.5. An accessory building shall not be used as a dwelling, except where approved as a Studio Suite or as approved by the Development Authority.
- 4.1.6. All fabric covered structures shall:
  - a) be properly maintained and anchored;
  - b) meet the minimum required setbacks for accessory buildings;
  - c) and not exceed the maximum site coverage as specified in the district regulations.
- 4.1.7. In Hamlet Residential and Country Residential Districts:
  - a) accessory buildings should be similar and complimentary to the Principal Building as it relates to exterior materials, color and appearance;
  - b) the required minimum side and rear yard setbacks for an accessory building may be reduced, provided that:
    - i) the wall of the accessory building nearest the property line is fire rated;
    - ii) the exterior wall is finished in such a way that it does not require maintenance, or a maintenance and/or access agreement is signed with the abutting landowner;
    - iii) no part of the accessory building, including eaves or footings or foundation will encroach into the adjacent site; and
    - iv) all roof drainage is directed by eaves troughs and downspouts onto the site where the accessory building is located;
  - c) when a site abuts a lane 6.0 m (19.7 ft) or less in width, the Development Authority may require a rear yard setback for the accessory building greater than the prescribed minimum; and

- d) a garage shall be located so that the vehicle entrance doors shall be no closer than 6.0 m (19.7 ft) to the lot line upon which the doors open when adjacent to a road. This provision does not apply to the lot line adjacent to a lane.

#### **4.2. Aggregate Extraction and Natural Resource Extraction and Processing**

- 4.2.1. Where a reclamation plan for aggregate extraction is not required by the Province, the Development Authority may:
  - a) require submission of a reclamation plan prepared by a qualified third party prior to commencement of excavation; and
  - b) require a refundable security deposit to ensure that reclamation is completed as per the approved reclamation plan, the amount of which shall be as recommended by the third party engaged in the preparation of the reclamation plan.
- 4.2.2. Development Permit for aggregate extraction shall not be issued for a period greater than 10 years.
- 4.2.3. Aggregate or natural resource extraction operations shall not excavate:
  - a) a distance of less than 150.0 m (492.1 ft) from the nearest part of a dwelling or building used for overnight accommodation purposes; or
  - b) slopes that are steeper than thirty-three point three percent (33.3%) (1 rise:3 run) where adjacent to existing roads, a proposed road widening, or service road, except where it can be demonstrated that a steeper slope can be safely achieved.
- 4.2.4. The minimum distance that any sorting, screening, crushing, loading machinery or operations may be located from a dwelling or building used for overnight accommodation purposes shall not be less than 300.0 m (984.3 ft). This distance may be reduced where noise and visual mitigation measures, such as berming and screening, are provided to the satisfaction of the Development Authority.
- 4.2.5. Where feasible, aggregate or natural resource extraction operations adjacent to Municipal roads or highways shall be screened from view:
  - a) where existing trees and vegetative screening exists, by a 30.0 m (98.4 ft) wide buffer; or
  - b) by berms using the top soil and overburden material, combined with the planting of trees.
- 4.2.6. If upon removal of any aggregate or natural resource, the operator encounters the water table at a level other than set out in the Development Permit application or which was not disclosed in the application, the operator shall cease operations and submit a revised plan complete with a hydrologist's report which shall outline any mitigative measures for approval by the Development Authority and/or the appropriate provincial authority.
- 4.2.7. All haul roads located on the site which are within 0.8 km (0.5 miles) of a Residential or Recreation District, and all entrances onto a public road shall be dust proofed with either oil, water, or other treatment acceptable to the Development Authority.

- 4.2.8. Any Municipal roadway used as a haul road that is within 150.0 m (492.1 ft) of an existing dwelling or recreational development, shall be dust proofed for a minimum distance of 300.0 m (984.3 ft) on either side of the development.
- 4.2.9. For any aggregate extraction use which is not located within an NR District, the following provisions shall apply:
- a) the operation shall not include extensive associated development such as accessory buildings or fuel storage tanks; and
  - b) the excavation area or associated operations shall not be located within any yard setback as specified in the district regulations in which the site is located.
- 4.2.10. Notwithstanding any other provision within this Bylaw, the obligation of the Development Permit holder or the owner of the site to comply with the regulations of this Bylaw or to fulfill any conditions of a Development Permit does not expire if the aggregate extraction use ceases for any period of time or the site changes ownership.
- 4.2.11. The failure of the Development Permit holder who is not the owner of the site shall not release the owner from complying with this Bylaw or fulfilling any conditions of a Development Permit.
- 4.2.12. A new Development Permit shall not be issued on a site to the same or different Applicant or owner, unless or until any conditions of a previous Development Permit for aggregate extraction have been fulfilled to the satisfaction of the Development Authority, or it has been determined by the Development Authority that the conditions are no longer required to be fulfilled.

### **4.3. Bed and Breakfasts**

- 4.3.1. Bed and Breakfasts shall not interfere with the rights of other residents to quiet enjoyment of their neighbourhood and shall be an incidental and subordinate use to the Principal Residence.
- 4.3.2. Bed and Breakfast accommodations shall:
- a) be limited to a maximum of 2 Accommodation Units per Principal Residence, where no more than 2 Bed Units are allowed per Accommodation Unit, unless otherwise approved by the Development Authority;
  - b) be restricted to the Principal Residence;
  - c) not be allowed within a Secondary or Studio Suite;
  - d) be operated by the permanent residents of the Principal Residence and employ no more than 1 person in addition to the residents; and
  - e) not change the residential character or external appearance of the Principal Building.
- 4.3.3. The Bed and Breakfast operator shall maintain records sufficient to establish compliance with this Land Use Bylaw and the Development Permit conditions in the form of a Guest register or similar documentation and shall produce such records to the Development Authority

upon request for the purpose of confirming compliance with this Land Use Bylaw and the Development Permit conditions. The Guest register or similar documentation shall contain the following information:

- a) Name of Guest(s),
  - b) Licence plate number(s) of Guest(s), and
  - c) Date(s) of occupancy of the Bed and Breakfast.
- 4.3.4. A Development Permit issued for a Bed and Breakfast, may not be issued for a period exceeding one (1) year for the first Development Permit. The Development Permit may be subsequently renewed for repeated periods of up to three (3) years, in the sole discretion of the Development Authority, having consideration for the following factors:
- a) any complaint or enforcement history related to the Bed and Breakfast use,
  - b) comments from adjacent and area residents, and
  - c) Adherence to the previously approved Development Permit and current Land Use Bylaw requirements.
- 4.3.5. A Development Permit does not exempt compliance with public health regulations or any other permit requirements.
- 4.3.6. The Development Permit number for the Bed and Breakfast shall be listed on all online advertisements.
- 4.3.7. An MD approved Wall Sign, Fence Sign or Freestanding Sign identifying the Bed and Breakfast business shall be located on the property. The Sign shall:
- a) be weatherproof, visible and reasonably readable from the adjacent roadway;
  - b) be no larger than 0.2 m<sup>2</sup> (2.0 ft<sup>2</sup>) in Hamlet districts; and
  - c) be no larger than 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>) in districts other than Hamlet districts.
- 4.3.8. The appearance, location and height of the sign shall be at the discretion of the Development Authority.
- 4.3.9. In Hamlet and Country Residential Districts, Bed and Breakfasts shall not be permitted in conjunction with a Major or Minor Home-Based Business, unless otherwise approved as a discretionary use by the Development Authority with consideration for the following:
- a) The development meets the required parking for all uses;
  - b) The combined development generates minimal traffic to the satisfaction of the Development Authority and receives no inbound visitor traffic as part of the Home-Based Business; and
  - c) The development does not affect the quiet use and enjoyment of the surrounding neighbourhood and properties.
- 4.3.10. Bed and Breakfasts shall not be permitted in conjunction with a Secondary and Studio Suites, within the same property.

#### **4.4. Commercial Equestrian Centres**

- 4.4.1. The Development Authority may require a contribution towards the upgrading of access roads, should a traffic impact assessment or the Director of Operations identify any portions of the road network to require additional upgrading due to the potential impact of the equestrian centre.
- 4.4.2. Approval of overnight camping or facilities to accommodate overnight camping for equestrian centre participants shall be at the discretion of the Development Authority.
- 4.4.3. An application for a Development Permit for a commercial equestrian centre shall be referred to the Municipal District of Bighorn's Environmental Fieldman who shall consider and make recommendations to the Development Authority for conditions of approval, which may include:
  - a) the maximum number of livestock permitted to be kept on the site;
  - b) the submission of a feeding, pasture and manure management plan, the performance of which shall be reviewed and a report prepared by the Environmental Fieldman at periodic intervals as deemed appropriate; and
  - c) any other condition that the Development Authority deems necessary.

#### **4.5. Communication Towers and Facilities**

- 4.5.1. All communication towers, facilities and visible accessory equipment shall meet the minimum setback requirements of district in which it is located. Guy wires and other supporting structures shall be setback a minimum of 2.0 m (6.6 ft) from any lot line.
- 4.5.2. An Applicant for a communication tower and facilities shall consider the impact of the development on the local surroundings, including the physical appearance and height of the tower. Whereas high, lattice-type towers can accommodate many antennas and co-location opportunities, they often pose serious visual impacts. The Development Authority may limit tower height or design based on these considerations.
- 4.5.3. All communication towers and facilities shall be designed to blend in with the surrounding environment, except where prevented by aeronautical safety requirements.
- 4.5.4. The Applicant shall demonstrate that consideration has been given to minimize the risks to birds, including that new towers should be located away from wetlands or other known areas of high bird concentrations or along bird migratory routes; tower heights should be kept as low as possible to avoid lighting requirements; placing daytime visual markers on guy wires; and selecting lighting that has been shown to be less of an attractant to birds.
- 4.5.5. Where communication towers and facilities are approved, the owners should give consideration to providing the opportunity for qualified professionals to undertake research on the site that may ultimately result in recommendations for reducing adverse effects of communication towers and facilities on birds and other wildlife.
- 4.5.6. All buildings, structures and visible equipment accessory to communication towers and

facilities shall be architecturally compatible with the surrounding environment. Use of appropriate vegetation and screening is encouraged.

- 4.5.7. Communication towers and facilities shall be appropriately fenced to the satisfaction of the Development Authority to prevent access to the base of the tower and any other supporting structures.
- 4.5.8. The use of any portion of a communication tower or facility for erecting signs, other than signs for warning or equipment information, is prohibited.
- 4.5.9. When communication towers and facilities become obsolete and/or damaged and unrepaired, they shall be immediately removed and the development site reclaimed.

#### **4.6. Community Garden**

- 4.6.1. There shall be no composting of any off-site materials within the Community Garden.
- 4.6.2. Berry producing shrubs shall not be permitted.
- 4.6.3. An appropriate wildlife fence to the satisfaction of the Development Authority shall be erected around a Community Garden site which prevents wildlife including, but not limited to elk, deer and rabbits, from accessing the garden site.

#### **4.7. Country Recreational Centres and Lodges**

- 4.7.1. Country recreational centres and lodges shall:
  - a) have a maximum density of 2.5 persons/ha (1 person/ac) unless otherwise approved within an area structure or redevelopment plan;
  - b) maintain an open buffer space of sufficient size and composition adjacent to property boundaries to act as a visual and noise barrier from potential incompatible uses with surrounding properties;
  - c) be architecturally compatible with the surrounding environment; and
  - d) not provide any form of permanent habitation, except where approved as Bed Units for staff accommodation or as a dwelling for the owner.

#### **4.8. Dwelling Unit**

- 4.8.1. A Dwelling Unit shall not include more than one room or area which, due to its design, wiring, plumbing, equipment, and furnishings, is or may be used primarily as a kitchen, unless otherwise approved as an Accessory Use by the Development Authority, where the following criteria is met:
  - a) The separate kitchen is an amenity for the Dwelling Unit residents and will not create a Studio or Secondary Suite; or
  - b) The separate kitchen is approved as part of a Major Home-Based Business.
- 4.8.2. Notwithstanding Section 4.8.1.b., if the Development Permit for a Home-Based Business

expires and is not renewed, or if the Development Permit is cancelled in writing, the owner shall remove the Accessory Use - Second Kitchen within sixty (60) days, which may include the stove, hot-plate, kitchen sink, dishwasher and kitchen cabinetry, to the satisfaction of the Development Authority.

- 4.8.3. Subject to provisions of this Land Use Bylaw which specifically allow otherwise, Dwelling Units shall be used solely as a Residence, and shall not be used for any commercial purposes, including temporary accommodation of tourists or the traveling public for a period of less than thirty (30) consecutive days, unless the use is approved in a Development Permit issued by the Development Authority pursuant to this Land Use Bylaw.
- 4.8.4. The Development Authority may approve an increase in the number of permissible tenants in a Dwelling Unit as an Accessory Use, without requiring a Development Permit for a Rooming House to a total of three (3) tenants, where the following criteria is met:
  - a) there is a maximum of four (4) residents, inclusive of tenants, in the Dwelling Unit, and
  - b) there is one (1) on-site parking stall provided for each Bed Unit.

#### **4.9. Energy Generation Systems (Small and Large)**

- 4.9.1. The maximum height of a energy generation system shall be at the discretion of the Development Authority, which shall take into consideration the lot area and dimensions, system location, system specifications, and potential impact on neighbouring properties.
- 4.9.2. All powerlines connecting the energy generation system to a substation, grid or other facility to which power is provided shall be underground, unless an overhead installation is approved by the Development Authority.
- 4.9.3. Wind energy generation systems shall be finished in a non-reflective matte and in a color which minimizes the visual impact of such system.
- 4.9.4. Energy generation systems shall ensure there are no nuisance effects that extend beyond the site to the satisfaction of the Development Authority.
- 4.9.5. The Development Authority may require the developer to locate and screen the energy generation system by land forms (such as berms), natural vegetation or other means acceptable to the Development Authority to minimize its visual impact on adjacent residences, public roads, trails or other public areas.
- 4.9.6. A development impact assessment may be required by the Development Authority to determine the effect of the system on wildlife, birds and pets.
- 4.9.7. To ensure public safety, the Development Authority may require that a security fence not less than 1.8 m (5.9 ft) in height be erected, or safety mechanism or procedures be employed to prevent access to the energy generation system.
- 4.9.8. No signage, advertising or accessory installations shall be placed on a energy generation system.



- 4.9.9. When a energy generation system becomes obsolete, it shall be immediately removed and the development site reclaimed.
- 4.9.10. The minimum setbacks of a small energy generation system shall be equal to the distance of the total system height to any property line, but in no case shall the setback be less than the minimum yard setback distances specified in the land use district in which it is located. This distance may be relaxed at the discretion of the Development Authority if it deems that due to the design, characteristics and location, the small energy conversion system will not have any adverse impacts on neighbouring properties.

#### **4.10. Factory Built Dwelling**

- 4.10.1. In all Hamlet and Country Residential districts, Factory Built Dwellings shall:
  - a) have a minimum length and width dimension of 6.1 m (20 ft) on each side;
  - b) have a minimum size of 92 m<sup>2</sup> (990.3 ft<sup>2</sup>) on the main level; and
  - c) be built on a permanent foundation to the satisfaction of the Development Authority.
- 4.10.2. In Hamlet and Country Residential districts, Factory Built Dwellings shall comply with the following design and construction guidelines, to the satisfaction of the Development Authority:
  - a) Minimize the appearance of building scale difference between the proposed factory built dwelling and the existing neighbourhood residential dwellings.
  - b) Reflect the architectural character of neighbouring through use of related building features and/or materials.
  - c) Use building and roof modulation and articulation to reduce the appearance of large building masses.
  - d) Provide relief, detail, and visual rhythm on the façade with well-proportioned windows.

#### **4.11. Home-Based Businesses**

- 4.11.1. The types of home-based businesses allowed shall be limited to those businesses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood, and shall be incidental and subordinate to the principal residential use.
- 4.11.2. A home-based business shall not create a nuisance by way of dust, noise, smell, smoke or traffic generation.
- 4.11.3. An Applicant and operator of a home-based business shall be the resident of the property in which the home-based business is located.
- 4.11.4. A Development Permit for a home-based business shall be issued for no longer than 1 year for the first application, and not more than 3 years thereafter for renewals.
- 4.11.5. A Development Permit for a home-based business may be revoked or a stop order issued if, in the opinion of the Development Authority, the operator of the home-based business has violated any provisions of this Bylaw or any conditions within the Development Permit.

- 4.11.6. External alterations to the dwelling shall be at the discretion of the Development Authority, but shall not affect the residential character of the dwelling.
- 4.11.7. An operator of a home-based business shall not sell any good or service other than as approved in a Development Permit for that home-based business.
- 4.11.8. In Hamlet and Country Residential Districts, Minor or Major Home-Based Businesses shall not be permitted in conjunction with a Bed and Breakfast, or a Secondary or Studio Suite, within the same property unless otherwise approved as a Discretionary Use by the Development Authority with consideration for the following:
  - a) The development meets the required parking for all uses;
  - b) The combined development generates minimal traffic to the satisfaction of the Development Authority and receives no inbound visitor traffic as part of the Home-Based Business; and
  - c) The development does not affect the quiet use and enjoyment of the surrounding neighbourhood and properties.
- 4.11.9. The hours of operation for all home-based businesses shall be limited to 8:00 am to 8:00 pm unless otherwise approved by the Development Authority.
- 4.11.10. Minor and Major Home-Based Businesses shall be an incidental and subordinate use to the Principal Residence, and no case shall the area occupied by the business within the Dwelling Unit exceed thirty percent (30%) of the Gross Floor Area of the Dwelling Unit, or 50 m<sup>2</sup> (538.2 ft<sup>2</sup>), whichever is lesser.
- 4.11.11. Minor home-based businesses shall:
  - a) conduct on-site business activities within the dwelling only;
  - b) have no on-site employees other than the residents of the Principal Residence;
  - c) receive no more than 5 clients or deliveries per week;
  - d) have no Commercial Vehicle associated with the operation of the home-based business; and
  - e) not display any sign for the home-based business.
- 4.11.12. Major home-based businesses may:
  - a) operate within the dwelling and accessory buildings. Outside business activities may be allowed at the discretion of the Development Authority based on the size and location of the site and potential to mitigate disturbance to surrounding residents;
  - b) include the outdoor storage of goods, materials and equipment, if allowed by the Development Authority and if adequately screened from adjacent lands;
  - c) employ 1 person to work on-site other than the permanent residents of the dwelling, unless a greater number is approved by the Development Authority due to the nature of the business;
  - d) receive more than 5 clients or deliveries per week, the maximum number of which shall be at the discretion of the Development Authority, based on the nature of the business and location of the property;

- e) be required by the Development Authority to provide more than 1 on-site parking stall;
- f) not park more than 1 Commercial Vehicle associated with the operation of the home-based business, unless otherwise approved. The size and type of Commercial Vehicle shall be at the discretion of the Development Authority;
- g) notwithstanding any other regulation in this Bylaw, display a freestanding, wall, fence or window sign no larger than 0.4 m<sup>2</sup> (4.3 ft<sup>2</sup>) to identify the home-based business.

4.11.13. The appearance, location and height of the sign shall be at the discretion of the Development Authority.

#### **4.12. Industrial Work Camps**

- 4.12.1. Industrial work camps shall be considered Temporary Developments, and shall be limited to a maximum approval for a 1-year period, unless otherwise allowed by the Development Authority.
- 4.12.2. All required access provisions for an industrial work camp shall be provided to the satisfaction of the Development Authority at the sole cost to the developer.
- 4.12.3. Industrial work camps shall be an accessory development to an approved development or use, or for a development which is exempt from Municipal approval.
- 4.12.4. The Development Authority may place a maximum limit on the number of persons to occupy the camp in a period of time.
- 4.12.5. The Development Authority may require as a condition of a Development Permit that the developer provide a refundable security deposit to ensure that the work camp will be removed and the subject site returned to an acceptable state to the satisfaction of the Development Authority.
- 4.12.6. All buildings in work camps shall be located sufficient distance from each other and sufficient precautions are taken to clear the site as required for fire protection purposes as determined by a Safety Codes Officer in consultation with the Development Authority.
- 4.12.7. Screening and fencing may be required to the satisfaction of the Development Authority.

#### **4.13. Keeping of Dogs**

- 4.13.1. The keeping of dogs is permitted in all land use districts, providing the number of dogs does not exceed 3 dogs over 6 months of age, and the dogs are kept under the condition that they do not act as a nuisance or affect the amenities of the area.
- 4.13.2. Notwithstanding the above, more than 3 dogs may be allowed to be kept on a site where a Development Permit has been issued by the Development Authority for a private or commercial kennel.
- 4.13.3. The keeping of dogs shall be subject to any Municipal animal control bylaws and shall be kept under the condition that they do not act as a nuisance or reduce the amenities of the area.

#### 4.14. Keeping of Livestock

- 4.14.1. In all land use districts within a Hamlet or Country Residential Subdivision, the keeping of livestock is prohibited, except:
- a) within an approved “Commercial Equestrian Centre” or “Boarding and Training Services” operation; or
  - b) on a lot in the R1-B or CR-GR Districts, subject to the respective district regulations.
- 4.14.2. Table 4 will be used to determine the keeping of livestock on sites less than 18 hectares (44.5 acres), and where the maximum number of animals permitted is 1 animal unit per 3 ac (1.21 ha).
- 4.14.3. Other species not included in Table 4 may be considered at the discretion of the Development Authority in consultation with the MD’s Environmental Fieldman.
- 4.14.4. The doubling of the number of animal units on a parcel may be considered by the Development Authority in consultation with the MD’s Environmental Fieldman.
- 4.14.5. As part of the approval process, the MD’s Environmental Fieldman may undertake a site inspection of the property.
- 4.14.6. On any parcel of land in which livestock are kept, pasture management shall be maintained to ensure that there is no overgrazing, and manure management shall ensure that runoff does not enter adjacent lands, a water course or water body and that odours are reduced.

**Table 4 - Keeping of Livestock**

Type of Animal	# of Animals Equivalent to 1 Animal Unit
Cow (including Dairy Cow), Heifer, or Steer up to 1400 lbs; Cow/Calf Pair; Horse (over 2 years of age); Mare with foal	1
Bull	0.75
Calves (under 1 year of age)	3
Horse Yearling	2
Chickens	20

#### 4.15. Kennels

- 4.15.1. The Development Authority may, when issuing a Development Permit, determine the maximum number of dogs that may be kept at any one time by the operator of a private or commercial kennel. In determining the maximum number of dogs, the Development Authority shall take into account:

- a) the size of the property;
  - b) the use of adjacent properties;
  - c) the setback distances to any property line or residential dwelling on an adjacent property;  
and
  - d) noise attenuation measures.
- 4.15.2. In determining the number of dogs, pups less than 6 months of age shall not normally be included.
- 4.15.3. The setback distances specified in the district in which a kennel is located shall apply to all structures or facilities used in the kennelling operation, regardless of size or function of the structure or facility. The Development Authority may vary the required setback distance if deemed necessary.
- 4.15.4. No buildings, pens, rooms, exercise runs or holding stalls used to accommodate the dogs shall be allowed within 300.0 m (984.3 ft) of an existing dwelling located on an adjacent lot.
- 4.15.5. All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the Principal Building and visually separated from the reception area of a commercial kennel, unless otherwise approved by the Development Authority.
- 4.15.6. The Development Authority may require visual screening of the kennel, which may include fencing, landscaping and berming.
- 4.15.7. Pens, rooms, exercise runs, and holding stalls shall be adequately soundproofed, if deemed necessary by the Development Authority which shall base its decision on the recommendations of a noise study, the number of animals to be kept at the kennel, the proximity of the kennel to other uses or other kennels, and the possibility that noise from the kennel may adversely affect the amenities of the area.
- 4.15.8. The Development Authority may require dogs to be kept indoors between the hours of 7:00 p.m. to 8:00 a.m., except when on leashed walks.
- 4.15.9. Where kennels are to be located near known wildlife corridors or habitat areas, there shall be strict measures incorporated into the design of the development and operating procedures to ensure that dogs are securely restrained at all times.
- 4.15.10. Kennels shall be operated in accordance with provincial health regulations and, in particular, faeces and similar wastes shall be disposed of in a manner acceptable to the public health authority. In no case shall such waste be disposed of in the Municipal District of Bighorn's waste collection system without the written consent of the Municipality.
- 4.15.11. A development permit issued for a kennel may be issued for a period up to 5 years, and is subject to immediate revocation if the kennel is not developed or operated in accordance with the conditions of approval or if the kennel is deemed by the Development Authority to be having an adverse effect on the amenities of the area or nearby properties.

#### **4.16. Secondary and Studio Suites**

- 4.16.1. The Registered Owner of the Residence must reside on the subject property at all times that a property contains a Secondary or Studio Suite.
- 4.16.2. The maximum floor area of a Secondary or Studio Suite shall not exceed forty percent (40%) of the Gross Floor Area of the Principal Residence or 80.0 m<sup>2</sup> (861.1 ft<sup>2</sup>), whichever is the lesser. Common areas such as hallways, foyers, storage, mechanical and laundry rooms that are accessible and intended for use by both the Registered Owners and the residents of the Secondary or Studio Suite, shall not be included in the Gross Floor Area calculation.
- 4.16.3. Notwithstanding anything else in this Bylaw, a Studio Suite may be permitted in the second storey of an accessory building where the accessory building does not exceed 8.0 m (26.2 ft) in height above grade.
- 4.16.4. The portion of the dwelling or accessory building which contains the Secondary or Studio Suite shall reflect the exterior design of the Principal Building, and incorporate features such as exterior cladding, window and door detailing, colors and roof lines.
- 4.16.5. Secondary and Studio Suites shall not interfere with the rights of other residents to quiet use and enjoyment of their neighbourhood and properties.
- 4.16.6. All resident and tenant parking shall be accommodated entirely on the subject property.
- 4.16.7. A Development Permit issued for a Secondary or Studio Suite may not be issued for a period exceeding one (1) year for the first Development Permit. The Development Permit may be subsequently renewed for repeated periods of up to three (3) years, in the sole discretion of the Development Authority, having consideration for the following factors:
  - a) any complaint or enforcement history related to the Secondary or Studio Suite,
  - b) comments from adjacent and area residents, and
  - c) adherence to the previously approved Development Permit and current Land Use Bylaw requirements.
- 4.16.8. If the Development Permit expires and is not renewed, or if the Development Permit is cancelled in writing, the owner shall remove the Studio or Secondary Suite within sixty (60) days, including:
  - a) the kitchen or kitchenette unit which may include the stove, hot-plate, kitchen sink, dishwasher and kitchen cabinetry, to the satisfaction of the Development Authority;
  - b) associated electrical wiring (typically 220 V); and
  - c) any lockable separation door or similar enclosure which prevents access from the Principal Residence.
- 4.16.9. At the discretion of the Development Authority a partial removal of the kitchen may be considered, and at a minimum will include:

- a) the stove, and associated electrical wiring (typically 220 V); and
- b) any lockable separation door or similar enclosure which prevents access from the Principal Residence.

4.16.10. In Hamlet and Country Residential Districts, Secondary and Studio Suites shall not be permitted in conjunction with a Major or Minor Home-Based Business, unless otherwise approved as a discretionary use by the Development Authority with consideration for the following:

- a) The development meets the required parking for all uses;
- b) The combined development generates minimal traffic and receives no inbound visitor traffic as part of the Home-Based Business; and
- c) The development does not affect the quiet use and enjoyment of the surrounding neighbourhood and properties.

4.16.11. Secondary and Studio Suites shall not be permitted in conjunction with a Bed and Breakfast, within the same property.

4.16.12. All new secondary and studio suites shall be required to connect to municipal utilities, when municipal servicing infrastructure is available. The primary dwelling shall also be required to connect to municipal utilities when municipal servicing infrastructure is available.

#### **4.17. Signs**

4.17.1. Unless specifically exempt from the requirement to obtain a Development Permit pursuant to this Bylaw, all signs placed or erected on land or any building or structure require a Development Permit.

4.17.2. In determining the relative merits of a Development Permit application for a sign, the Development Authority shall consider both the sign structure and the appearance of the copy area of the sign, including any wording or images. Applicants are advised to consider both elements in making their application.

4.17.3. No sign shall be placed on, affixed to or overhang any Municipal property or road right-of-way without the prior written consent of the Municipality or appropriate public body. Election signs on municipal property shall be in conformance with municipal policy.

4.17.4. Except for directional signs, no signage shall be located on a site for a business or activity that is not on the site in which the business or activity is located.

4.17.5. Signs which are proposed to be illuminated shall be lit by top-mounted lights pointed downwards or internally illuminated. Lighted signs shall not cause light trespass onto or adversely affect neighbouring properties, and shall adhere to Dark Sky principles, pursuant to Section 3.9. Notwithstanding this provision, no illuminated signs shall be permitted within residential districts.

4.17.6. No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or color where it may interfere with, or be confused with any

authorized traffic sign, signal or device and in doing so create a traffic hazard.

- 4.17.7. Rotating and flashing signs, including animated signs and electronic variable message signs, are prohibited.
- 4.17.8. Pursuant to Section 3.20, to ensure safe vehicle and pedestrian movement, no sign which is higher than 1.0 m (3.3 ft) in sign height or lower than 4.0 m (13.2 ft) in sign height shall be located within the sight line triangle.
- 4.17.9. All signs shall be kept in a safe, clean and well-maintained condition. The Development Authority may require the cleaning, removal or renovation of a sign determined to be otherwise.
- 4.17.10. The quality, design and character of a sign shall be to the satisfaction of the Development Authority which shall have due regard for the amenities of the district in which the sign is proposed to be located. Signs shall not adversely affect the use or enjoyment of neighbouring properties.
- 4.17.11. Signs shall not cover architectural detailing of a building, including but not limited to windows, cornices, arches, sills or mouldings.
- 4.17.12. Signs identifying a Bed and Breakfast, Major Home-Based Business or Visitor Accommodation Suite are regulated in Sections 4.3, 4.11 and 14.6, respectively.
- 4.17.13. Where a sign does not conform to any of the identified sign types defined in this Bylaw, the Development Authority shall consider a Development Permit application for a sign on its merits.
- 4.17.14. Awning and Canopy Signs
  - a) Awning and Canopy Signs shall be clear, legible, visually attractive and compatible with the building it is attached to and with the surrounding streetscape.
  - b) Awnings and canopies attached to a building that are used for signs shall:
    - i) only extend seventy-five percent (75%) of the length of the building or bay to which it is attached;
    - ii) be a maximum of 1.5 m (4.9 ft) vertical distance from the bottom to the top of the awning or canopy; and
    - iii) have a minimum clearance of 2.8 m (9.2 ft) above grade.
  - c) Freestanding canopies, or canopies that are intended to cover a motor vehicle used for signs shall:
    - i) be a maximum of 1.0 m (3.3 ft) vertical distance from the bottom to the top of the awning or canopy;
    - ii) have a minimum clearance of 4.2 m (13.9 ft) and shall not exceed 5.2 m (17.1 ft) in height above grade;
    - iii) be located a distance of 0.6 m (2.0 ft) from a site boundary.



- d) Awning and Canopy Signs are encouraged to be lit by top-mounted lights, but internally illuminated signs may be permitted to enhance visibility where required.

#### 4.17.15. Fascia Signs

- a) Fascia Signs shall not project more than 0.4 m (1.3 ft) from the building face.
- b) The combined copy area of all Fascia Signs shall not exceed 15% of the face of the building or bay to which the sign is attached.
- c) Fascia Signs may be permitted to be located below the floor level of the second and third storeys of a building.
- d) Fascia Signs are encouraged to be lit by top-mounted lights, but internally illuminated Fascia Signs may be permitted to enhance visibility where required.

#### 4.17.16. Fence Signs

- a) A fence used for a sign shall be in good condition and properly maintained. An Applicant may be required by the Development Authority to provide evidence of the fence condition upon application for a Development Permit.
- b) Fence Signs shall not exceed the height above grade of the fence to which it is attached, and shall be securely fastened.
- c) A Fence Sign shall not exceed 2.0 m<sup>2</sup> (21.5 ft<sup>2</sup>) in sign area.

#### 4.17.17. Freestanding Signs

- a) One Freestanding Sign shall be permitted per lot frontage, which is encouraged to be no larger or higher than necessary for viewing by the travelling public, but in no case shall exceed:
  - i) a maximum sign area of 6.0 m<sup>2</sup> (64.6 ft<sup>2</sup>) on each sign face; and
  - ii) a maximum sign height of 3.0 m (9.8 ft) above grade, excepting a maximum sign height of 6.0 m (19.68 ft) above grade in a Commercial District adjacent to the Trans Canada (Highway 1) and Highway 1A.
- b) The maximum sign area and height of a Freestanding Sign which identifies a condominium or subdivision development shall be at the discretion of the Development Authority.
- c) A support structure for a Freestanding Sign shall be setback a minimum of 0.6 m (2.0 ft) from any property line and no part of the sign shall encroach on to or overhang an adjacent property or road right-of-way.
- d) Freestanding Signs shall be designed in a manner that is compatible with and enhances the character of the building or the surrounding streetscape.
- e) Freestanding Signs are encouraged to be lit from top-mounted lights, but internally illuminated Freestanding Signs may be permitted to enhance visibility where required.
- f) The electrical supply to a lighted Freestanding Sign shall be located underground.
- g) For a service station, the Development Authority may allow a maximum of 3 additional

Freestanding Signs containing advertising sign messages to be located on a site. Each sign shall be a maximum of 1.5 m<sup>2</sup> (16.1 ft<sup>2</sup>) in sign area and 2.0 m (6.6 ft) in sign height above grade.

#### 4.17.18. Portable Signs

- a) Excepting Portable Signs erected by the Municipality as Informational Signs, or signs approved by the Development Authority to be erected as a Temporary Sign, no person shall place, erect, or use a portable sign within the Municipal District of Bighorn.
- b) Portable signs shall not contain advertising sign messages.

#### 4.17.19. Projecting Signs

- a) Projecting Signs shall only contain identification messages.
- b) No more than 2 Projecting Signs shall be permitted per site, or where a building contains multiple businesses, not more than 1 Projecting Sign shall be permitted per bay.
- c) Projecting Signs shall:
  - i) have a maximum sign area no greater than 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>);
  - ii) have a vertical clearance of not less than 2.8 m (9.0 ft) above grade;
  - iii) not project greater than 1.5 m (4.9 ft) from the building face; and
  - iv) be spaced at a minimum horizontal distance of 5.0 m (16.4 ft).
- d) Supports and structures for a projecting sign which are visible shall be of a style and character that is complimentary to the building to which it is attached.

#### 4.17.20. Roof Signs

- a) The vertical height of a Roof Sign shall not exceed 3.0 m (9.8 ft) in height, and together with the building to which the Roof Sign is attached, shall not exceed the maximum height limit specified in the land use district in which it is located.
- b) Roof Signs may only be allowed where due consideration has been taken for public safety and aesthetics of the sign, in the opinion of the Development Authority.
- c) Roof Signs shall not be used in conjunction with fascia signs.

#### 4.17.21. Temporary Signs

- a) Temporary Signs may be permitted at the discretion of the Development Authority, which shall take into consideration the sign message and intent, and the use of the site.

#### 4.17.22. Wall Signs

- a) Wall Signs may be permitted to be painted or engraved into the surface of a building, wall or surface of any structure at the discretion of the Development Authority, which shall take into consideration: the use of the site; the height and setback of the building or structure; the proposed size, design, appearance, illumination and visibility of the sign; and the potential impact of such sign on adjacent properties.

4.17.23. Visitor Accommodation Suite Signs

- a) Refer to S. 14.6 of the Land Use Bylaw.

**4.18. Shipping Containers**

- 4.18.1. All Shipping Containers shall meet the minimum required setbacks for accessory buildings.
- 4.18.2. Shipping Containers shall not be placed on a lot or parcel in a manner that the containers exceed the maximum height restrictions specified in the district regulations.
- 4.18.3. All Shipping Containers shall be properly maintained or screened from public view, to the satisfaction of the Development Authority.
- 4.18.4. Shipping containers which are being utilized, including storing items within the container, shall be considered an “Accessory Building” in all districts where Shipping Containers are listed as a Permitted or Discretionary Use.

**4.19. Temporary Developments**

- 4.19.1. A Development Permit issued for a temporary use shall indicate the date of commencement of the development and the date of completion, and may contain conditions necessary to ensure that the development ceases and that the area in which the development occurs is returned to its natural state.

**4.20. Visitor and Resort Accommodations**

- 4.20.1. Visitor and resort accommodation uses may provide services such as a reception area, laundry and room service, and may include other facilities and amenities such as restaurants, licensed drinking establishments, retail stores, personal service businesses, recreational facilities, and meeting or convention rooms as an Accessory Use to the development.
- 4.20.2. For Visitor Accommodation uses, no visitor or Guest shall occupy one or more Visitor Accommodation unit on a site for a period exceeding 75 days per annum.
- 4.20.3. The operator of a visitor or resort accommodation development shall keep and maintain a Guest register that shall be reasonably available to the Development Authority for inspection.
- 4.20.4. Where applicable, the Development Authority may request, as a condition of approval for a Development Permit for a Visitor Accommodation use that the maximum length of stay provision is clearly stated within the condominium bylaw, and that a copy of the condominium bylaw shall be provided to the Development Authority at a specified time interval.

This page is intentionally blank