



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1647Q

LAND USE BYLAW AMENDMENT

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BYLAW 1647Q

LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

WHEREAS, Section 64 of the Municipal Government Act, Being Chapter M-26, Revised Statutes of Alberta, 2000 provides for the passing of bylaws to amend other bylaws; and,

WHEREAS the municipal council wishes to make an omnibus amendment to the Land Use Bylaw for the primary purpose of incorporating updated flood mapping as well as additional housekeeping items and corresponding typographical changes;

AND WHEREAS these matters include the incorporation of updated flood mapping under the Flood Hazard Identification Program; corresponding updates to the Flood Damage Reduction Overlay District (FDR); the establishment of associated definitions; the addition of new development permit requirements for Lots 1-32, Block 1, Plan 161 0008; and providing for the opportunity for permanent Shipping Containers in the Recreation & Open Space (RO) Land Use District;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, the Council of the Town of Cardston, in the Province of Alberta, duly assembled, enacts as follows:

1. The revisions depicted in Schedule 'A' (text amendments), attached hereto and forming part of this bylaw, are hereby adopted.
2. The revisions depicted in Schedule 'B' (Schedule 1: Land Use Districts Map), attached hereto and forming part of this bylaw, are hereby adopted.
3. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.
4. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 27th day of May, 2025
Received Second Reading this Received Third &
Final Reading this



Signed by the Mayor and the Chief Administrative Officer this ____ day of

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*



**Schedule A
Bylaw 1647Q**



**TOWN OF CARDSTON
LAND USE BYLAW NO. 1647**



February 2016

(Consolidated to Bylaw No. 1647N, February 2024)

Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION



17. COUNCIL – DIRECT CONTROL DISTRICTS

Council shall be responsible for considering development permit applications within any Direct Control District, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

18. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the *Municipal Government Act*, and may exercise such powers and duties as are specified in this bylaw, the MGA and the Subdivision and Development Appeal Board Bylaw.

GENERAL STANDARDS AND REQUIREMENTS

19. RULES OF INTERPRETATION

- (1) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000 as amended*, shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.
- (2) The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.
- (3) The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

20. METRIC MEASUREMENTS AND STANDARDS

The metric standards in this Bylaw are applicable. Imperial measurements and standards are provided only for convenience.

21. NUMBER OF DWELLING UNITS ON A PARCEL

For the purposes of section 640(2)(e) of the *Municipal Government Act*, no person shall construct or locate or cause to be constructed or located more than one (1) dwelling unit on a parcel unless, where the use is listed in the land use district, authorized by the Development Authority through the issuance of a development permit.

22. SUITABILITY OF SITES

- (1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Authority is made aware of or if in their opinion, the site of the proposed building or use is not safe or suitable based on the following:
 - (a) does not have safe legal and physical access to a maintained road in accordance with the land use bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft.) of a provincial highway or 800 m (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road;



- (b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;
 - (c) is situated on an unstable slope;
 - (d) consists of unconsolidated material unsuitable for building;
 - (e) is located within the flood fringe and is not adequately flood proofed;
 - (f) is located within the flood way or the high hazard flood fringe;
 - (g) does not comply with the requirements of the South Saskatchewan Regional Plan, *Matters Related to Subdivision and Development Regulation* or any other applicable statutory plans;
 - (h) is situated on an active or abandoned coal mine or oil or gas well or pipeline;
 - (i) is unsafe due to contamination by previous land uses;
 - (j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
 - (k) does not meet the minimum setback requirements from an abandoned well site;
 - (l) does not have adequate water and sewer provisions;
 - (m) does not meet the lot dimensional requirements or setback requirements or any other applicable standards or requirements of the Town of Cardston Land Use Bylaw;
 - (n) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.
- (2) Nothing in this Section shall preclude the Subdivision Authority or Development Authority, as applicable, from issuing a subdivision or a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be mitigated by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

23. MAXIMUM LOT SIZES

The maximum lot sizes established for certain residential land use districts may be waived, subject to Section 36 (for development) and section 654(2) of the *Municipal Government Act* (for subdivision), by the Development Authority in the following instances at the time of development or subdivision:

- (1) where the developable area (see definition) of the lot is less than the maximum lot size established for the district; or
- (2) where the approval would not interfere with or impede upon future resubdivision; or
- (3) where resubdivision would not be feasible; or
- (4) where a proposal is consistent with a design or concept expressed in a statutory plan.

24. DEVELOPMENT IN MUNICIPALITY GENERALLY

- (1) A person who develops land or a building in the municipality shall comply with the standards of development specified in one or more of the sections in this Bylaw and any condition attached to a development permit if one is required.
- (2) Construction of utilities, roads, lot grading and excavation shall be in conformance with the Town of Cardston Engineering Design Standards and Minimum Servicing Standards document.



25. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) Developments not requiring a development permit are specified in Schedule 3.
- (2) This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.
- (3) This Section does not negate the requirement of obtaining a business license where required.

26. APPLICATION FEES

- (1) Application fees are prescribed by Council and are found in Appendix C (Fees) for reference purposes.
- (2) Requests by an applicant for a refund or adjustment of prescribed fees requires the approval of Council, other than in circumstances where minor discretion is allowed to the Development Officer in accordance with subsection (3) below.
- (3) The Development Officer has minor discretion in refunding or adjusting fees as it applies to the withdrawing of applications prior to processing, application proposals being amended where various fees would normally apply or returning deposits taken as security. If there is any dispute or complaint filed by an applicant over the amount of a refund or adjustment requested, the issue may be referred to Council.
- (4) Whenever an application is received for a development or use not listed in Appendix C, the amount of the fee shall be determined by the Development Officer or the Municipal Planning Commission and shall be consistent with those fees listed.

DEVELOPMENT PERMIT APPLICATIONS

27. DEVELOPMENT PERMITS

- (1) Except as provided in Schedule 3: Development Not Requiring a Development Permit, no person shall commence a Development unless they have been issued a development permit in respect of the development in accordance with any terms and/or conditions of a development permit issued pursuant to this Bylaw.
- (2) An application for a development permit must be made to the Development Officer by submitting:
 - (a) a completed application form as per Appendix B;
 - (b) a consent from the registered landowner;
 - (i) a person who is not the registered landowner may apply for a development permit with the written consent of the registered landowner;
 - (c) the fee prescribed in Appendix C;
 - (d) a site plan acceptable to the Development Officer indicating:
 - (i) the location of all existing and proposed buildings and structures including a foundation outline of buildings and all cantilevers, decks and projections, registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
 - (ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, surface drainage patterns and including any other features necessary (i.e. septic systems, water wells, culverts, trees etc.) to interpret or adjudicate the application;
 - (iii) the presence or absence of any and all abandoned wells; and, if abandoned wells are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing



and/or proposed building sites in accordance with the Alberta Energy Regulator's Directive 079; and

- (e) such other information as may be required by the Development Officer, which may also include:
 - (i) a minimum of two sets of professionally prepared building plans;
 - (ii) a copy of architectural controls approval if applicable to a parcel;
 - (iii) a copy of lot grade elevations;
 - (iv) any additional information as may be specified in any of the Schedules; and
 - (v) any additional information as per Section 28.

28. ADDITIONAL INFORMATION REQUIREMENTS IN SUPPORT OF DEVELOPMENT PERMIT APPLICATIONS

- (1) The Development Authority may require a Real Property Report (RPR) or a sketch prepared by an Alberta Land Surveyor or a Professional Engineer as verification of the existing and/or proposed location of development on said land.
- (2) The Development Authority may request other information to be provided in support of an application for a development permit, including but not limited to: professionally prepared site plans, landscaping plans, engineering studies, floodproofing measures, geotechnical reports, storm water management or drainage plans, soils analyses, grading or lot elevation plans, parking overlays, building plans, technical reports, population and demographic projections, traffic impact analysis, conceptual design schemes, and sun/shadow studies.

29. DETERMINING COMPLETENESS OF DEVELOPMENT PERMIT APPLICATIONS

- (1) The Development Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 27(2), determine whether the application is complete.
- (2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing; and provided the quality of the information is adequate to properly evaluate the application.
- (3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.
- (4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1), the application is deemed to be complete.
- (5) If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
 - (a) The Notice of Completeness may be contained within a Notice of Receipt of an application under Section 40 or within a Notice of Decision under Section 42.
- (6) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27(c). A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.



LARGE LOT RESIDENTIAL – R3

Purpose:

To encourage and ensure that residential development, and related uses, occurs on those larger lots that have been designated as suitable for such development in an attractive, orderly, economic and efficient manner.

1. (A) PERMITTED USES

- Dwellings:
 - Single-Detached - Site Built
 - Single-Detached - Prefabricated
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container (*temporary*)

(B) DISCRETIONARY USES – MPC

- Dwellings:
 - Moved-In
 - Garage Suite
 - Garden Suite
 - Semi-Detached
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types¹: 4, 5, 12
- Small Wind Energy System – Type A²
- Utility, Private or Public

(C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Dwellings:
 - Secondary Suite
- Short-Term Rental 1
- Sign Types¹: 1, 2

Notes: 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.
2 – See Schedule 5, Section 13 for definition of small wind energy system types.

(D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*



2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	ft ²
Single Detached Dwelling	27.43	90	44.20	145	1,212.35 (0.12 ha)	13,050 (0.3 acre)
All other uses	As required by the Development Authority					

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

3. MAXIMUM LOT SIZE

Use	Area	
	m ²	ft ²
Single Detached (including suites), Semi-Detached Dwelling	2,424.69 (0.24 ha)	26,100 (0.6 acre)
All other uses	As required by the Development Authority	

- (1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.
- (2) The maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.
- (3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative Section 9.

4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.	m	ft.
Single-Detached Dwelling	9.14	30	4.57	15	3.05	10	9.14	30
All other uses	As required by the Development Authority							

Note: Measurements are from the respective property line to the nearest point of the building.



6. MAXIMUM SITE COVERAGE

(1) Principal Building – 33%

The principal building shall not occupy more than 33 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) Accessory Buildings – 9%

(a) Any and all accessory buildings and structures shall not occupy more than 9 percent of the surface area of a lot or 120.77 m² (1,300 ft²), whichever is the lesser, where there is not a garage or garden suite on the property.

(b) **Accessory Buildings (with a garage suite or garden suite developed on the property) – 10%**

(c) Any and all accessory buildings and structures, including garage and garden suites, shall not occupy more than 10 percent of the surface area of a lot or 139.35 m² (1,500 ft²), whichever is the lesser, where there is a garage or garden suite on the property.

(d) In no case shall the sum of all accessory building coverage exceed the principal building coverage.

(3) Other development shall be at the discretion of the Development Authority.

7. MINIMUM FLOOR AREA

Use	Minimum Floor Area*
Single-Detached Dwellings	139.35 m ² (1500 ft ²)
All other uses	As required by the Development Authority

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

8. MAXIMUM HEIGHT OF BUILDINGS

Use	Maximum Height*
Principal Dwelling	10.06 m (33 ft.)
Accessory Buildings	6.10 m (20 ft.)
All other uses	As required by the Development Authority

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

10. DRIVEWAY STANDARDS

See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.

11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites in this land use district.



- (2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 2.
- (3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordination of the suite to the principal dwelling.
- (4) A garden or garage suite shall be situated no closer than 3.05 m (10 ft.) to the principal dwelling.
- (5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.
- (6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.
- (7) In order to preserve the privacy of adjacent properties the following design measures shall be incorporated to the satisfaction of the Development Authority:
 - (a) placement of larger windows to limit overlook into neighbouring properties;
 - (b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;
 - (c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;
 - (d) balconies shall not project into a required setback;
 - (e) rooftop decks on garage or garden suites are prohibited.
- (8) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 m² (50 ft²) with no dimension less than 1.52 m (5 ft.).
- (9) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.
- (10) Minimum and maximum development standards are as follows:

Use	Maximum Height*		Maximum Floor Area		Minimum Floor Area	
	m	ft.	m ²	ft ²	m ²	ft ²
Garage Suite	7.62	25	See Section 6		30.00	322.93
Garden Suite	5.18	17	See Section 6		30.00	322.93

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

- (11) Minimum and maximum development standards are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard**	
	m	ft.	m	ft.	m	ft.	m	ft.
Garage Suite	See (3) above		4.57	15	3.05	10	1.52	5
Garden Suite	See (3) above		4.57	15	3.05	10	1.52	5

**In laneless subdivisions the rear yard requirement shall be 3.05 m (10 ft.).



12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

- (1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.	m	ft.
Accessory Buildings – interior lots	See (6) below		n/a		1.52	5	1.52	5
– laneless corner lots	See (6) below		3.05	10	1.52	5	2.29	7.5
– laned corner lots	See (6) below		3.05	10	1.52	5	1.52	5
Moveable Accessory Buildings	See (6) below		See (10) below					
All other uses	As required by the Development Authority							

Note: Measurements are from the respective property line to the nearest point of the building.

- (2) No accessory building or use shall be allowed on a lot without an approved principal building or use.
- (3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.
- (4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.
- (5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.91 m (3 ft.) from the rear and side lot lines.
- (6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.
- (7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.
- (8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.
- (9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.
- (10) Accessory buildings not over 11.15 m² (120 ft²) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 1.52 m (5 ft.) from the side lot line.

14. SPECIAL REQUIREMENTS FOR LOTS 1-32, BLOCK 1, PLAN 161 0008

- (1) An application for development permit for any lot listed above (or a successor legal description) shall be required to submit a site plan prepared by an Alberta Land Surveyor that stakes out and certifies the proposed location of the building (including dwellings, detached garages and other buildings at the



discretion of the Development Authority but not including sheds and other small or portable structures) on the site in relation to the Town's flood mapping.

(2) As a condition of approval for a building described in subsection 2 above, the Development Authority shall require a real property report to be submitted to the Development Authority within 6-months of the completion of the building.

(31) An application for development permit for any lot listed above (or a successor legal description), where any portion of lot is shown as being within the flood fringe or the high hazard flood fringe, shall be required to incorporate flood proofing measures and evidence that these measures have been designed and calculated by a qualified professional in accordance with best practises and the most current flood data available.

(a) Any flood proofing measures required by a developer (i.e. as part of an architectural control or design review approval) shall not necessarily be construed as complete and the Development Authority may require additional information to be provided or measures to be undertaken.

(42) The Development Authority shall attach any or all recommended flood proofing measures, and additional measures deemed necessary, as a condition of development permit.

(5) In accordance with the Flood Damage Reduction Overlay (FDR) District, where any portion of a lot is subject to the high hazard flood fringe or the flood way, no permitted uses exist, and all permitted uses listed in the applicable district are discretionary uses.

See Schedule 13: Definitions – Flood Proofing.

15. STANDARDS OF DEVELOPMENT	– Schedule 4
16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS	– Schedule 6
17. PREFABRICATED DWELLING REGULATIONS	– Schedule 7
18. HOME OCCUPATIONS	– Schedule 8
19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES	– Schedule 9
20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS	– Schedule 10
21. SIGN REGULATIONS	– Schedule 12



RECREATION & OPEN SPACE – RO

Purpose:

To ensure the protection of public parks and open space, including municipal and environmental reserve areas in accordance with the relevant sections of the MGA, through the regulation of the following permitted and discretionary land uses.

1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Indoor Recreation, Public
- Outdoor Recreation and Sports fields
- Parks and Playgrounds
- Recreation, Passive
- Shipping Container (*temporary*)
- Sign Types¹: 1A, 2, 4
- Utility, Public

(B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Club/Fraternal Organization
- Community Garden
- Golf Course
- Outdoor Recreation Facility
- Indoor Recreation, Private
- Recreational Use, Licensed
- Shipping Container (*permanent*)
- Sign Types¹: 1B, 3, 5, 6, 8, 9, 10, 11, 12
- Small Wind Energy System – Type A and B²
- Utility, Private

Notes: 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

(C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

2. MINIMUM LOT SIZE

All Uses – 0.5 acre (0.2 ha).

3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

As required by the Development Authority.

4. MAXIMUM SITE COVERAGE

As required by the Development Authority.

5. MAXIMUM HEIGHT OF BUILDINGS

As required by the Development Authority.

6. STANDARDS OF DEVELOPMENT

– Schedule 4

7. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES

– Schedule 9



8. OFF-STREET PARKING, LODING & DRIVEWAY REQUIREMENTS
9. SIGN REGULATIONS

- Schedule 10
- Schedule 12



FLOOD DAMAGE REDUCTION OVERLAY DISTRICT – FDR

Purpose:

The purpose of this overlay district is to establish regulatory control over lands with a risk of flooding. The Lee Creek channel extends through the Town of Cardston over a length of approximately 3.75 km. The creek's channel has a significant meander as it enters the town, followed by a mostly straight course with slight meanders. Lee Creek has a relatively small catchment but can produce flash floods in high-intensity rainstorm events. Updated flood mapping from 2019 under the Province's Flood Hazard Identification Program is based on a new survey and corresponding analysis of the creek. While the 1:100 year flood event remains the basis of regulatory application, this study methodology includes a category for "High Hazard Flood Fringe," in accordance with the Province's new approach to mapping flood hazard areas, as well as 1:200 year and 1:500 year depictions (not depicted on Schedule 1 but available). This increased analysis corresponds with the heightened awareness of flooding that brought about the Flood Recovery & Reconstruction Act (2013) which included amendment to the Municipal Government Act to establish the ability for regulations to be made (s. 693.1). The updated flood mapping is illustrated in Schedule 1.

~~The purpose of this overlay district is to implement the "Canada-Alberta Flood Damage Reduction Program" prepared for land uses in proximity to Lee Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Cardston under this program (June 29, 1994), including any updated mapping that may be prepared, which is illustrated in Schedule 1.~~

1. FLOOD WAY USE REGULATION

(WHERE A PARCEL IS WHOLLY OR PREDOMINANTLY SUBJECT TO THE FLOOD WAY)

(A) PERMITTED USES

- Parks and Playgrounds
- Recreation, Passive
- Shipping Container (*temporary*)

(B) DISCRETIONARY USES

- Accessory building, structure, or use to an approved use
- Campground, Institutional
- Campground, Tourist
- Golf Course
- Natural Resource Extraction
- Outdoor Recreation and Sports Fields
- Utility, Private or Public
- Signs

Notes: 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

(C) PROHIBITED USES

- Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use

FLOOD FRINGE USE REGULATION

(where a parcel is wholly or predominantly subject to the flood fringe including the high hazard flood fringe)



(A) PERMITTED USES

- Those uses listed as permitted in the underlying land use district (only for parcels of land that contain flood fringe and not including a parcel that contains any portion of high hazard flood fringe or flood way).

(B) DISCRETIONARY USES

- Those uses listed as discretionary in the underlying land use district
- A parcel of land that contains any high hazard flood fringe or flood way makes any permitted use in the underlying land use district discretionary

2. INTERFACING WITH CONVENTIONAL LAND USE DISTRICTS

In those areas adjacent to Lee Creek that are within the flood fringe, where a separate and distinct land use district has been bestowed upon a property, the use regulation of that district applies (subject to the restrictions listed above under "Flood Fringe Use Regulation". Additionally, all pertinent flood related development regulations from this district apply to the development. Setbacks and all additional development standards are at the discretion of the Development Authority with regard for flood risk and the findings of any professional studies.

3. MINIMUM LOT SIZE

All Uses – As required by the Development Authority.

4. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

All Uses – As required by the Development Authority.

5. DEVELOPMENT APPLICATIONS

- An application for development permit for any lot that is subject to the flood fringe or the flood way may be required to submit a site plan prepared by an Alberta Land Surveyor that stakes out and certifies the proposed location of the building (including dwellings, detached garages and other buildings at the discretion of the Development Authority but not including sheds and other small or portable structures) on the site in relation to the Town's flood mapping.
- As a condition of approval for a building described in subsection 2 above, the Development Authority may require a real property report to be submitted to the Development Authority within 6-months of the completion of the building.

65. DEVELOPMENT REGULATIONS

- The Development Authority shall not approve a development permit in this district if in the opinion of the Development Authority the use is not proposed to be (for new developments) adequately flood proofed.
- The Development Authority may allow minor renovations and repairs to an existing building (whether structural or not) located in the flood fringe without requiring the flood-proofing of the building.
- The Development Authority may allow additions to an existing building in the flood fringe providing such additions are adequately flood-proofed, without requiring the flood-proofing of the existing portion of the building.
- No new buildings will be allowed in the floodway. Buildings in the high hazard flood fringe may be allowed at the discretion of the Development Authority.



- (5) Before an application for a development permit is accepted for a building within the flood fringe, the Development Officer may require that the applicant submit a report from a Registered Professional Engineer or Architect indicating the proposed method of flood-proofing that indicates the following factors have been incorporated in the building and lot:

- (a) Canadian Mortgage & Housing Corporation guidelines for building in flood-risk areas;
- (b) the flood-proofing of habitable rooms, electrical panels, heating units and openable windows;
- (c) basement drainage and site drainage; and
- (d) geodetic grade elevations in relation to the 1:100 year flood elevation.

The Development Authority must be satisfied that the proposed method of flood-proofing will be adequate before a development permit is issued.

76. WATERCOURSES & RIPARIAN AREAS

See Schedule 4, Section 18: Watercourses & Riparian Areas

87. STANDARDS OF DEVELOPMENT

– Schedule 4

98. PREFABRICATED DWELLING REGULATIONS

– Schedule 7

109. HOME OCCUPATIONS

– Schedule 8

1110. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES

– Schedule 9

1211. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS

– Schedule 10

1312. SIGN REGULATIONS

– Schedule 12



SCHEDULE 13: DEFINITIONS



Cultivation of Land



Day Care Services
Day Home
Deck
Deck, Uncovered
Demolition
Detached Garage
Developable Area
Development Officer
Developer
Development
Development Agreement
Development Area
Development Authority
Development Permit
Discontinued Use
Discretionary Use
District
Drive-in/Drive-through Restaurant
Drive-through
Dwelling
Dwelling, Apartment
Dwelling, Duplex
Dwelling, Moved-in
Dwelling, Multi-unit
Dwelling, Row
Dwelling, Secondary Suite
Dwelling, Semi-detached
Dwelling, Semi-detached, Isolated
Dwelling, Semi-detached, Pre-planned
Dwelling, Single-detached, Site-built
Dwelling, Single-detached, Site-built (Existing)
Dwelling, Single-detached Manufactured
Dwelling, Single-detached Manufactured, Double-wide
Dwelling, Single-detached Manufactured, Single-wide
Dwelling, Single-detached Prefabricated
Dwelling, Single-detached Prefabricated, Modular
Dwelling, Single-detached Prefabricated, Ready-to-move
Dwelling, Single-detached Prefabricated, Panellized
Dwelling, Pre-planned
Dwelling Unit



Easement
Eave Line
Eaves
Educational Institution
Enclosed
Encroachment
Equipment Sales, Rental and Service
Existing
Extensive Agriculture



Farm Building and Structure
Farmer's Market
Farm/Industrial Machinery Sales, Rental and Service
Feed Mill/Grain Elevator
Fence
Fertilizer Storage and Sales
Filling
Financial Institution
Fireplace Chase
Fitness Centre
~~Flood Elevation, 1:100 Year~~
Flood Fringe
Flood Fringe, High Hazard
Flood Proofing
Flood Risk Area
Flood Way
Floor Area
Floor Area, Gross
Floor Area, Net
Floor Area Ratio
Food Processing Facility
Form, Building
Foundation
Front Yard
Front Yard, Secondary
Frontage
Frontage, Business
Funeral Home



DWELLING UNIT means a use that contains one or more self-contained rooms designed to be used as a dwelling and that includes sleeping, cooking, living, and sanitary facilities and having an independent entrance either directly from the outside of the building or through a common area within the building.



EASEMENT is the right to use the real property owned by another for a specific purpose.

EAVE LINE means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the eave line shall be the horizontal line at the intersection of the wall and roof.

EAVES means the extension or overhang of a roof line beyond the vertical wall of a building.

EDUCATIONAL INSTITUTION means a place of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions.

ENCLOSED means a space or structure surrounded by two or more walls, plus a roof or beam structure or other enclosing device above 1.2 m (3.9 ft.) in height as measured from the floor.

ENCROACHMENT means to advance or extend beyond one's property line.

EQUIPMENT SALES, RENTAL AND SERVICE means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXISTING means in place as of the date of adoption of this Bylaw or any amendments to the Bylaw.

EXTENSIVE AGRICULTURE means the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, quonsets and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.



FARM BUILDING AND STRUCTURE means building(s) or development commonly or normally contained in a farmstead that is associated with a farming operation or an "extensive agriculture" use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include "intensive horticultural facility", "intensive livestock operation", or any "dwelling unit."

FARMER'S MARKET means a use of land or buildings primarily for the sale of fresh or processed farm or garden produce. This use may also include entertainment, crafts sales and sales of other similar products.

FARM/INDUSTRIAL MACHINERY SALES, RENTAL AND SERVICE means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.



FEED MILL/GRAIN ELEVATOR means building(s) in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

FENCE means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or provide sound abatement and may include confinement of livestock, protection of livestock from wind.

FERTILIZER STORAGE AND SALES means a development used to store bulk fertilizer for distribution. This use class does not include the sales of bagged fertilizer in a retail shop.

FILLING means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

FINANCIAL INSTITUTION means a development or use primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FIREPLACE CHASE means a vertical flue that provides a path through which smoke from a fire is carried from the interior to the exterior of a building.

FITNESS CENTRE means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, racquet and ball courts, spas and reducing salons.

~~FLOOD ELEVATION, 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.~~

FLOOD FRINGE means the area outside of the floodway that is flooded or could be flooded during the 1:100 design flood. The flood fringe typically represents areas with shallower, slower, and less destructive flooding.

FLOOD FRINGE, HIGH HAZARD means areas within the flood fringe with deeper or faster moving water than the rest of the flood fringe. High hazard flood fringe areas are likely to be most significant for flood maps that are being updated, but they may also be included in new flood maps.

FLOOD PROOFING means any combination of structural or non-structural additions or modifications to structures or pre-development design (including the establishment of minimum elevations for building openings) and construction measures that prevents or attempts to prevent flood damage to the building or its contents.

FLOOD RISK AREA means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) ~~as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.~~

FLOOD WAY means the area of highest flood hazard where flows are deepest, fastest, and most destructive during the 1:100 design flood.

FLOOR AREA means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

FLOOR AREA, GROSS means the total floor area of each floor of a building measured from the outside surface of the exterior walls, and includes all floors totally or partially above grade level except parking levels.

FLOOR AREA, NET means the gross floor area define by the inside dimensions for each floor minus the horizontal floor are on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.