

# **TOWN OF CALMAR**

## **BYLAW #2023-26**

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**A BYLAW OF THE TOWN OF CALMAR IN THE PROVINCE OF ALBERTA, TO AMEND THE LAND USE BYLAW BEING BYLAW 2017-07.**

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**WHEREAS**, the Municipal Government Act, being Chapter M-26 of the R.S.A. 2000, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw.

**AND WHEREAS**, the Council of the Town of Calmar wishes to amend its Land Use Bylaw 2017-07 as it affects certain lands.

**NOW THEREFORE** the Council of the Town of Calmar, duly assembled, enacts as follows:

**1) Section 1.3 INTERPRETATION is amended by:**

a) 50. Cannabis Facility : subsection 50e. is deleted and replaced with:

e. The distribution and sales of materials, goods, and products to Cannabis Store; or

b) That the number 51 is attributed to the Cannabis Store definition.

c) That the following definition is added as Definition 108, "Dwelling, Mixed use":

108. "Dwelling, Mixed use" means a self-contained dwelling unit or multiple dwelling units located above and/or adjacent to 1 or more commercial activities. Each dwelling unit has its individual access that can be internal or external to the building.

d) That definition 354. Yard, Front be deleted and replaced with:

354. "Yard, front" means that portion of the site extending across the full width of the site from the front line of the parcel to the nearest exterior wall of the main building.

e) That Section 1.3 INTERPRETATION be renumbered from 51 onward to accommodate the current amendments.

**2) Section 3.2. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT is amended by:**

a) Subsection 13 is deleted and replaced with:

13. An accessory building which is accessory to a dwelling and less than 10.0 m<sup>2</sup> (108.0 ft<sup>2</sup>) in size, except for a deck or patio, that meets the minimum distance requirements outlined in Section 7.1 of this Bylaw, and provided further that it is the only accessory building on the lot on which it is located;

b) Subsection 19. is deleted and replaced with:

19. The demolition or removal of any building or structure.



- 3) Section 3.7. DEVELOPMENT PERMIT APPLICATION REQUIREMENT is deleted and replace with:

### 3.7 DEMOLITION

1. The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.

2. A Development Permit is not required for a demolition

- 4) Section 7 GENERAL PROVISIONS is amended by:

a) Deleting subsection 7.13.7. from Section 7.13 LANDSCAPING.

b) Adding the following section after section 7.30 WATER SUPPLY, SANITARY FACILITIES AND NATURAL GAS:

### 7.31 DRIVEWAYS

1. In a RESIDENTIAL DISTRICT, the maximum width of the driveway shall be 7.3 m (24.0 ft.) and the remainder of the front yard shall be landscaped (Amended by Bylaw 2018-12).

2. In other DISTRICTS, the maximum width of the driveway shall be at the Discretion of the Development Authority.

- 5) Section 8.55. CANNABIS STORE is amended by:

a) Subsection 3b. is deleted and replaced with:

3b. A Cannabis Store shall not collocate on a lot with a Day Care, Day Home, Arena/Curling Rink, Place of Worship, or Public Library.

- 6) Section 9.7. R2 RESIDENTIAL (GENERAL) DISTRICT is amended by:

a) Adding "Dwelling, Mixed-use" within the DISCRETIONARY USES as subsection c., and

b) Renumbering the DISCRETIONARY USES subsection from d. to q. to accommodate for the addition of c. Dwelling, Mixed-use.

c) Adding after subsection 9.7.2.f.i the following subsection:

9.7.2.f.ii. Notwithstanding the regulations contained within this Bylaw, the height of a walk-out residential dwelling unit shall be calculated from the grade along the façade facing the street.

- 7) Section 9.8. R3 RESIDENTIAL (MEDIUM DENSITY) DISTRICT is amended by:

a) Adding "Dwelling, Mixed-use" within the DISCRETIONARY USES as subsection B., and

b) Renumbering the DISCRETIONARY USES subsection from c. to j. to accommodate for the addition of b. Dwelling, Mixed-use.

- 8) Section 9.9. R4 RESIDENTIAL (HIGHER DENSITY) DISTRICT is amended by:

a) Adding "Dwelling, Mixed-use" within the DISCRETIONARY USES as subsection d., and

b) Renumbering the DISCRETIONARY USES subsection from e. to n. to accommodate for the addition of d. Dwelling, Mixed-use.

9) Section 9.12. C1 COMMERCIAL (CENTRAL) DISTRICT is amended by:

a) Deleting subsection 1 Permitted and discretionary Uses and replacing it with:

1. Permitted and Discretionary Uses

PERMITTED USES	DISCRETIONARY USES
<div><div>a.</div><div>Amusement establishments, indoor</div></div> <div><div>b.</div><div>Auctioneering establishments</div></div> <div><div>c.</div><div>Automotive and recreational vehicle sales/rental establishments, light</div></div> <div><div>d.</div><div>Business support services establishments</div></div> <div><div>e.</div><div>Cannabis Store</div></div> <div><div>f.</div><div>Commercial entertainment facility</div></div> <div><div>g.</div><div>Commercial schools</div></div> <div><div>h.</div><div>Day cares</div></div> <div><div>i.</div><div>Day homes</div></div> <div><div>j.</div><div>Drinking establishments</div></div> <div><div>k.</div><div>Eating and drinking establishments</div></div> <div><div>l.</div><div>Funeral service establishment</div></div> <div><div>m.</div><div>Government services</div></div> <div><div>n.</div><div>Health services</div></div> <div><div>o.</div><div>Hotels</div></div> <div><div>p.</div><div>Household repair services</div></div> <div><div>q.</div><div>Institutional uses</div></div> <div><div>r.</div><div>Libraries and cultural exhibits</div></div> <div><div>s.</div><div>Liquor stores</div></div> <div><div>t.</div><div>Motels</div></div> <div><div>u.</div><div>Mixed use developments</div></div> <div><div>v.</div><div>Neighbourhood commercial developments</div></div> <div><div>w.</div><div>Office uses</div></div> <div><div>x.</div><div>Off-street parking lots</div></div> <div><div>y.</div><div>Parking areas</div></div> <div><div>z.</div><div>Personal service shops</div></div> <div><div>aa.</div><div>Private clubs or lodges</div></div> <div><div>bb.</div><div>Public parks</div></div> <div><div>cc.</div><div>Public or quasi-public use</div></div> <div><div>dd.</div><div>Public utilities (<i>Amended by Bylaw 2018-12</i>)</div></div> <div><div>ee.</div><div>Retail establishment, general (<i>Amended by Bylaw 2018-12</i>)</div></div> <div><div>ff.</div><div>Second hand stores</div></div> <div><div>gg.</div><div>Sidewalk cafes</div></div> <div><div>hh.</div><div>Solar energy conversion systems</div></div> <div><div>ii.</div><div>Wind energy conversion systems, micro</div></div> <div><div>jj.</div><div>Buildings and uses accessory to permitted uses</div></div>	<div><div>a.</div><div>Bed and breakfast establishments</div></div> <div><div>b.</div><div>Contractor services, limited</div></div> <div><div>c.</div><div>Drive-in business</div></div> <div><div>d.</div><div>Dwellings existing as of July 1, 2002</div></div> <div><div>e.</div><div>Equipment rental establishment</div></div> <div><div>f.</div><div>Recreational uses</div></div> <div><div>g.</div><div>Secondary commercial uses</div></div> <div><div>h.</div><div>Service stations</div></div> <div><div>i.</div><div>Shopping centres</div></div> <div><div>j.</div><div>Suites, surveillance</div></div> <div><div>k.</div><div>Signs which are not accessory to a permitted or a secondary use</div></div> <div><div>l.</div><div>Dwelling units in a building in which any of the above mentioned permitted or discretionary uses (other than dwellings existing as of July 1, 2002) are located.</div></div> <div><div></div><div>If the floor space area used is not greater than 372 m² (4000 ft²), the manufacture or treatment of products essential to the retail business conducted on the premises, for example:<div><div>i.</div><div>a bakery</div></div><div><div>ii.</div><div>a dyeing or cleaning plant or establishment</div></div><div><div>iii.</div><div>the manufacture of candy, confectionary, ice cream or jam,</div></div><div><div>iv.</div><div>ceramics manufacture</div></div></div></div> <div><div>m.</div><div>Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses</div></div> <div><div>n.</div><div>Buildings and uses accessory to discretionary uses</div></div>

a.

Bed and breakfast establishments

b.

Contractor services, limited

c.

Drive-in business

d.

Dwellings existing as of July 1, 2002

e.

Equipment rental establishment

f.

Recreational uses

g.

Secondary commercial uses

h.

Service stations

i.

Shopping centres

j.

Suites, surveillance

k.

Signs which are not accessory to a permitted or a secondary use

l.

Dwelling units in a building in which any of the above mentioned permitted or discretionary uses (other than dwellings existing as of July 1, 2002) are located.

If the floor space area used is not greater than 372 m<sup>2</sup> (4000 ft<sup>2</sup>), the manufacture or treatment of products essential to the retail business conducted on the premises, for example:

i.

a bakery

ii.

a dyeing or cleaning plant or establishment

iii.

the manufacture of candy, confectionary, ice cream or jam,

iv.

ceramics manufacture

m.

Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

n.

Buildings and uses accessory to discretionary uses

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10) Section 9.13. C1 COMMERCIAL (HIGWAY) DISTRICT is amended by:

- a) Deleting subsection 1 Permitted and discretionary Uses and replacing it with:

1. Permitted and Discretionary Uses

PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>a. Amusement establishments, indoor</li> <li>b. Animal breeding/boarding facility</li> <li>c. Auctioneering establishments</li> <li>d. Automotive and equipment repair shops, light</li> <li>e. Automotive and recreational vehicle sales/rental establishments, light</li> <li>f. Cannabis Store (<i>Amended by Bylaw 2018-18</i>)</li> <li>g. Contractor services, limited</li> <li>h. Commercial schools</li> <li>i. Day cares</li> <li>j. Drive-in businesses</li> <li>k. Drive-in restaurants</li> <li>l. Eating and drinking establishments</li> <li>m. Entertainment establishments</li> <li>n. Exhibition and convention facility</li> <li>o. Funeral services establishment</li> <li>p. Health services</li> <li>q. Hotels</li> <li>r. Household repair services</li> <li>s. Institutional uses</li> <li>t. Liquor stores</li> <li>u. Motels</li> <li>v. Office uses</li> <li>w. Parking areas</li> <li>x. Personal service shops</li> <li>y. Places of worship</li> <li>z. Private clubs and lodges</li> <li>aa. Public or quasi-public use or building (<i>Amended by Bylaw 2018-12</i>)</li> <li>bb. Public utilities and buildings (<i>Amended by Bylaw 2018-12</i>)</li> <li>cc. Retail establishment, general (<i>Amended by Bylaw 2018-12</i>)</li> <li>dd. Secondary commercial uses</li> <li>ee. Second hand stores</li> <li>ff. Service stations</li> <li>gg. Shopping Centre (<i>Amended by Bylaw 2022-20</i>)</li> <li>hh. Solar energy conversion systems</li> <li>ii. Truck and recreational vehicle sales/rental establishments</li> <li>jj. Veterinary clinic, small animal (<i>Amended by Bylaw 2018-12</i>)</li> <li>kk. Wind energy conversion systems, micro</li> <li>ll. Buildings and uses accessory to permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>a. Amusement establishments, outdoor</li> <li>b. Automotive and equipment maintenance and repair shop, heavy</li> <li>c. Automotive and recreational vehicle sales/rental establishments, heavy</li> <li>d. Bus depots</li> <li>e. Contractor services, general</li> <li>f. Dwellings existing as of July 1, 2002</li> <li>g. Equipment rental establishment (<i>Amended by Bylaw 2018-12</i>)</li> <li>h. Recreational uses</li> <li>i. Recreational vehicle campgrounds</li> <li>j. Recreational vehicle campgrounds, seasonal</li> <li>k. Recreational vehicle storage facilities</li> <li>l. Recycling depots</li> <li>m. Shipping containers</li> <li>n. Signs which are not accessory to a permitted or a discretionary use</li> <li>o. Small radio communications towers</li> <li>p. Suites, surveillance</li> <li>q. Wind energy conversion systems, small</li> <li>r. Wireless communications facilities</li> <li>s. Retail, general; if the floor space area used is not greater than 372 m<sup>2</sup> (4000 ft<sup>2</sup>), the manufacture or treatment of products essential to the retail business conducted on the premises, for example: <ul style="list-style-type: none"> <li>i. a bakery</li> <li>ii. a dyeing or cleaning plant or establishment</li> <li>iii. the manufacture of candy, confectionary, ice cream or jam</li> <li>iv. ceramics manufacture</li> </ul> </li> <li>t. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses</li> <li>u. Buildings and uses accessory to discretionary uses</li> </ul>

11) Section 9.18.1 DIRECT CONTROL DISTRICT 03 is amended by:

- a) Deleting subsection 3.d.iv and replacing it with:

iv. Notwithstanding i., ii, and iii. above, any new building shall be located to align façade along 50 Avenue.

- 12) That parts of the lands legally described as the NW 25-49-27-4 be re-designated as follows:
- a) UR URBAN RESERVE to DC – DIRECT CONTROL DISTRICT 04
  - b) R2 RESIDENTIAL (GENERAL) to DC – DIRECT CONTROL DISTRICT 05
  - c) UR URBAN RESERVE to C2 – COMMERCIAL (HIGHWAY) DISTRICT
- 13) That parts of the land legally described as the NW 25-49-27-4 be re-designated as shown on the attached Schedule A.
- 14) Section 9, Land Use District Provisions is amended by adding the following sections after 9.18.5 DC-DIRECT CONTROL DISTRICT 05:

#### **9.18.6 DC – DIRECT CONTROL DISTRICT 06**

##### **1. General Purpose of District**

This district is intended to enable a day care with dwelling units in a mixed-used development. This development will be structured to enable a transition between the C1 COMMERCIAL (CENTRAL) DISTRICT along 50<sup>th</sup> Avenue and the R2 RESIDENTIAL (GENERAL) DISTRICT located to the north.

##### **2. Permitted and Discretionary Uses**

- a. Permitted uses include Day care and Dwelling, Mixed-use.
- b. R2 RESIDENTIAL (GENERAL) DISTRICT permitted and discretionary uses are also enabled in this district.

##### **3. Development Regulations**

- a. Site coverage:
  - i. Maximum site coverage shall not exceed forty-five percent (45%) of the site. The principal building shall cover no more than forty percent (40%) of the site.
- b. Maximum building height:
  - i. Building height shall not exceed 11 meters (36.08 feet);
- c. Minimum Required Yards:
  - i. Front Yard: 6.0 m (19.7 ft.);
  - ii. Side Yard to the north: 1.5 m (4.9 ft.);
  - iii. Side yard to the south: 3.0 m (9.8 ft.);
  - iii. Rear Yard: 6.0 m (19.7 ft.); and
- d. Parking and loading:
  - i. Shall be to the satisfaction of the Development Authority.
- e. Fences
  - i. Shall be to the satisfaction of the Development Authority, with a maximum height of 1.82 m (6.0 ft.).
- f. Landscaping and amenity areas
  - i. As a condition of the approval of a Development Permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.

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g. Special provisions

i. The development of the Day Care use shall meet all requirements of the Government of Alberta as applicable.

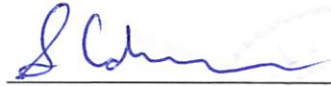
15) That the land legally described as 5007 50<sup>th</sup> Street within the NW 31-49-26-4 be re-designated as shown on the attached Schedule B.

16) This Bylaw shall come into full force and effect upon third and final reading thereof.

READ A FIRST TIME THIS 16 DAY OF October 2023.

READ A SECOND TIME THIS 20 DAY OF November 2023.

READ A THIRD TIME AND FINALLY PASSED THIS 20 DAY OF November 2023.



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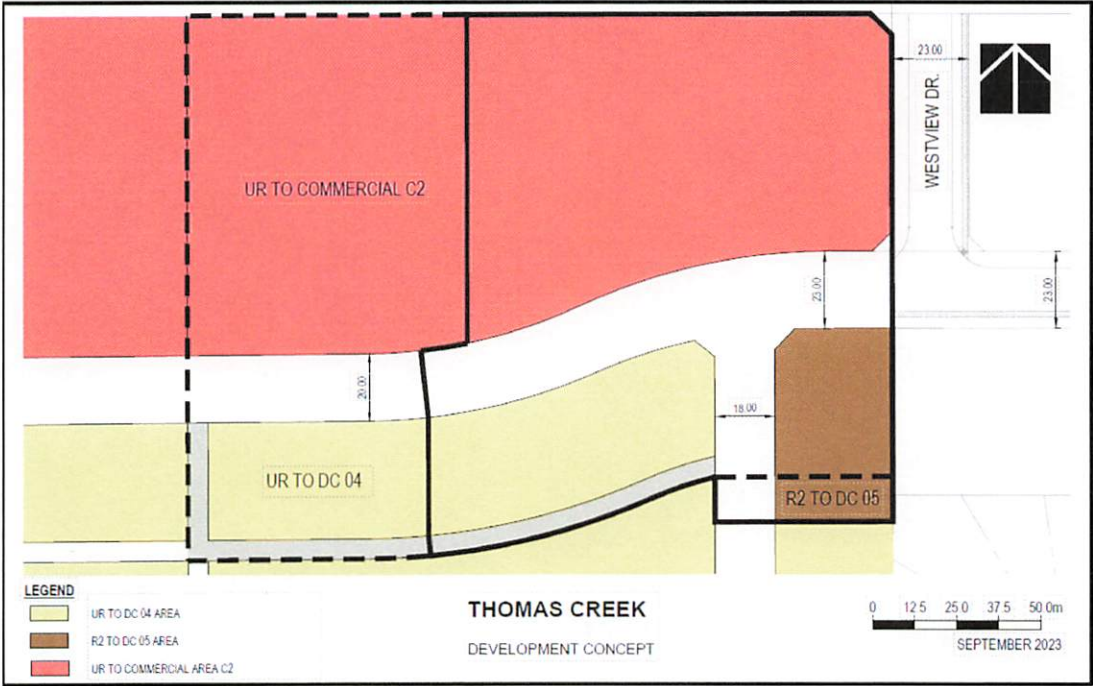
MAYOR CARNAHAN



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Schedule A – Bylaw 2023-26



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**Schedule B – Bylaw 2023-26**



R2 RESIDENTIAL (GENERAL) DISTRICT TO DIRECT CONTROL 06 DISTRICT

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