



VILLAGE OF VETERAN

LAND USE BYLAW

BYLAW 547-21

Last Consolidated Feb. 2021

PALLISER REGIONAL
MUNICIPAL SERVICES



VILLAGE OF VETERAN

LAND USE BYLAW NO. 547-21

BEING A BYLAW OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA TO REGULATE THE DEVELOPMENT AND USE OF LAND IN THE VILLAGE OF VETERAN

WHEREAS: Pursuant to the provisions of Section 639(1) of the Municipal Government Act, as amended, the Council of the Village of Veteran must, by Bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:

“THE VILLAGE OF VETERAN LAND USE BYLAW”

AND WHEREAS: A Public Hearing was held on the 23rd day of March 2021, as required by Section 230 of the Municipal Government Act.

NOW THEREFORE: THE COUNCIL OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as “The Village of Veteran Land Use Bylaw”.
2. Bylaw No. 517-14 being the “Village of Veteran Land Use Bylaw” currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 547-21.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, “The Village of Veteran Land Use Bylaw.”
4. Council adopts as “The Village of Veteran Land Use Bylaw” this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 2nd day of February, 2021.

READ A SECOND TIME this 23rd day of March, 2021.

READ A THIRD TIME AND FINALLY PASSED this 23rd day of March, 2021.

Jerry Wipf
Mayor

Debbie Johnstone
C.A.O.

Text Amendments to Land Use Bylaw 547-21

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1 PART 1 - GENERAL

The “User Guide” is intended for information and clarity purposes only and is not a section of the Land Use Bylaw.

The Land Use Bylaw establishes rules and regulations for the use of land and buildings. It regulates location, intensity, type of land use, buildings, and also details the process for land use redesignations and the application process for permits to develop property.

Alignment with existing policies is a key component of the rules and regulations outlined in the Land Use Bylaw. This Land Use Bylaw reflects the Municipal Development Plan and bylaws, regulations and Acts of the Village and governments of Alberta and Canada. Wherever possible, these are referenced in the Land Use Bylaw, but the onus is on the individual landowner, developer and/or applicant to ensure that relevant policies of the Municipal Development Plan, other local bylaws and provincial and federal legislation are followed. Applicants are encouraged to review their proposed development with the Village prior to submitting an application.

As a reference document, the Land Use Bylaw's Table of Contents is an important index.

This Bylaw is written in metric. To convert metres to feet multiply the number of metres by 3.28 to get the approximate dimension in feet. To convert square metres to square feet multiply the number of square metres by 10.764 to get the number of square feet. Some typical dimensions used in the Bylaw and their Imperial equivalents are shown below.

METRES TO FEET		METRES ² to FEET ²	
Metres	Feet	Metres ²	Feet ²
0.5	1.64	1.5	16.15
1.0	3.28	7.5	80.73
2.0	6.56	310.0	3336.81
3.0	9.84	570.0	6135.43
4.0	13.12	850.0	9149.32
5.0	16.40	1300.0	13993.08
6.0	19.69	8000.0	86112.28

Figure 1

1.1 TITLE

This Bylaw may be cited as the “The Village of Veteran Land Use Bylaw”.

1.2 PURPOSE

- 1.2.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land within the Village of Veteran.

More specifically, this Bylaw:

- a) Designates a land use district to all parcels of land within the Village;
- b) Establishes the roles of the Approving Authorities; and
- c) Establishes the method of making decisions on applications for re-designation and Development Permits.

- 1.2.2 This Bylaw is in alignment with the Village’s Municipal Development Plan as amended from time to time, and shall be applied in a manner that serves to implement statutory plans that have been adopted by the Village.

- 1.2.3 This Bylaw shall be used in conjunction with the Guidelines, Standards, Policies, and Procedures as adopted and amended by Council from time to time.

1.3 REPEAL

Bylaw No. 517-14, and amendments thereto, are hereby repealed.

1.4 APPLICATION AND ADDITIONAL REQUIREMENTS

- 1.4.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of the Village.
- 1.4.2 Compliance with the requirements of this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.
- 1.4.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the municipality or other Provincial and/or Federal Government departments and agencies. A person(s) who applies for, or is in possession of a valid Development Permit is responsible for complying with or carrying out development in accordance with:

- (a) The conditions of any caveat, covenant, easement, instrument or agreement affecting the land or building;
- (b) The requirements of other applicable Village bylaws, policies and procedures as adopted by the Village from time to time; and
- (c) Any successor or replacement legislation or regulation which may be enacted in substitution thereof.

1.5 CONFORMITY WITH BYLAW

No person shall commence any development unless it is in accordance with the terms and conditions of this Land Use Bylaw.

1.6 SEVERABILITY

If any provision of this Bylaw is found to be unenforceable or contradictory to superseding laws and regulations, it is the intention of the Council that such provision be severed from this Bylaw and that every other provision of this Bylaw continue in force and effect.

1.7 APPLICATIONS IN PROCESS

All applications for redesignation, subdivision and development which are received and deemed complete but not yet approved prior to the effective date of this Bylaw shall require alignment with this Bylaw and the provisions of this Bylaw shall be applicable to all decisions on these applications.

1.8 FORMS AND NOTICES

For the purpose of administering the provisions of this Bylaw, the Development Authority shall prepare forms and notices as they may deem necessary.

1.9 RULES OF INTERPRETATION


- 1.9.1 Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
- (a) **“DISCRETIONARY USE”** means the use of land or a building for which a Development Permit may be issued by the Development Authority, with or without conditions. Discretionary uses require the approval of the Municipal Planning Commission.
 - (b) **“MAY”** is a discretionary term, meaning the provision in question can be enforced by the Village if it chooses to do so, dependent on the particular circumstances of the site and/or application.

- (c) **"MUST"** is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion.
- (d) **"PERMITTED USE"** means the use of land or a building which is listed as Permitted in a Land Use District and for which a Development Permit must be issued with or without conditions by the Development Authority if the proposed Development meets all requirements of this Bylaw.
- (e) **"SHALL"** is a directive term that indicates the action(s) outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer/landowner, and the Development Authority.
- (f) **"SHOULD"** is a directive term that provides direction to strive to achieve the outlined action, but is not mandatory. When the regulation is directed to the applicant, the onus is on the applicant to justify why the desired action/result is not proposed and/or will not be achieved. When a regulation or district involves two (2) or more conditions, provisions or events connected by a conjunction, the following definitions shall apply:
 - (I) "And" means all the connected items shall apply in combination; and
 - (II) "Or" indicates that the connected items may apply singularly or in combination.

1.9.2 The system of measurement used in this document is the metric system. Imperial conversions of metric measurements are provided in brackets, but shall not be used in lieu of metric measurements.

1.10 AMENDMENTS TO THIS BYLAW

- 1.10.1 Any person may apply to have this Bylaw amended using the approved form.
- 1.10.2 The Council may initiate amendments by its own motion.
- 1.10.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the fee is determined by Council
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer; and
 - (d) any documents as required by the Development Officer.

- 
- 1.10.4 All amendments of this Bylaw shall be made by bylaw in conformity with the Act and the regulations.
- 1.10.5 The Council, in considering an application for an amendment to this Land Use Bylaw, shall, prior to the public hearing, refer a copy of the proposed amendment to:
- (a) Palliser Regional Municipal Services,
 - (b) Special Area No.4, if the proposed amendment:
 - (i) Affects land on the boundary with Special Area No.4 or
 - (ii) May otherwise have an effect on land within Special Area No. 4, and
 - (c) Such other persons or agencies as it considers necessary for comment.
- 1.10.6 If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for a period of six (6) months from the date of refusal.

2 PART 2 – DEVELOPMENT & SUBDIVISION AUTHORITIES

2.1 ESTABLISHMENT OF THE DEVELOPMENT AUTHORITY

The Development Authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Part 17 of the Municipal Government Act and may include:

a) Development Authority

- i) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by the Bylaw and in such matters as Council may instruct from time to time.
- ii) The Development Officer must make available for inspection, during office hours, all applications and decisions for development permits, subject to any legislation in force restricting availability.
- iii) Duties as are specified in this bylaw.

b) Municipal Planning Commission

- i) The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in this Bylaw.

c) Subdivision and Development Appeal Board

- i) The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in this Bylaw.

2.2 DEVELOPMENT AUTHORITY POWERS AND DUTIES

- a) The Development Authority must administer this Bylaw and decide upon all development permit applications.
- b) The types of development permit applications a Development Authority may decide upon include:
 - i) a permitted use that complies with all requirements of this Bylaw;
 - ii) a permitted use that does not comply with all requirements of this Bylaw;
 - iii) a discretionary use that complies with all requirements of this Bylaw;
 - iv) a discretionary use that does not comply with all requirements of this Bylaw.

- c) Unless otherwise referenced in Part 3, the Development Authority must not approve a development permit for an addition or structural alteration to a non-conforming building.
- d) The Development Officer must collect fees according to Fees and Charges Bylaw.
- e) The Development Authority may refuse to accept a development permit application where:
 - i) the information required by Part 3 is not provided;
 - ii) the quality of the information provided is inadequate to properly evaluate the application; or
 - iii) the fee for a development permit application has not been paid.

2.3 SUBDIVISION AUTHORITY

The Subdivision Authority, as established in accordance with the MGA, shall perform duties on behalf of the municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant village planning and policy documents.

2.4 SUBDIVISION AUTHORITY POWERS AND DUTIES

The Subdivision Authority shall:

- a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- d) on receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with Part 1 of the Subdivision and Development Regulation;
- e) excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- f) excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for

comments to Special Area No. 4 when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within Special Area No. 4;

- g) excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- h) prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- i) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- j) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- k) endorse Land Titles instruments to affect the registration of the subdivision of land;
- l) advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- m) appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

2.5 SUBDIVISION OF LAND

A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the Subdivision Approving Authority or upon appeal, the Municipal Government Board or the Subdivision and Development Appeal Board.

2.6 SLOPES & TOPOGRAPHIC FEATURES

Slopes greater than 20% shall not be developed unless otherwise approved by the Development Authority.

3 PART 3 DEVELOPMENT PERMITS

3.1 DEVELOPMENT PERMITS REQUIRED

- a) No development, other than those designated in Section 3.2 (Development Permits Not Required) of this Bylaw, shall be undertaken within the Village unless a development permit has been approved and a development permit issued.
- b) Notwithstanding subsection 3.1(a), while a development may not be required pursuant to Section 3.2 the development shall comply with all regulations of this Bylaw.

3.2 DEVELOPMENT PERMITS NOT REQUIRED

- 3.2.1 Where a Development Permit is Not Required by this Bylaw it does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.
- 3.2.2 Where a Development Permit is Not Required by this Bylaw it does not negate the requirement of obtaining a business license where required.
- 3.2.3 The following developments shall not require a development permit:
 - a) any use or development exempted under section 618(1) of the *Municipal Government Act*;
 - b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *Municipal Government Act*;
 - c) telecommunication antenna systems that are regulated by Industry Canada;
 - d) the completion of a building which was lawfully under construction at the date this Bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;
 - e) the completion of a building that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this Bylaw came into effect.
- 3.2.4 It shall not be necessary to obtain a Development Permit prior to commencement of the following developments, but the development shall otherwise comply with the provisions of this Bylaw.

- 1) The carrying out of works of maintenance or repair to a building provided that such work:
 - a) does not include structural alterations;
 - b) does not change the use or intensity of the use of the structure;
- 2) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) less than one metre (3.2 ft.) in height in front yards and less than 2.0 metres (6.0 ft.) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure;
- 3) The erection or construction of decks below 2 feet;
- 4) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw;
- 5) The maintenance or repair of public works, services or utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- 6) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- 7) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works;
- 8) Those signs outlined in Section 8.9 as not requiring a development permit;
- 9) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation;
- 10) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 10.5 m² (113 sq. ft.) in floor area and 2.5 m (8 ft.) in height;
- 11) Stripping, filling, excavation and grading of land,
 - a) When such operations are performed in accordance with a valid Development Permit or Development Agreement, or
 - b) On a developed lot, when undertaking normal soft or hard landscaping activities, such as but not limited to loaming and seeding yard areas, planting trees or shrubs, gardening, where these activities do not affect the swale of surface water or may cause existing surface soils to slough onto adjacent properties.

3.3 APPLICATION FOR A DEVELOPMENT PERMIT

3.3.1 Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:

- (A) a site plan in duplicate, drawn to scale, which shows the following:
 - (i) legal description of the site with north arrow;
 - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
 - (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
 - (iv) any provisions for off-street loading and vehicle parking, including all access and egress points to the site; and
 - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
- (B) floor plans, elevations, grading and drainage plans and sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
- (C) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Village of Veteran;
- (D) a statement of the proposed use or uses;
- (E) a statement of ownership of land and the interest of the applicant therein;
- (F) the estimated commencement and completion dates;
- (G) the estimated cost of the project or contract price;
- (H) the development permit fee as prescribed by Council;
- (I) a surveyor's certificate or real property report if required by the Development Officer;

written agreement of the registered land owner(s) of the property with regard to the proposed development, if required.

3.3.2 The Development Authority may require additional copies of the application plans or specifications as well as additional information as deemed necessary to sufficiently evaluate the application.

3.3.3 The Development Authority shall issue a notice of "Complete" or "Incomplete" application, within 20 days of the submission in accordance with the requirements of the Act.

3.4 DECIDING ON DEVELOPMENT PERMIT APPLICATIONS

3.4.1 **A Development Officer shall:**

- a) receive, consider and decide on an application for a development permit for those uses listed as a permitted use for the relevant land use district and either
 - (i) comply with the minimum standards for that district, or
 - (ii) otherwise comply with the minimum standards, but require relaxation of one measurable standard no greater than 20% of that standard;
- b) refer with his/her recommendations, to the Municipal Planning Commission for its consideration and decision, any application for a development permit for those uses which are listed as:
 - i. a discretionary uses,
 - ii. a permitted use but require a relaxation/variance of more than one measurable standard; and
 - iii. a permitted use but require relaxation of one measurable standard greater than 20%.

3.4.2 **A Development Officer may:**

refer to the Municipal Planning Commission at his/her discretion any application which in his/her opinion should be decided by the Commission.

3.4.3 **The Municipal Planning Commission shall** decide on all applications referred to the Commission by the development officer.

3.4.4 Where an application is referred to the Municipal Planning Commission the Commission shall either:

Decision-Making

- a) approve the application without conditions;
- b) approve the application with conditions, either permanently or for a limited period of time,
- c) table the application requesting additional information from administration or the applicant, or
- d) refuse the application stating reasons.

3.4.5 When making a decision on a development permit application for a discretionary use the Development Officer or Municipal Planning Commission must take into account:

Approval Considerations

- (a) any plans and policies affecting the parcel;
- (b) the purpose statements in the applicable land use district;
- (c) the appropriateness of the location and parcel for the proposed development;
- (d) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
- (e) the merits of the proposed development;
- (f) the servicing requirements;
- (g) access and transportation requirements;
- (h) vehicle and pedestrian circulation within the parcel; and

- (i) sound planning principles.

3.4.6 An application may be approved where the proposed development does not comply with the minimum or maximum requirements of the Bylaw if, in the opinion of the Municipal Planning Commission, the proposed development would not:

Variances

- a) unduly interfere with the amenities of the neighborhood; or
- b) materially interfere with or affect the use, enjoyment or value of the neighboring properties.

3.4.7 In the case where a proposed specific use of land or a building is not provided for in any land use district in the Bylaw, the Municipal Planning Commission may determine such a use is similar in character and purpose to another use of land or building that is included in the list of permitted and discretionary uses prescribed for that land use district.

Similar Uses

3.4.8 The Development Officer or Municipal Planning Commission may require, as a condition of issuing a development permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities or to pay off-site levy or redevelopment levy imposed by Bylaw.

Development
Agreements
& Levies

3.4.9 If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period unless an applicant for a development permit enters into an agreement to extend the 40 day time period.

40 day
period

3.4.10 The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one (1) year unless a longer term is required in consideration of a specific use or project that is temporary but requires a longer time frame.

Temporary
Permits

3.5 ISSUANCE OF A DEVELOPMENT PERMIT AND NOTICES

3.5.1 A development permit granted pursuant to this Bylaw does not come into effect until 21 days after the date of an order, decision or development permit is communicated as described in this section. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

3.5.2 Notwithstanding 3.5.1, a development permit approval for a permitted use that does not require a relaxation/ variance to any standards within this Land Use Bylaw shall not be required to be circulated and shall be considered approved on the date that the development permit notice of decision is communicated to the applicant.

- 3.5.3 Where an appeal is made pursuant to this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- 3.5.4 When a permit has been granted for a discretionary use or a relaxation/ variance to any development standards in this Bylaw, the Development Officer shall:
- (a) immediately post a notice of the decision conspicuously on the property for which the application has been made; or
 - (b) a notice in writing shall be immediately mailed to all registered owners of land who in the opinion of the Development Officer may be affected; or
 - (c) a notice shall be immediately published for two weeks on the Village's website, and/or social media, and/or newspaper, circulating in the municipality stating the location of the property which the application has been made and the use approved.
- 3.5.5 If the Development authorized by a permit is not commenced within 12 months from the date of its issue or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- 3.5.6 A decision by the Development Authority on an application for a development permit shall be given in writing and a copy (digital or paper) of it sent to the applicant.
- 3.5.7 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

3.6 CONDITIONS OF A DEVELOPMENT PERMIT

- 3.6.1 The Development Authority may require that as a condition of issuing a Development Permit, the applicant enter into an agreement with the Town to do any or all of the following:
- (a) to construct or pay for the construction of a road to town standards giving access to the development
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development, or pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
 - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - (d) to construct or pay for the construction of off-street or other parking facilities and for loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy;
 - (f) to give security to ensure that the terms of the agreement are carried out;

- (g) that the developer obtains a building permit and all other permits as required by the Safety Codes Council and meet all Safety Code Requirements;
- (h) that the developer contact Alberta One-Call, prior to construction, to locate the utilities that run through the property;
- (i) that the developer shall be responsible for obtaining their own assessment of soil conditions related to bearing capacities and consolidation in relation to the proposed development, and the development shall be designed, constructed and maintained in such a manner as to ensure the development's safety and stability on the subject lands;
- (j) landscaping, screening and site development be required as per this bylaw;
- (k) services shall be constructed as per the Utilities Services Replacement Policy. That a Village employee oversees any tie-ins to municipal services and that the Town is notified 48 hours prior to connection to services;
- (l) that drainage from foundation to curb and the slope of the yard follows Village Standards; and
- (m) other conditions as deemed necessary.

3.6.2 The Village shall register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of an agreement under Section 3.6.1 against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.

3.7 NON-CONFORMING BUILDINGS AND USES

- 3.7.1 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform to the provisions of this Bylaw.
- 3.7.2 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non- conforming use continues.
- 3.7.3 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) to make it a conforming building, or
 - (b) for routine maintenance of the building, if the Development Authority considers it necessary.
- 3.7.4 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

4 PART 4 APPEALS

4.1 APPEAL PROCEDURE

- 4.1.1 An appeal may be made to the Subdivision and Development Appeal Board where the Development Authority:
- (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;
 - (b) issues a development permit subject to conditions; or
 - (c) issues an order under Section 645 of the MGA.
- 4.1.2 The person applying for a development permit or affected by the order, or any other person complying with the appeal requirements as set out in the Act may appeal the decision or development permit of the Development Authority to the Subdivision and Development Appeal Board.
- 4.1.3 An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 21 days after the date of the order, decision or permit issued by the Development Authority was either:
- (a) first published in a newspaper circulating in the area; or
 - (b) posted on the site of the property which is the subject of the application; or digital.
 - (c) received by the applicant, whichever of these occur first.
- 4.1.4 For the purpose of subsection 3(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

4.2 APPEAL HEARING

- 4.2.1 In accordance with the Act, within 30 days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- 4.2.2 The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the appeal hearing to:
- (a) the appellant or any person acting on his/her behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those registered owners of land in the municipality who are affected and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;

(d) Palliser Regional Municipal Services;

(e) such other persons as the Subdivision and Development Appeal Board specifies.

4.2.3 The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to the Act, including:

(a) the application for the development permit, its refusal and the appeal therefrom; or

(b) the order of the Development Authority, as the case may be.

4.3 DECISION

4.3.1 The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.

4.3.2 A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:

(a) to a judge of the Court of Appeal; and

(b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

5 PART 5 LAND USE DISTRICTS

5.1 DISTRICTS

For the purpose of this Bylaw, the municipality is divided into the following Districts:

- R-1 - Residential District
- R-2 - Single family Residential District
- MHR - Manufactured Home Residential District
- C-1 - Central Commercial District
- C-2 - General Commercial District
- M-1 - Industrial District
- CS - Community Service District
- UR - Urban Reserve District

5.2 DISTRICT BOUNDARIES

5.2.1 The locations and boundaries of the land use districts are shown on the Land Use District Map in Schedule B, which forms part of this Bylaw.

5.2.2 The locations of boundaries shown on the Land Use District Maps shall be governed by the following rules:

- Rule 1.* Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centerline thereof.
- Rule 2.* Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3.* In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:
 - (a) using any dimensions given on the map; or
 - (b) where no dimensions are given, measurement using the scale shown on the map.

5.2.3 Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:

(a) in a manner consistent with the provisions of this Bylaw; and

(b) with the appropriate degree of detail required.

5.2.4 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

5.2.5 The Council shall keep a list of its decisions fixing the locations of district boundaries.

5.3 R-1 - RESIDENTIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for general residential development.

(2) Permitted Uses

- Dwelling – single-detached
- Accessory buildings and uses
- Permitted signs
- Dwelling - duplex
- Dwelling – modular
- Dwelling – semi-detached
- Home occupations
- Parks and playgrounds
- Public and quasi-public buildings, facilities and installations

(3) Discretionary Uses

- Dwelling – multiple unit
- Manufactured home
- Worship facility
- Daytime child care services
- Bed and breakfast establishment
- Senior's lodge

(4) Minimum Requirements

(a) Site Area:

- (i) 450 m² (4844 sq. ft.) for single-detached dwellings, and manufactured homes;
- (ii) 660 m² (7104 sq. ft.) for two-unit / duplex dwellings;
- (iii) 180 m² (1930 sq. ft.) for attached housing interior units and 300 m² (3230 sq. ft.) for attached housing end units;
- (iv) 720 m² (7750 sq. ft.) for apartment buildings;

- (v) With the approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw; and
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (b) Lot Width:
 - (i) 15 m (50 ft.) for single-detached dwellings (all types including modular, manufactured, stick-built);
 - (ii) 18 m (60 ft.) for two-unit/duplex dwellings;
 - (iii) 6 m (20 ft.) for attached housing interior units and 10 m (32 ft.) for attached housing end units;
 - (iv) 24 m (78 ft.) for apartment buildings;
 - (v) Other uses at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
 - (i) 7.5 m (25 ft.) for single-detached dwellings, manufactured homes, two-family dwellings; and attached housing;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (d) Side Yard:
 - (i) 1.5 m (5 ft.) for single-detached dwellings, manufactured homes, and two-family dwellings;
 - (ii) 3.2 m (10 ft.) for attached housing end units;
 - (iii) 3.2 m (10 ft.) abutting the flanking street on corner lots;
 - (iv) One 3.2 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in the laneless subdivision;
 - (v) Accessory buildings shall be sited in accordance with this Bylaw; and
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
 - (i) 7.5 m (25 ft.) for single-family dwellings, manufactured homes, two-family dwellings, and attached housing;
 - (ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Maximum Limits

- (a) Height
 - (i) 10.6 m (35 ft.) for principal buildings and shall not exceed three storeys;
 - (ii) Accessory buildings in accordance with Part VII of this Bylaw; and
- (b) Site Coverage
 - (i) 50% of the site area for combined site coverage;
 - (ii) Accessory buildings means a building or structure, the use of which is incidental or subordinate to the use of the principle building which is located on the same parcel. An accessory building shall not be used as a dwelling; and
 - (iii) Other uses at the discretion of the Municipal Planning Commission.

(6) Parking

Parking shall be provided according to the following:

- (a) Single-detached dwellings - One (1) parking or garage space per dwelling unit;
- (b) Churches - One (1) parking space per 15 seats; and
- (c) Other uses at the discretion of the Municipal Planning Commission.

(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

5.4 R-2 – RESIDENTIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for single-detached residential development.

(2) Permitted Uses

- Dwelling – Single- detached
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses

- Home occupations
- Parks and playgrounds
- Public and quasi-public buildings, facilities and installations

(4) Minimum Requirements

- (a) Site Area:
 - (i) 450 m² (4844 sq. ft)
- (b) Lot Width:
 - (i) 15 m (50 ft)
- (c) Front Yard:
 - (i) 7.5 m (25 ft)
- (d) Side Yard:
 - (i) 1.5 m (5 ft)
- (e) Rear Yard:
 - (i) 7.5 m (25 ft)
- (f) Gross Floor Area:
 - (i) 74.3 m² (800 sq. ft)

(5) Maximum Limits

- (a) Height
 - (i) 10.6 m (35 ft.) for principal buildings and shall not exceed three storeys;
 - (ii) Accessory buildings means a building or structure, the use of which is incidental or subordinate to the use of the principle building which is located on the same parcel. An accessory building shall not be used as a dwelling; and

(b) Site Coverage

- (i) 50% combined site coverage for principle buildings and accessory buildings
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(6) Parking

- (a) Single-detached dwellings - One (1) parking or garage space per dwelling unit;

(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares, excluding lanes.

5.5 MHR- MANUFACTURED HOME RESIDENTIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to permit the placement of manufactured homes suitable for residential purposes, with access to all community services and facilities.

(2) Permitted Uses

- Manufactured homes
- Modular homes
- Permitted signs
- Accessory buildings and uses (including carports?)

(3) Discretionary Uses

- Dwelling – single-detached
- Home occupations
- Daytime child care services
- Bed & breakfast establishments

(4) Minimum Requirements

(a) Area of Site:

- (i) 450 m² (4844 sq. ft.) for manufactured homes;
- (ii) With approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(b) Width of Site:

- (i) 15 m (50 ft.) for manufactured homes;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(c) Front Yard:

- (i) 7.5 m (25 ft.).

(d) Side Yard:

- (i) 1.5 m (5 ft.) for manufactured homes;
- (ii) 3.2 m (10 ft.) abutting the flanking street on corner lots;
- (iii) 3.2 m (10 ft.) separation between manufactured homes, including any porch or addition;
- (iv) Accessory buildings shall be sited in accordance with Part VII of this Bylaw;

(v) Other uses at the discretion of the Municipal Planning Commission.

(e) Rear Yard:

(i) 7.5 m (25 ft.);

(ii) Accessory buildings shall be sited in accordance with Part VII of this Bylaw.

(f) Gross Floor Area:

(i) 55.7 m² (600 sq. ft.) for manufactured homes;

(ii) Other uses at the discretion of the Municipal Planning Commission.

(5) Development Requirements

(a) Foundation:

A permanent foundation shall be provided on the stand of each manufactured home lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement.

(b) Skirting:

The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.

(c) Additions, Porches etc.:

All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 30 days of their placement.

(d) Utilities:

Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.

(e) Age:

All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than ten (10) years before the date of application for a development permit shall not be permitted. The Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last ten (10) years.

(6) Parking

(a) A minimum of one (1) car parking stall shall be provided on each manufactured home lot.



(7) Screening

- (a) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.

5.6 C-1 - CENTRAL COMMERCIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for centralized commercial and retail development.

(2) Permitted Uses

- Permitted signs
- Professional, financial and administrative offices
- Post offices
- Banks
- Convenience stores
- Eating establishment
- Bakeries
- Public and quasi-public buildings and facilities and installations
- Accessory buildings and uses

(3) Discretionary Uses

- Cannabis Retail Sales
- Greenhouse
- Libraries
- Parks and Playgrounds
- Amusement Enterprise
- Parking lots
- Motels and motor hotels
- Funeral homes
- Retail stores
- shopping centers
- Liquor store
- Medical, dental and other health clinics
- Service stations
- Automobile sales
- Repair and service shops
- One or more dwelling units in a C-1 building
- Drinking establishment

- Private clubs and lodges
- Daytime child care services
- Car washes
- Personal Service Shop
- Bottle depots
- Community Recreation Facility
- Storage Structure

(4) Minimum Requirements

(a) Site Area:

- (i) 135 m² (1453 sq. ft.).

(b) Lot Width:

- (i) 15 m (50 ft.).

(c) Front Yard:

- (i) Based on the front yard provided by neighbouring buildings and is to be determined for each application by the Development Authority.

(d) Side Yard:

- (i) 1.5 m (5 ft.) adjacent to residential districts;
- (ii) No side yard is required where a fire-wall is provided but if a side yard is provided, it must be 1.2 m (4 ft.).

(e) Rear Yard:

- (i) 7.5m (25 ft.) or as required by the Development Authority.

(5) Maximum Limits

(a) Site Coverage:

- (i) 80%

(b) Height:

- (i) 13.7 m (45 ft.) unless otherwise approved by the Development Authority.

(6) Parking

(a) Parking should be provided according to the following:

- | | |
|--|---|
| <ul style="list-style-type: none"> (i) Professional, financial & administrative offices (including banks) | <ul style="list-style-type: none"> - One (1) parking (800 sq. ft.) of gross floor area |
|--|---|

- in the building.
 - (ii) Retail shops, repair and service shops
 - One (1) parking (800 sq. ft.) of gross floor area in the building.
 - (iii) Clinics
 - Two (2) parking spaces per 93 m² (1,000 sq. ft.) of gross floor area in the building.
 - (iv) Eating and Drinking Establishments
 - One (1) parking space per eight (8) seats.
 - (v) Hotels & Motels
 - One (1) parking space per guest suite.
 - (vi) Funeral Homes
 - One (1) parking space per 3 seats.
 - (vii) Libraries
 - One (1) parking space per 74 m² (800 sq. ft.) of gross floor area in the building.
 - (viii) Other uses at the discretion of the Development Authority.
- (b) Notwithstanding subsection 6(a) should the Municipal Planning Commission deem it advisable it may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the Central Business Land Use District:
 - (i) where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
 - (ii) where the dimensions or site area is inadequate to reasonably accommodate the proposed development and required parking.

(7) Landscaping and Screening

- (a) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (b) Outside storage areas of material and equipment shall be screened from adjacent sites and public thoroughfares; and
- (c) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.

5.7 C-2 - GENERAL COMMERCIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for a range of commercial uses.

(2) Permitted Uses

- Permitted signs
- Tradesmen's shops - cabinet maker, carpenter, decorator, electrician, gas fitter, metal worker, painter, plumber, printer, pipe-fitter, tinsmith, welder, and the like
- Eating establishment
- Accessory buildings and uses
- Retail stores
- Warehouses

(3) Discretionary Uses

- Auction Mart
- Auto sales
- Auto repair and service
- Bulk Fertilizer Distribution and Sales
- Cannabis Retail Sales
- Farm & industrial machinery sales & service
- Farm supply store
- Feed Mill
- Service stations
- Liquor store
- Drinking establishment
- Drive-in businesses
- Building supplies
- Funeral homes
- Bulk fuel sales depot
- Auctioneering establishments
- Hotels and motor hotels
- Veterinary hospitals

- Building material sales & storage
- Tire sales service and repair
- Public and quasi-public buildings and facilities and installations
- Car wash
- Greenhouse
- Fabric covered building
- Storage Structure

(4) Minimum Requirements

Site area and yard requirements are the same as in the C-1 – Central Commercial District or as required by the Development Authority.

(5) Maximum Limits

Site area and yard requirements are the same as in the C-1 – Central Commercial District or as required by the Development Authority.

(6) Parking

Parking shall be provided according to the following:

- | | |
|--|--|
| (a) Professional, financial & administrative offices | - One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area. |
| (b) Retail stores, equipment repair and workshops | - One (1) parking space per 93 m ² (1,000 sq. ft.) of gross floor area. |
| (c) Eating and Drinking establishments | - One (1) parking space per eight (8) seats. |
| (d) Hotel & motels | - One (1) parking space per guest suite. |
| (e) All other uses | - One (1) parking space per 93 m ² |

(1,000 sq. ft.) of
gross floor area
or at the discre-
tion of the Muni-
cipal Planning
Commission

(7) Landscaping & Screening

- (a) The boulevard and a minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;
- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season;
- (c) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (d) Outside storage area of material and equipment should be screened from adjacent sites and public thoroughfares; and
- (e) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.

5.8 M-1 - INDUSTRIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for a range of manufacturing, warehousing and other industrial land uses.

(2) Permitted Uses

- Accessory buildings and uses
- Permitted signs
- Warehousing, including retail and wholesale outlets
- Equipment and machinery sales and rental establishments
- Automotive, truck and recreation vehicle service and repair establishments
- Electrical, plumbing, heating, building, and mechanical contractor establishments
- Professional, financial and administrative offices
- Storage Structure
- Storage Yard

(3) Discretionary Uses

- The manufacturing, packaging or assembly of articles from previously prepared materials
- The manufacturing, assembly repair and maintenance of electrical and mechanical equipment
- Truck and freight terminals
- Bulk fuel sales and depot
- Recycling, storage, salvage, and wrecking yards
- Sand, gravel and building material storage
- Those industrial uses that are obnoxious by reason of the emission of odors, dust, smoke, gas, noise, or vibration, such as oil and gas refineries, meat packing, rendering plants, chemical industries, plastic plants, and stock yards.
- Veterinary clinics
- Bulk fertilizer distribution and storage
- Flour and feed mills
- Propane gas distribution
- Communication Tower

- Small wind energy system
- Fabric-covered building
- Kennel
- Heavy equipment assembly, sales and services
- Cannabis retail Sales
- Firehall

(4) Minimum Requirements

- (a) Area of Site:
As required by the Development Authority.
- (b) Width of Site:
As required by the Development Authority.
- (c) Front Yard:
(i) 9 m (30 ft.)
- (d) Side Yard:
As required by the Development Authority.
- (e) Rear Yard:
As required by the Development Authority.

(5) Maximum Limits

As required by the Development Authority.

(6) Special Requirements

- (a) The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the Development Authority believes a proposed use may conflict with those standards, he shall refer the application to the appropriate Provincial Department for clarification prior to issuing a Development Permit;
- (b) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.

(7) Parking

Off-street parking shall be provided according to the following:

- (a) All uses
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area plus one (1) loading space per 1,858 m² (20,000 sq. ft.) gross floor area

5.9 CS - COMMUNITY SERVICE DISTRICT

(1) Purpose

The purpose and intent of this district is to provide recreational, educational and community uses.

(2) Permitted Uses

- Parks and playgrounds
- Public and quasi-public buildings, installations and facilities
- Accessory buildings & uses
- Permitted signs
- Sports fields
- Storage Structure
- Storage Yard

(3) Discretionary Uses

- Swimming pools
- Schools
- Libraries
- Community halls
- Museums
- Tennis courts
- Cemeteries
- Hockey arenas
- Curling rinks
- Golf courses
- Hospitals
- Worship facility
- Clinics
- Campgrounds
- Exhibition grounds
- Fire hall
- Municipal buildings and facilities
- Small wind energy system
- Communication Tower

- Small wind energy system
- Fabric-covered building

(4) Minimum Requirements

- (a) Front Yard:
 - (i) 7.5 m (25 ft.)
- (b) Side Yard:
 - (i) 3.2 m (10 ft.)
- (c) Rear Yard:
 - (i) 7.5 m (25 ft.)

(5) Development Requirements

The Development Authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(6) Parking

Parking (on site) shall be provided according to the following:

- (a) Public places of assembly including sports arenas, ball parks and other recreational or amusement places
 - One (1) parking space per 10 seat-in spaces.
- (b) Hospitals
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
- (c) Libraries and Clinics
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
- (d) Schools
 - Elementary & Junior High
 - One (1) parking space per class-

- Senior High

room.

- Four (4) parking spaces per classroom.

(7) Screening

Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes.

5.10 UR - URBAN RESERVE DISTRICT

(1) Purpose

The purpose and intent of this district is to reserve lands outside of the developed area of the Village which is intended for future development.

(2) Permitted Uses

- Dwelling- single-detached – on existing parcels only
- Parks and playgrounds
- Market gardens
- Horticultural nurseries
- Greenhouse
- Accessory buildings and uses
- Permitted signs

(3) Discretionary Uses


- Public and quasi-public buildings, installations and facilities
- Extensive agriculture
- Gravel, sand and building material excavation and storage
- Communication tower
- Small wind energy system
- Fabric-covered building
- Storage structure

(4) Development Requirements

The Development Authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(5) Regulations

- (a) The design, siting, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Authority who in determining a development permit application shall take into account:
 - (i) the general purpose of the district; and
 - (ii) the existing uses and prospective uses of land in the vicinity.
- (b) The Municipal Planning Commission may require an area structure plan before recommending approval of a subdivision.

- 
- (c) The Development Authority shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis.

6 PART 6 DEFINITIONS

“Accessory Building or Storage Structure” means a building or structure, the use of which is incidental or subordinate to the use of the principle building which is located on the same parcel. An accessory building shall not be used as a dwelling.

- (1) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (2) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development;
- (3) A storage structure shall not be permitted on a permanent basis in residential areas or on parcels where the primary land use is residential;
- (4) A storage structure shall not be used as a sign;
- (5) A storage structure may be approved on a temporary basis during construction within any land use district.

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

"Act" means the Municipal Government Act S.A. 1994 Ch. M.26-1 as amended.

"Adjacent" means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream or railway.

"Amusement Enterprise" means a commercial establishment for public entertainment or recreation including, but not limited to, bowling alleys, theaters, and billiard parlors.

“Animal Units” means the concept to facilitate planning, analysis and administration of forage use by grazing livestock.

“Auto Body and Paint Shop” means a use where motor vehicle bodies are repaired or painted within a building.

“Automotive Repair & Service” means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rust-proofing, brake shops and other similar uses.

“Automotive Vehicle Sales” means a use:

- (a) where motor vehicles are sold or leased;
- (b) may only store or display vehicles on portions of the parcel approved exclusively for storage or display; and
- (c) that may have a building for administrative functions associated with the use.

“Auto Wrecker” means a use:

- (a) where dilapidated vehicles are stored, dismantled or crushed;
- (b) where motor vehicle parts may be sold;
- (c) where motor vehicles in their complete and operable state are not displayed or sold;
- (d) that may have equipment used for crushing, dismantling or moving motor
- (e) that may have a building for administrative functions associated with the use;
- (f) that does not involve the manufacture or assembly of any goods.

“Backyard Suite” means a **use** that:

- (i) contains two or more rooms used or designed to be used as a residence by one or more persons;
- (ii) that contains a **kitchen**, living, sleeping and sanitary facilities;
- (iii) is located in a detached building located behind the front façade of the **main residential building**;
- (iv) may be attached to an **Accessory Building**;
- (v) is considered part of and secondary to a **Dwelling Unit**;
- (b) is a **use** within the R-1 & NR Districts to this Bylaw; and
- (c) requires a minimum of 1.0 **motor vehicle parking stalls**.

"Bed & Breakfast Establishment" means a lodging facility within an owner occupied dwelling, having no more than three (3) guest rooms, providing a common washroom and dining facilities but no cooking facilities in guest rooms.

"Building" includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway.

"Boarding or Lodging House" means a detached dwelling converted for gain or profit containing rooms for two or more persons where meals may or may not be served, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, drive-in refreshment stand or other similar use.

"Bulk Fuel Sales Depot" means a use where fuel for motor vehicles is sold either with or without an attendant.

"Campground" means a recreational development for the purpose of providing temporary accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long-term or permanent occupancy by recreational vehicles or manufactured homes.

"Cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

"Cannabis Accessory" means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

"Cannabis Café" means a development where the primary purpose of the facility is the sale of Cannabis to the public, for consumption within the premises and which is authorized by provincial and federal legislation.

"Cannabis Retail Sales" means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises.

"Central Commercial District C-1" means a district whose purpose and intent is to provide for centralized commercial and retail development.

"General Commercial District C-2" means a district whose purpose and intent is to provide a range of commercial uses.

"Convenience store" means a use where:

- (a) fresh and packaged food is sold;
- (b) where daily household necessities may be sold;
- (c) that is entirely within a building; and
- (d) may include, within the total gross floor area of the use, a limited seating area no greater than 30 square metres.

"Carport" means an accessory structure designed and used for the storage of motor vehicles, consisting of a roof supported on posts or columns, and which is not enclosed on more than two sides whether separate from, or attached to, the principal building on a site.

"Car Wash" means a facility for the washing, cleaning or polishing of motor vehicles on a commercial basis.

"Clinic" means an establishment in which medical, dental or other professional healing treatment is given to human beings;

"Communication Structure" means an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

- a) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; b)
- b) **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

"Community Recreation Facility" means a use where it is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness centres.

"Community Service District CS" means a district with a purpose and intent to provide a recreational, educational, and community uses.

"Corner Site" means a site at the intersection of two or more streets.

"Council" means the Council of the Village of Veteran.

"Daytime Child Care Services" means development licensed by the Province of Alberta to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centers, day nurseries, kindergartens, nursery schools, and play schools.

"Deck" means an accessory structure that is a platform built of concrete, brick, wood or other materials and constructed on piers or a foundation above grade that may be attached to a dwelling or located on the roof, and is intended for the purpose of outdoor dining, lounging, and other similar accessory uses.

(a) Low Level Deck: means a deck being less than .6m (2ft) in height.

(b) Raised Deck: means a deck being equal to or more than .6m (2ft) in height.

"Development" means:

(a) an excavation or stockpile and the creation of either of them, or

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or

(d) a change in the intensity of use of land of a building that results in or is likely to result in a change in the intensity of use of the land or building.

"Development Authority" means:

(a) a person (or persons) appointed as Development Officer by Bylaw,

(b) the Municipal Planning Commission appointed by Bylaw;

authorized to administer this Bylaw and to decide upon applications for development permits in accordance with the provisions of this Bylaw and the Act.

"Development Commencement" means the moment construction is started on site (i.e. Excavation) or the land use has begun for the purposes of the development permit application.

"Development Completion" means the moment the required building/ development permit conditions and requirements have been met for the purposes of the development permit application and/ or the final inspection reports have been received (as required for the project).

"Development Permit" means a document authorizing a development issued pursuant to a land use bylaw.

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

"District" means an area of land designated on the Land Use District Map as a land use district.

"Drinking Establishment" means an establishment licensed by the Alberta Liquor Control Board, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes, but is not limited to bars, taverns, pubs and lounges.

"Dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include Manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation.

"Dwelling Unit" means a complete building or self-contained portion of a building, containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

"Dwelling - Duplex" means a single building containing two dwelling units, each having a separate entrance from the exterior. Dwellings of this type are also known as semi-detached single-family dwellings.

"Dwelling - Multiple Unit (Apartment)" means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances.

"Dwelling - Multiple Unit (Attached)" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall each unit having separate entrances from grade level. (For purpose of this Bylaw, Garden, Linked, Row, Village houses, four-plex, five-plex, and six-plex units which meet this criteria are considered to be attached housing).

"Dwelling - Manufactured Home" means a transportable, single or multiple section single dwelling unit conforming to CAN/CSA Z240 MH Series certified standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions.

"Dwelling - Modular" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy. Modular homes are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to conventional single detached dwellings.

"Dwelling - Secondary Suite" means a self-contained Dwelling Unit that is located within a primary Dwelling Unit, where both Dwelling Units are registered under the same land title."

"Dwelling - Semi-Detached " means a single building designed and built to contain two side by side dwelling units, separated from each other by a common or party wall and each having separate access to the outside grade.

"Dwelling - Single-Detached" means a building containing one dwelling unit only; but does not include semi-detached one family dwellings or Manufactured homes.

"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility.

"Eating establishment" means a use

- (a) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises; and
- (b) that may be licensed for the sale of liquor by the Alberta Gaming and Liquor Commission.

"Existing" means existing as of the date of adoption of this By-law.

"Extensive Agricultural" means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation but does not include a feedlot, intensified hog operation and poultry farms.

"Fabric Covered Building" means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.

"Fence" means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both.

"Financial Institution" means a bank, treasury branch, trust company, credit union or similar establishment.

"Front Lot Line" means the boundary dividing the lot from the abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line.

"Funeral Home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held.

"Greenhouse" means a building designated and used for the growing of vegetable, flowers and other plants for commercial purposes, transplanting or for sale.

"Heavy Industrial" means the manufacture of products, the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof;
- (b) the average level of a one-slope roof;
- (c) the highest point in the case of a pitched, gambrel, mansard, or hipped roof.

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.18m² (2 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family.

"Hotel or Motel" means a building providing sleeping accommodation which may also contain commercial uses and such additional uses as restaurants, dining rooms, room service, or public convention facilities.

"Industrial District M-1" means a district whose purpose and intent is to provide for a range of manufacturing, warehousing and other industrial land uses.

"Kennel" means a use where three or more dogs and/ or five or more cats over the age of 90 days are cared for, maintained, boarded, bred or trained whether or not the owner receives compensation for such activities.

"Landscaping" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials.

"Lane" means a public thoroughfare which provides a secondary means of access to a site or sites.

"Liquor Store" means a use:

- (a) where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;
- (b) must not be located within 300 metres of any other liquor store, when measured from the closest point of a liquor store to the closest point of another liquor store;
- (c) must not be located within 150 metres of a parcel that contains a school, when measured from the closest point of a liquor store to the closest point of a parcel that contains a school.

"Loading Space" means a space for parking a commercial vehicle while being loaded or unloaded.

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into Manufactured home lots and improved for placement of Manufactured homes for permanent residential use.

"Manufactured Home Subdivision" means an area subdivided by registered plan, containing lots for Manufactured homes by free-hold or leasehold tenure.

"Municipality" means, where the context requires, the area of land contained within the boundaries of the Village of Veteran's corporate limits, as delineated on the Land Use Map, being Part VIII of this Bylaw.

"Municipal Planning Commission" (MPC) means a Municipal Planning Commission which may be established by Council pursuant to the Municipal Government Act.

"Non-conforming Building" means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw.

"Non-conforming Use" means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw.

"Parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

"Personal Service Shop" means a facility for providing a service on a commercial basis to individuals and includes but is not limited to such uses as photography studios, dry cleaning establishments and barbershops.

"Principal Building" means a building in which is conducted the main or principal use of the site on which it is erected.

"Principal Use" means the main purpose for which a building or lot is used.

"Private Club or Organization" means an athletic, social, recreational or service organization which is privately owned and operated.

"Property Line" means a legal boundary of the lot.

"Public or Quasi-public Building Facilities and Installations" includes a church or any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility.

“Renewable Energy System” means a use:

- (a) that produces electrical power to be used for the on-site consumption requirements by alternative means such as but not limited to active and passive solar collectors, photovoltaic solar panels, geothermal energy;
- (b) may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority;
- (c) may provide residual power to the grid but is not intended to produce power primarily for resale.

“Residential District (R-1)” means a district whose purpose and intent is to provide for general residential development.

“Residential District (R-2)” means a district whose purpose and intent is to provide for single-detached homes.

“Retail Store” means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such as a store. This definition does not include Cannabis retail Sales.

“School, Public or Separate School” means a place of instruction operated with public funds pursuant to the School Act of Alberta and any amendments.

“Screening” means a visual separation between sites, districts or land use activities provided by a fence, wall, berm, landscaping.

“Seniors Lodge” means a building to provide an appropriate living environment for older adults who do not need access to unscheduled personal or nursing care. Lodges are provided by lodge foundations and provide housing, meals, housekeeping, linen/ laundry, recreational programs and 24-hour safety and security services.

“Service Station” means a facility for the service and repair of motor vehicles and for the sale of gasoline, lubricating oils and accessories for motor vehicles and which may provide a towing service or other accessory uses.

"Shopping Center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the site.

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

"Site" means:

- (a) a quarter section; or
- (b) a river lot or settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in the Land Titles Office; or
- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

"Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity in accordance with the Alberta Utilities Commission regulations, and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power specifically for resale.

"Small Wind Energy System - Total System Height" means the height from ground level to the tip of the rotor at its highest point.

"Small Wind Energy System - Tower Height" means the height above-grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

"Small Wind Energy System – Visual Impact" means the impact of a small turbine's visibility beyond the property lines of the subject parcel. The visual impact shall take into consideration the landscape setting, the points from which it would be viewed, and the perception of the surrounding land owners whose views may be affected.

“Storage Structure” means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure.

“Storage Yard” means a use:

- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;
- (b) where the vehicles and equipment stored may also be services, cleaned or repaired;
- (c) that may involve the storage of construction material such as oil and gas pipeline materials;
- (d) that does not involved the storage of any derelict vehicles or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a building for the administrative functions associated with the use.

“Subdivision and Development Appeal Board” means a subdivision and development appeal board appointed pursuant to Section 627 of the Municipal Government Act.

“Temporary” means a limited period of time as decided by the development authority.

“Tiny Home” is a descriptor for the architectural and social movement that advocates living simply in small homes. Generally, a floor area of less than 46 m² (500 sq. ft.) is accepted to be a tiny home. A tiny home which is utilized as a permanent dwelling must conform to all requirements of the Alberta Building Code; must be fully serviced with urban utilities; and conform to the land use district requirements in which the structure is situated, including number of units on a parcel. For purposes of this Bylaw, a Tiny Home is considered to be a “Dwelling – Single Detached”. Any non-permanent Tiny Home, (not on a foundation), is considered a recreational vehicle. Tiny Homes are not manufactured homes.

"Tradesman's Shop" means an establishment for the operation of a trade including but not limited to a painter, electrician, upholsterer, printer and appliance repairman, but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke noise or vibration.

"Urban Reserve District UR" means a district whose purpose and intent is to reserve lands outside of the developed area of the Village which is intended for future development.

"Utilities" means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
- (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical distribution and lighting;
- (f) systems for telephone & Cable TV distribution.

"Worship Facility" means any facility used for the purpose of spiritual worship. Examples may include, but are not limited to, churches, temples, mosques, and synagogues.

"Yard" means a part of a parcel upon or over which no main building is erected.

"Front Yard" means a yard extending across the full width of a parcel from the front lot line of the parcel to the front foundation of the principal building situated on the parcel. In situations with an irregular front lot line, the point taken from an average distance of the arc shall meet the minimum front yard requirements.

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

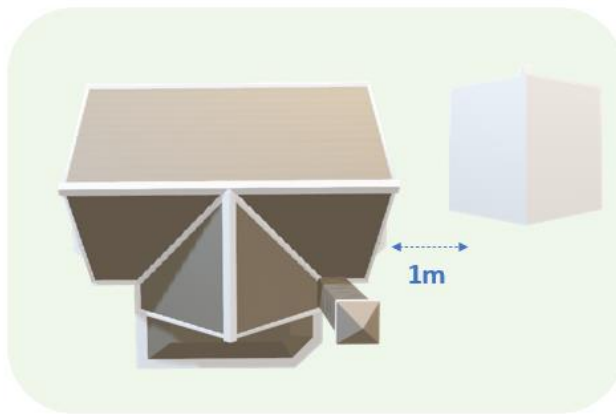
"Rear Yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act R.S.A. Ch. M.26 as amended.

7 PART 7 GENERAL LAND USE REGULATIONS

7.1 ACCESSORY BUILDING & USES

- (1) A structure which is attached to the principal building by a roof, a floor or a foundation is not an accessory building, it is to be considered part of the principal building.
- (2) An accessory building shall not be used as a dwelling.
- (3) An accessory building or shall be located at least 1m (3.3 ft.) from any principal building.



- (4) The total combined site coverage (50%) for principal and accessory buildings .
- (5) Side and rear yard requirements for an accessory building shall not be less than 1m (3.3 ft.) except on corner lots where the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district.
- (6) No accessory building or use shall be located in the front yard of a residential district.
- (7) The height of an accessory building shall not exceed 4.5 m (15 ft) with the wall height a maximum of 3.05 m (10 ft.).

Accessory Buildings – fabric Covered shall adhere to the regulations above and the following specific requirements:

- (a) will not exceed 20.44 sq. m. (220 sq. ft.) in area;
- (b) shall be a minimum 3 metres (10 ft.) from flammable material (i.e. burning barrels, fire pits or other open flame accessories) or vegetation;

- (c) All development permit application approvals shall be **temporary** with a maximum time limit of one year. Extensions may be provided beyond one year as a subsequent application dependent on condition of the structure at the time of inspection and any complaint correspondence received;
- (d) A building permit may be required (proper anchoring, etc.) and shall be determined in accordance with the Safety Codes Act;
- (e) the development shall be kept in good condition to the satisfaction of the development authority; and
- (f) shall not cause or create a nuisance by way of noise, vibration, etc. and the privacy and enjoyment of adjacent properties shall be preserved and the amenities of the neighborhood maintained.

7.2 DEMOLITION OR REMOVAL OF BUILDINGS

- (1) A development permit shall be required for the demolition of a building with an area of 56 m² (602.8 sq. ft.) or more.
- (2) Where a development permit has been granted for the demolition of a building, the Development Authority may require the applicant to provide a Letter of Credit in the amount of \$1000 to cover the cost of rehabilitating the site and \$5000 for any damage caused to the Village's street as a result of cartage of the demolition material or removal of the building.
- (3) When a demolition or removal of building is carried out the person causing the demolition to be made, shall at their own expense, protect from displacement any wall, sidewalk or roadway liable to be affected by such demolition. They shall sustain, protect and underpin property so that they will remain in the same condition as before the demolition or removal was commenced and ensure that adequate measures shall be taken by way of fencing and screening to ensure the general public's safety.
- (4) Whenever a development permit is issued for the demolition or removal of a building it shall be a condition of the permit that the site shall be properly cleaned, with all debris removed, and left in a graded condition.
- (5) The demolition of a building must be carried out so as to create a minimum of dust or other nuisance to surrounding areas, and the property shall be reclaimed to a satisfactory state.

7.3 COMMUNICATION TOWERS

(1) Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:

- (a) the input provided by the Approving Authority;
- (b) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
- (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
- (d) an environmental impact assessment may be required in order to comply with the **Canadian Environmental Assessment Act**.

(2) The participation of the Village in the consultation process does not transfer any Federal decision making authority, nor does it confer a right of veto in the location of the communication tower.

(3) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.

- (a) The tower base shall be setback from abutting parcels and roadways by a distance of 10 percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
- (b) Guy wire anchors shall be setback at least 28.0 m (91.9 ft.) from the property line.
- (c) Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing.

(4) Communication towers shall be located in a manner that minimizes the impact on the natural environmental and residential communities while recognizing the unique location requirement for siting communication towers.

(5) All equipment shelters must meet the Village setback distances to roads and property lines.

(6) Appropriate access/ egress shall be provided to the satisfaction of the development authority.

(7) All telecommunication carriers requesting a new telecommunication tower shall be required to identify any other such structure within an 8.05 km (5 mi) radius of the proposed site location. Each request shall also provide

documentary evidence that co-location of the existing structures within that 8.05 km (5 mi) radius is not a viable alternative to a second structure.

(8) Where Transport Canada requires that a telecommunication tower be lighted, the following procedures shall be encouraged to minimize visual impacts:

- (a) the lighting of equipment structures and any other facilities on site shall be shielded from adjacent properties where possible without interfering with the requirements of Transport Canada;
- (b) all lighting shall be a minimum number of low intensity white lights; and
- (c) the strobe interval shall be the maximum allowable by Transport Canada, and the strobe lights shall only be used if absolutely necessary.

(9) The Village may adopt policies specific to Communication Tower placement in accordance with best practices and guidance documents.

7.4 DRAINAGE

(1) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and / or front street;

(2) The Development Authority at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighbouring parcels;

(3) The Development Authority at its discretion may require the applicant to submit a storm drainage plan, indicating how drainage will be managed on the site;

(4) The Development Authority at its discretion may require the applicant to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighbouring parcels.

7.5 DWELLING UNITS ON A PARCEL

A maximum of one dwelling unit is allowed on a parcel of land, unless otherwise permitted by the Land Use bylaw or Municipal Planning Commission.

7.6 FENCING AND HEDGES

- (1) In a residential district, a fence or hedge located within a rear or side yard of a lot, shall not exceed 6 feet in height;



- (2) In a residential district, a fence or hedge located within the front yard of a lot, shall not exceed 1 m (3.2 feet) in height;
- a.) an increase to 4.0 feet to accommodate animals is permitted with approval from Development authority.
- (3) In a residential district, a fence or hedge located within a corner lot shall not exceed 1 m (3.2 feet) in height from the building facing the streets;
- (4) In a residential district, a fence shall be constructed from either wood, vinyl or chain link.
- (5) Swimming pools shall be fenced in accordance with Alberta Safety Codes requirements.

7.7 OFF-STREET LOADING & UNLOADING FOR COMMERCIAL & INDUSTRIAL DEVELOPMENT

Any new industrial and commercial development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.5 m (8 feet) wide and shall provide no less than 3.6 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles causes interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

<u>Use of Building or Site</u>	<u>Total Gross Floor Area</u>	<u>Spaces Required</u>
(a) Retail, industry warehousing or similar use	Less than 464.5 m ² (5,000 sq.ft.)	1
	464.5 m ² (5,000 sq.ft.) to 2322.5 m ² (25,000 sq.ft.)	2
	Each additional 2322.5 m ² (25,000 sq.ft.) or fraction thereof	1 additional
(b) Office Building, hospitals, public school or similar use	Up to 2782 m ² (30,000 sq.ft.)	1

Each additional 2782 m²
(30,000 sq.ft.) or fraction
thereof

1 additional

- (5) The above standards can be modified at the discretion of the Development Authority.

7.8 PARKING

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located;
- (2) For a multiple use site, parking requirements shall be based on the calculation of parking required for each individual use;
- (3) Parking spaces for multi-unit dwellings shall not be less than 14.8 m² (160 sq. ft.) in area and not be less than 2.4 m (8 ft.) wide.
- (3) Parking spaces for an apartment building shall not be located in the front yard.
- (4) A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designated, located, and constructed to the Village's standards so that:
 - a) it is reasonably accessible to the vehicle intended to be accommodated there;
 - b) It can be properly maintained; and
 - c) It is satisfactory to the Development Officer in size, shape, location and construction.

7.9 PHYSICAL ENVIRONMENT

- (1) The Development Authority may consider the environmental impact of any proposed development. The Development Authority may refer the proposal to a relevant provincial department for comments on the nature of the environmental concern. Where a development is considered to have a significant environmental impact, the Development Authority may request the developer to have an environmental evaluation prepared and submitted by an appropriate professional, or undertake its own environmental evaluation regarding the proposed development. All costs associated with an environmental evaluation are the responsibility of the developer.

7.10 PROJECTION OVER YARDS

(1) Front Yards:

- (i) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 0.6 m (2 ft.) over or onto a required front yard;
- (ii) Un-enclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard;

(2) Side Yards:

- (i) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
- (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the MPC;
- (iii) Residential buildings with a side entrance requiring a side yard relaxation and / or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.

(3) Rear Yards:

(l) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

7.11 RELOCATION OF BUILDINGS

(1) Where a development permit has been granted for the relocation of a building on the same site or from another site, The Municipal Planning Commission (MPC) may require the applicant to provide a Performance Bond or letter or credit in the amount of estimated cost of renovations to ensure completion of any renovations set out as condition of approval of a permit. In addition, the MPC shall require the applicant to provide proof of insurance during and after relocation of the Building;

(2) All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.

(3) Application for a relocated building shall be accompanied by recent interior and exterior photographs to the satisfaction of the Development Authority. Also, the views (in writing) of the adjacent registered property owners within a minimum of 60 m (196.85 ft.) of a said parcel may be obtained.

7.12 SITE DEVELOPMENT

The design, siting, external finish, architectural appearance and landscaping generally of all building, including any accessory buildings, structures, sign and any reconstruction shall be to the satisfactions of the Development Authority in order that these shall be general conformity in such matters with adjacent buildings.

8 PART 7 SPECIFIC LAND USE REGULATIONS

8.1 ANIMAL UNITS

- (1) The application of animal units may be applied as a condition of a development permit;
- (2) All development permits issued for Animal Units shall be revocable at any time by the Development Authority if, in its evaluation, the use is or has become detrimental to the amenities of the neighborhood.
- (3) One animal unit is permitted for every 0.81 ha. (2.0 acres) of land contained within a parcel. The maximum number of animal units permitted shall be calculated in accordance with the total amount of acres fenced and dedicated to animal uses on the parcel and the total number shall not exceed 10 animal units on any given parcel.
- (4) Animal types and the number of animals that equate to one animal unit shall be established in accordance with the Agricultural Operations Practices Act Matters Regulation Schedule 1.

8.2 BREWERY, WINERY OR DISTILLERY

(a) The development must have a Class E Licence for a Small Manufacturer, a Cottage Winery and/or Packaging, from the Alberta Gaming Liquor Commission.

A development with a Class E Licence for a Manufacturer from the Alberta Gaming Liquor Commission must not be considered under this use class.

(b) In the C-1, C-2, C-3, R-D, and C-R land use districts:

- i. the development must include a store front for the sale of the product to the general public.
- ii. the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses.

The related uses may include but are not limited to a retail store, an eating or drinking establishment, and/or a liquor store, provided the use(s) is listed in the relevant district and the proposal meets the regulations for that use.

(c) In the M-IB land use district:

- i. the development may include a store front for the sale of the product to the general public.
- ii. the development shall not be developed in conjunction with another accessory or related use that will result in traffic from general public, such as but not limited to a retail store, an eating or drinking establishment, and/or a liquor store.

(d) In the A-UR land use district:

- i. the development shall be accessory to the extensive agricultural use of the parcel.
- ii. the development may include a store front for the sale of the product to the general public.
- iii. the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses.
- iv. the Development Authority may consider an eating or drinking establishment, a liquor store, and/or a retail store as part of an application, despite these uses not being listed as a use within the A-UR district, provided the total square footage of the unlisted, accessory uses is limited to no more than 50m² to ensure these uses remain accessory to the principal use.

(e) A Development Permit Application must include the following information:

- i. A description of the manufacturing process, including inputs, outputs and by products (such as heat, noise, or smell) of the process.
- ii. A site plan showing the portion of the development site dedicated to the manufacture and packaging of the product, and the portion of the development dedicated to the store front.
- iii. The proposed water source;
- iv. The proposed waste water plan;
- v. The estimated quality and quantity of waste water effluent (m³/day and m³/year).

(f) A Development Permit Application may be required to include the following information:

- i. If the development proposes to tie into the municipal water system, a written analysis by a professional engineer, identifying whether the Town's water system has the capacity to supply the development, having regard to the maximum daily demand and fire-flow capacity and requirements of the water system.
- ii. Where the Development Authority determines that the pre-treatment effluent significantly exceeds acceptable toxicity limits for the town's infrastructure, a pre-treatment plan, to the satisfaction of the Development Authority.
- iii. A noise, odour, traffic, and/or any other impact assessment deemed to be necessary. Any assessment should identify the mitigative measures which may be undertaken to reduce impact on neighbouring properties.

(g) The Development Authority may set conditions through the development permit to mitigate any impacts and/or set appropriate standards for the development.

(h) The Development Authority may consider and apply the development separation distance requirements established by Section 12(19)(c) when making a decision on a development permit application for a "brewery, winery and/or distillery".

(i) The minimum off-street parking requirements for a "brewery, winery and/or distillery" are provided for in Section 11 (9)(a). Each related or accessory use must also meet its off-street parking requirements.

8.3 CANNABIS REGULATIONS

a. Must comply with the provisions set out in the Provincial Gaming, Liquor, and Cannabis Act.

b. Must obtain and submit a copy of the retail Cannabis Store License.

c. A premises described in the Cannabis License may not have any part of an exterior wall that is located within 200 metres of:

- i. A building containing a school as defined in the *Schools Act*, or boundary of a parcel of land on which a building is located.

ii. A boundary of a parcel of land that is designated as a school reserve or municipal and school reserve under the *Municipal Government Act*.

iii. A building containing a provincial health care facility or a boundary of a parcel of land on which the building is located.

iv. The separation distance between Cannabis Retail Sales use and a school, school or municipal reserve or health care facility, shall be measured from the closest point of the exterior wall of the building in which the proposed Cannabis Retail Sales use is located to the closest point of the exterior wall of the building in which the other use is located. The separation distance shall not be measured from district boundaries.

8.4 CANNABIS RETAIL STORE

(a) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(b) Cannabis Retail Sales shall not be located within 100 metres from:

- i. a private or public school; or
- ii. a provincial health care facility; or
- iii. a public playground.

(c) For the purposes of subsection 12(21)(b) only, a variance up to 10 metres on the separation distance may be granted by the Municipal Planning Commission where the subject site includes a building with multiple units and the subject unit is not within the prescribed setback or where the building on the site is not within the setback.

(d) The separation distance established in (21)(b) above and (21)(e) below between uses shall be measured from lot line to lot line.

(e) Where a proposed Cannabis Retail Sales use is within 100 metres of an existing Cannabis Retail Sales use the potential cumulative impact of the uses on development within the area must be considered by the Development Authority in evaluating the application.

(f) The development shall not operate in conjunction with another approved use.

- (g) Customer access to the store is limited to a store-front that is visible from the street. Mall access shall allow for clear visibility from the interior.
- (h) No customer parking shall be located at the rear of the Retail Sales building.
- (i) All parking areas in front of the building shall be well lit to the satisfaction of the Development Officer during operating hours.
- (j) Parking shall be provided in accordance with the minimum requirements under Section 11(9) Commercial Uses: Retail Shops.
- (k) When an application for a Cannabis Retail Sales as a discretionary use is received and/or an associated variance application is received, the Development Authority shall notify all landowners within a 50 metre radius, measured from property line to property line to ensure that neighbouring landowners have the opportunity to provide comment on the application prior to the decision being made.
 - i. The notification must contain notice of the time and date of the Municipal Planning Commission meeting and a method to provide written feedback.
 - ii. Notification must be received a minimum of 3 working days prior to the application being presented at a Municipal Planning Commission meeting.
 - iii. Mail is considered served seven (7) days from the date of mailing if mailed to an address in Alberta or fourteen (14) days if mailed to an address outside of Alberta.
- (l) The Development Authority having jurisdiction shall impose a condition on any Development Permit issued for Cannabis Retail Sales that the development shall not commence until authorized by, and compliant with, any superior legislation including any Provincial and Federal Statutes.

8.5 CANNABIS PRODUCTION FACILITY

- (a) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with cannabis production as issued by the Federal Government.
- (b) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

- (c) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (d) The development shall not include an outdoor area for storage of goods, materials or supplies.
- (e) The development shall not operate in conjunction with another approved use.
- (f) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (g) The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but is not limited to, details on:
 - i. the incineration of waste products and airborne emissions, including smell;
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material discharged by the facility.
- (h) Parking shall be provided in accordance with the minimum requirements under Section 11(9) Industrial: Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments and Public Utility Building
- (i) The Development Authority having jurisdiction shall impose a condition on any Development Permit issued for Cannabis Production Facility that the development shall not commence until authorized by, and compliant with, any superior legislation including any Provincial and Federal Statutes.

8.6 PRIVATE SWIMMING POOLS, HOT TUBS, & SPA'S

- (1) Ensure all appropriate permits are acquired through Development Authority.
- (2) The entire area serving the outdoor swimming pool must be protected by a fence, that can prevent access by unauthorized persons. Its height above the outside ground level must not be less than 1.8 m (6 ft.) in height for private swimming pools.
- (3) An opening for access through a fence around a private swimming pool must be protected by a gate that;

- (i) the same height as the fence
 - (ii) equipped with self-closing device
 - (iii) equipped with self-latching device on the inside of the gate located not less than 1.5 m (5 ft.) above ground level, and
 - (iv) capable of being locked
- (4) The fence & gate around a swimming pool must be constructed so that all horizontal and diagonal members are located on the swimming pool side. The space between fencing members is limited to 100mm (four inches).
- (5) Barbed wire must not be used on or for a fence or gate around a swimming pool.
- (6) Devices must not be installed on or adjacent to a fence or gate around a swimming pool that could cause electric current to pass through the fence or gate.

8.7 RENEWABLE ENERGY SYSTEMS

- 1) Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce greenhouse gas emissions and to promote sustainability objectives within the Village. Alternative Energy Systems shall require a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:
- (A) Renewable Energy Systems that are part of or attached to the principal building shall follow the requirements for that use (i.e. Solar panels on a roof); and
 - (B) Renewable energy systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District where separate and subordinate to the principal building or use of the property; and
 - (C) Renewable energy systems shall be considered a discretionary use in all land use districts.

8.8 SECONDARY SUITES

- (a) A secondary suite shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.
- (b) The maximum floor area of the secondary suite shall be as follows: i. In the case of a secondary suite located completely below the first storey of a single

detached dwelling the floor area shall not exceed the floor area of the first storey of the associated principal dwelling (excluding stairways).

(c) The minimum floor area for a secondary suite shall be not less than 30 m² (322.93 sq. ft.).

(d) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single-detached dwelling.

(e) Only one secondary suite may be developed in conjunction with a principal dwelling.

(f) The number of persons occupying a secondary suite shall not exceed four.

(g) The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.

(h) A secondary suite shall provide off-street parking in compliance with Schedule 11 – Off-Street Parking and Loading Requirements.

(i) All required off-street parking stalls for a secondary suite shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).

(j) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

8.9 SIGNS

(1) No signs or advertising structures of a commercial, direction or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued;

(2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant;

(3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property to public property without the prior consent of the appropriate public body;

(4) Notwithstanding the generality of subsection (1) nor the provisions of subsections (2) and (3), the following signs may be erected on land or affixed to the exterior surface of buildings or structure without application for a Development Permit provided that no such signs shall be illuminated.

(a) signs for the purpose of identification, direction, and warning, not exceeding 2.2 m² (24ft²) and limited to one sign per parcel;

(b) signs relating to a person, partnership or company carrying on a profession, business or trade, not exceeding 0.4 m² (4.3 ft. 2) and limited to one sign per parcel;

C) signs relating to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club, or similar institution, not exceeding 2.2 m² (24 ft. 2) and limited to one sign per parcel; and

(d) advertisements in relation to the function of Local Authorities Utilities Boards or other public or quasi public bodies.

(5) No signs or advertisements shall resemble or conflict with a traffic sign;

(6) All advertisements shall be kept in a safe, clean, and tidy condition and may by resolution of Council, be required to be renovated or removed;

(7) No signs or advertising structures other than those specified under subsection (4), shall be permitted in a residential district; and

(8) All signs shall comply with the requirements set out for the land use district in which the sign is located.

(9) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto.

(10) The following separation distances between signs shall be applied:

(a) 9.14 m (30 ft.) adjacent to a municipal road;

(b) 100m (325 ft.) adjacent to a primary highway or as required by Alberta Transportation & Utilities.

(11) Projecting signs may be permitted provided that:

(a) minimum height clearance of 2.74 m (9 ft.) be provided from any sidewalk below;

(b) the signs shall not project above the roof by more than 0.91 m (3 ft.);

C) the sign does not project within 0.61 m (2 ft.) of the curb;

(d) the sign does not project more than 2 m (6.5 ft.) from the face of the building;

(e) the sign does not exceed 9.29 m² (100 ft. 2) in area.

(12) Free standing signs (directional, advertising, or identification) may be permitted provided that:

- (a) the sign does not exceed 9.14 m (30 ft.) in overall height;
 - (b) the maximum total sign area allowable is 13.94 m² (150 ft. 2) ;
 - C) the sign shall be a minimum of 6.1 m (20 ft.) from a curb or 1.52 m (5 ft.) from the property line.
- (13) Roof signs shall not exceed 9.29 m² (100 ft. 2) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
- (14) Fascia signs may be permitted provided that:
- (a) the total sign area does not exceed a ration of 20% of the face building to which the sign is attached;
 - (b) it shall not project above the roof or marquee by more that 0.91 m (3 ft.).
- (15) Portable signs may be permitted provided that:
- (a) maximum sign area shall not exceed 10.03 m² (108 sq. Ft.);
 - (b) maximum height shall not exceed 2.44 m (8 ft.) ;
 - C) The sign is not located in the sight triangle formed on a corner site by the two street property lines and straight line which intersects them 5.02 m (16.5 ft.) from the corner where they meet;
 - (d) the lighting of a mobile sign does not adversely affect residential sites and / or traffic lights; and
 - (e) a valid development permit has been obtained for signs to be in place for more than 7 consecutive days.
- (16) For any sign which will overhang a sidewalk of other Village property, the owner of the sign shall:
- (a) indemnify and hold harmless the Municipality for any claim related to the construction and maintenance of the sign;
 - (b) Furnish a public liability insurance policy of such an amount satisfactory to the Council naming the Municipality as co-insured.
- (17) Small signs displayed for the discretion of convenience of the public, including signs which identify rest rooms , freight, entrance, parking entrance or exit, or the like, not exceeding 0.5m² (5 sq. Ft.) in area.

8.10 SMALL WIND ENERGY SYSTEMS

It is the purpose and intent to promote the safe, effective and efficient use of small wind energy systems (SWES) to reduce the on-site

consumption of utility-supplied electricity while protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a SWES. An SWES may be appropriately located on larger residential parcels, commercial/ industrial sites or for public facilities and shall be considered an accessory structure and use in the land use districts where it is listed in accordance with the following requirements:

(1) Maximum Tower Height:

(a) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)

25 m (80 ft.)

(b) Parcel size greater than 0.4 ha. (1.0 acre)

No maximum

Tower height shall be in accordance with the manufacturer requirements and shall conform to the setback requirements below.

(2) Setback Requirements:

(a) Setbacks from property lines

The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure, including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the SWES to be closer than these requirements.

(b) Setbacks from Structures

(i) Dwellings/ public buildings:

The SWES tower base shall be no closer to a dwelling unit or public building on **adjacent** properties than the **total system height** of the SWES. This distance may be greater if it is determined that **shadow flicker** is a factor on adjacent properties. (note: shadow may be up to 3.6 times the distance of tower height in winter months)

(ii) Accessory buildings or structures

No requirements

The Development Authority may waive the tower base setback requirements if the affected adjacent property owner grants an easement registered on title for the location of the SWES to be closer than these requirements.

It is not anticipated that sound levels from a professional quality SWES will negatively impact adjacent property owners. The required setbacks in (2) above are established for public safety and to eliminate any sound related conflict beyond that of normal background noise to adjacent properties.

(4) Visual Impact

The nature of a SWES requires the installation of the turbine on a tall tower, 30 ft.+ above structures or trees to reach wind conditions and avoid turbulence. Visual Impact concerns shall be considered where there is significant scenic or historical value associated and where there is a clear public benefit.

(5) Consultation Requirements

Applicants for a SWES shall be responsible for circulating the proposal prior to application to neighbouring property owners using the established form. Any comments received from the circulation shall be included with the application.

(6) Decommissioning

If the active production of electricity from a SWES is discontinued for two years or more the SWES shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition.

8.11 UTILITIES

(1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system;

(2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewage,

and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer;

(3) A development in a Commercial / Industrial District may be required to install a trap drain system.

9 PART 8 ENFORCEMENT

9.1 ENFORCEMENT

- 9.1.1 Where a person fails or refuses to comply with an order directed to them under Section 14(1), or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Section 545 and 646 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 9.1.2 Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
- 9.1.3 A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine.

9.2 MUNICIPAL INSPECTION AND RIGHT OF ENTRY

The Development Authority, Subdivision Authority, Bylaw Enforcement Officer, or such other designated person, is the "Officer" for the purposes of the Village of Veteran. Pursuant to Section 542 of the Municipal Government Act, an Officer may enter land or a Building if:

- (a) Reasonable notice has been given to the owner or occupier; or
- (b) The entry is authorized by an Order of the Court of Queen's Bench; and then only for the purpose of ensuring compliance with the Municipal Government Act and the Regulations thereunder, or this Bylaw.

9.3 STOP ORDER

- (1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with:

- (a) the Municipal Government Act or the regulations; or
- (b) a development permit or subdivision approval; or
- (c) the Land Use Bylaw; the Development Authority may, in accordance with the Act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or (

- (ii) demolish, remove or replace the development; and/or

- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, within the time frame specified by the notice, as the case may be.

(2) Where a notice is issued under Section 9.2, the notice shall state the following and any other information considered necessary by the Development Authority:

- (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;

- (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;

- (c) a time frame in which the contravention must be corrected prior to Westlock County pursuing action; and

- (d) advise the person of his/her right to appeal the notice to the Subdivision and Development Appeal Board.

(3) Where a person fails or refuses to comply with an order directed to him/her pursuant to an order of the Subdivision and Development Appeal Board within the time specified, a person appointed by Council may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

(4) Where the Development Authority carries out an order, the Village shall, as part of its process, ask the courts to allow it to cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land

(5) The Village may register a Caveat under the Land Titles Act pursuant to the Order against the certificate of title that is subject to the Order in accordance with Section 646(2) of the Act.

9.4 OFFENCES AND PENALTIES

Offence	Minimum Penalty First Offence	Minimum Penalty Subsequent Offence
General Offences:		
Contravention of a Zoning Bylaw provision	\$250.00	\$500.00
Development without a Development Permit	\$250.00	\$500.00
Development in contravention of a Development Permit	\$250.00	\$500.00
Failure to Comply with a Violation Notice	\$250.00	\$500.00
Continuing development after a Development Permit has been cancelled or suspended.	\$250.00	\$500.00