

VILLAGE Of HUSSAR LAND USE BYLAW # 493-14



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PART 1

Purpose & Definitions

1.1 Title

1.1.1 This Bylaw shall be referred to as the Village of Hussar Land Use Bylaw.

1.2 Purpose

1.2.1 This purpose of the Bylaw is to regulate and control or to prohibit the uses and development of land and buildings within the Municipality to achieve fair, orderly and economic development of land as well as to:

- (a) divide the Municipality into districts;
- (b) prescribe and regulate for each district, the intent and purpose for which land or buildings may be used;
- (c) establish a method of making decisions on applications for Development Permits including the issuing of Development Permits;
- (d) establish a method of making decisions on applications for Subdivision Approval and the issuing of a decision; and
- (e) prescribe the procedure to notify owners of land likely to be affected by the issuance of a Development Permit or Subdivision decision.

1.3 Application

1.3.1 This Bylaw shall apply to the whole of this Village of Hussar, being all lands contained within its boundaries.

PART 2 **Interpretation**

2.1 Rules of Interpretation

2.1.1 Unless otherwise required by the context, words used in the present tense include the future tense; and the word person includes a corporation as well as an individual. The Alberta Interpretation Act shall be used in interpretation. Words have the same meaning whether they are capitalized or not. Any gender specific terms shall be taken to mean either gender.

2.1.2 The written regulations take precedence over any diagrams if there is a perceived conflict.

2.1.3 The Land Used District map takes precedence over any diagram in the district regulations, if there is an apparent conflict.

2.2 District Boundaries

2.2.1 Where a boundary follows a public roadway, lane, railway, pipeline, power line, utility right-of-way or easement it follows the center line, unless otherwise clearly indicated on the Map.

2.2.2 Where a boundary is shown as approximately following the Municipal boundary, it follows the Municipal Boundary.

2.2.3 Where a boundary is shown as approximately following a property line, it follows the property line.

2.2.4 Where a boundary is shown as approximately following a topographic contour line or a top-of-bank line it follows that line. In the event of change of the topographic line, it shall move with that line.

2.2.5 Where a boundary is shown as being parallel to or as an extension of any of the features listed above, it shall be so.

2.2.6 In circumstances not covered above, the boundary shall be determined by a resolution of Council.

2.2.7 When any public roadway is closed, the roadway lands have the same district as the abutting land. When abutting lands are governed by different districts, the center of roadway is the district boundary unless the district boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's district designation applies to affected portions of the roadway.

2.3 Definitions

2.3.1 Words and terms used in this Bylaw shall have the same meaning as given to them in the Municipal Government Act unless otherwise defined in this section.

2.3.2 When no definition is provided in the Municipal Government Act, the Alberta Interpretation Act or this Bylaw, Webster's New Collegiate Dictionary shall be used.

2.3.3 All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act Revised Statutes of Alberta 2000 Ch. M.26 as amended.

ABUT or ABUTTING means immediately contiguous to, or physically touching, and when used with respect to a lot or a site, means that the lot or site physically touches another lot, site, or development, and shares a property line or boundary line with it.

ACCESSORY BUILDING means a building or use which, in the opinion of the Development Officer, is subordinate or incidental to the principal building or use located on the same site.

ACCESSORY BUILDING – FABRIC COVERED means a temporary building designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the Alberta Safety Code. **ACCESSORY USE** means the use which, in the opinion of the Development Officer, is subordinate or incidental to the principal building or use located on the same site or the purpose and intent of the Land Use District in which the use is proposed.

ACT means the Municipal Government Act, Revised Statutes of Alberta 2000, Ch. M-26, as amended, and any parallel or successor legislation.

ADJACENT LAND means land that is contiguous to the parcel of land proposed for development, subdivision or re-designation and includes land that would be contiguous if not for a highway, street, road, river, stream, Municipal Reserve or Environmental Reserve.

ALTERNATIVE HEALTH CARE SERVICES means an establishment or facility that is engaged in the furnishing of natural health care services and products which are an alternative or complementary to health care provided by surgery, hospitalization and drug treatments and are provided on an outpatient basis. Included in this use category, but not limited to, are acupuncture, herbology, homeopathic, exercise, massage, touch and mechanical therapy, counseling, and the sale of organic food and herb products.

AMENITY AREA means an indoor or outdoor space, provided for the active or passive recreation and enjoyment of the occupants of a development, which may be for private or communal use and owned individually or in common.

AMUSEMENT CENTRE means a facility or establishment that provides amusement, entertainment or games through the use of any coin or token operated machine or device. The machine or device may be mechanical, electrical or electronic.

ART AND CRAFT STUDIOS means development used for the purpose of small scale, on-site production of goods by hand or manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic and sculpture studios, jewelry and toy manufacturing and artist studios.

ARTERIAL ROADWAY OR STREET means a street intended to carry large volumes of all types of traffic moving at medium to high speeds, to serve the major traffic flows between principal areas of traffic generation and also connect to rural arterials and collectors. Arterial roadways or streets desirably have no direct access to development.

AUCTION ROOMS means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

AUTO BODY AND PAINT SHOP means premises where the bodies, but not other parts, of motor vehicles are repaired and where motor vehicle bodies and other metal machine components or articles may be painted.

AUTOMOTIVE REPAIR AND 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 where motor vehicles are sold or leased, where vehicles are stored or displayed and may have a building for administrative functions associated with the use.

BALCONY means a projecting platform on a building, which is enclosed by a railing and is greater than 0.6m above grade. It may be cantilevered from the building or supported from below.

BAY means a self-contained unit of part of a building, or of the whole building, which can be sold or leased for individual occupancy.

BARELAND CONDOMINIUM means land that is situated within a parcel and is a unit in a bareland condominium plan or a proposed bareland condominium plan. In this Bylaw a bareland condominium unit is considered to be a site.

BASEMENT means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8m of its clear height above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of this Bylaw.

BED AND BREAKFAST means a principal dwelling where sleeping accommodation, with or without light meals, is provided to members of the travelling public for remuneration. A Bed and Breakfast home shall not include more than two commercial accommodation units.

BILLBOARD means a sign directing attention to a business, commodity, services or entertainment conducted, sold or offered elsewhere than upon the site where the sign is maintained. The advertisement copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement.

BUFFER means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and districts.

BUILDING includes anything constructed or placed on, in, over or under land that does not include a highway or public roadway.

BUILDING AREA mean the greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the outside surface of exterior walls and the centerline of fire walls.

BUILDING HEIGHT means the vertical distance between the existing or proposed finished grade and the highest point of a building, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, fire wall or parapet, flagpole, or similar devices not structurally essential to the building.

BUILDING PERMIT means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the Safety Codes Act authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

BUILDING SUPPLY CENTER means a commercial, retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.

BULK FUEL STORAGE AND DISTRIBUTION CENTER means a development for the purpose of storing natural gas and petroleum products for distribution to customers. Total water capacity for storage of liquefied petroleum gases in above ground tanks must exceed 7570 L (2000 U.S. gals).

CAFETERIA means a building where food and beverages are offered for sale on a self-serve basis.

CAMPGROUND means a recreational development for the purpose of providing short term or occasional accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long term (i.e. longer than twenty-one (21) consecutive days permanent occupancy. The duration does not apply to summer work crews utilizing the campground facilities.

CANOPY means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, mounding, architraves and pediments, but includes the structure known as the theatre marquee.

CARPORT means a roofed structure providing space for the parking of vehicles with not more than one enclosed side.

CAR WASHING ESTABLISHMENT means a facility for the washing, cleaning, or polishing of motor vehicles. Processes whereby the exterior and upholstery of the vehicles is treated to enhance and protect its cosmetic appearance may also be carried out at such a facility. This process may include, but is not limited to, undercoating, rust-proofing and protecting the paint of the vehicle against rock chips.

CERTIFICATE OF COMPLIANCE means a written statement issued by the Development Officer confirming that the bay, building, structure or use meets the requirements of this Land Use Bylaw in all respects or is treated as a legal non-conforming bay, building, structure or use.

CHILD CARE FACILITIES means those facilities used for the supervision and care of children and includes day care, kindergarten, and nursery schools.

CLINIC means a public or private medical, surgical, physiotherapeutic or other human health clinic regularly staffed by practicing physicians, dentists or other qualified medical practitioners.

COLLECTOR ROADWAY or STREET means a street or roadway that collects and distributes traffic from arterial roads and streets to other collectors and local roads and streets to serve the community. Full access to adjacent properties is generally allowed on collectors.

COMMERCIAL FLOOR AREA means the gross floor area defined by the outside dimensions of the building for each floor of a commercial use building.

COMMUNICATION STRUCTURES (public or private) means structures used for the purpose of transmitting, relaying or receiving television, radio, microwave and other similar signals. Included are such items as antennas and satellite dishes. Communication Towers are regulated by Industry Canada, however municipal consultation is required and considerations respected.

COMMUNITY BUILDINGS and FACILITIES means buildings and facilities which are available for the use and enjoyment to the inhabitants of the municipality and the rural area for the purposes of assembly, culture and recreational activity.

CONDOMINIUM means a condominium plan registered in a Land Titles Office that complies with the requirement of the Alberta Condominium Property Act.

CORNER means the intersection of the side and front property lines.

CORNER LOT means a lot or site located at the intersection of two public roadways.

COUNCIL means the duly elected Council of the Village of Hussar.

COVERAGE OF SITE means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at 0.61m above grade, including open or covered porches or verandas, covered terraces, and all other spaces within a building, excluding steps, eaves, cornices and similar projections, and unenclosed inner and outer courts which are less than 0.61m above grade. Where any building or structure projects beyond the coverage of the building or structure measured at 0.61m above grade, the coverage shall then include such projection.

CULTURAL ESTABLISHMENT means a development which is available to the public for the purpose of assembly, instruction, cultural or community activity and include such things as a library, museum, art gallery and similar activities. Religious institutions are not included in this category.

DECK means an open-sided platform adjoining a building and the height of which is greater than 0.6m from grade.

DENSITY means a measure of development intensity expressed as a ratio of either the number of dwelling units to lot area or number of people to lot area.

DESIGNATED OFFICER(S) means those persons designated by Bylaw under the Act and for the purposes of this Bylaw are the Development Officer, Subdivision Officer and/or the Chief Administrative Officer of the Village of Hussar.

DEVELOPED SITE means, in the case of:

- (a) residential districts or parcels: the parcel has a habitable dwelling constructed on it;
- (b) industrial, commercial and recreational districts or parcels: the lot has a principal building constructed on the parcel or the parcel is occupied by its prime use as specified in the Development Permit issued for the parcel; or
- (c) agricultural district or parcel: the parcel is used for extensive or intensive agricultural purposes or the parcel is occupied by its prime use as specified in the Development Permit issued for the parcel.

DEVELOPMENT means:

- (a) an excavation or stockpile and the creation of either of them;
- (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;
- (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 use of the land or building; or (d) a change in the intensity 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 intensity of use of the land or building.

DEVELOPMENT AUTHORITY means a person, or persons, appointed as the Development Authority by Bylaw.

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 and or 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 (if required for the project).

DEVELOPMENT IMPACT ASSESSMENT (DIA) means a statement prepared by a professional with expertise in environmental conditions on the effect a development proposal and other major actions would significantly have on the environment.

DEVELOPMENT OFFICER means the person designated by Bylaw as a Development Officer pursuant to this Land Use Bylaw.

DEVELOPMENT PERMIT means a document authorizing a development, issued by a Development Officer, pursuant to this Bylaw, or any other legislation authorizing development within the Village of Hussar and includes the plans and conditions of approval.

DISCRETIONARY means in the context of this Bylaw, that the approving authority may or may not issue a permit, order or notice with or without conditions in consideration of the site and surrounding area characteristics and the suitability of the development in that location.

DISCRETIONARY USE means a use of land or of a building which is listed in the section captioned "Discretionary Uses" within the applicable Land Use District for which a Development Permit may be issued, with or without conditions, by the approving authority.

DRINKING ESTABLISHMENT means an establishment licensed by the Alberta Liquor Authority where alcoholic beverages are served for on-site consumption.

DWELLING, APARTMENT means a building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances.

DWELLING, ATTACHED HOUSING means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall with each unit having separate entrances from grade level. For purposes of this Bylaw, Garden, Linked, Row and Townhouse units which meet these criteria are considered to be attached housing.

DWELLING, DUPLEX means a building containing two dwelling units, one above the other or side by side.

DWELLING GROUP means two or more buildings, each containing one or more dwelling units, located on a site or a number of adjoining sites, where all buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development.

DWELLING - MANUFACTURED HOME means a detached dwelling built in an enclosed off-site factory environment in one or more sections and intended to be occupied in a location other than where it was manufactured. Manufactured homes include homes that are completely self-contained single section dwelling units or are incomplete multi-section modules that are placed together and completed on-site. A manufactured home is transported to the building site on dollies (wheels) or a flat bed truck and after placement, the dollies are removed from the site. Manufactured homes may be constructed to either the C.S.A. Z240 or C.S.A. A277 Standards.

DWELLING - MODULAR HOME 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 existing surrounding buildings and shall meet the requirements listed in General Regulations.

DWELLING, MOVED ON means a single detached dwelling that has previously been lived in or used as a residence or other purpose in a previous location that has been relocated to a new parcel for use as a dwelling.

DWELLING – READY-TO-MOVE (RTM) means a newly constructed, single detached dwelling that is constructed in an off-site location in accordance with the Alberta Building Code and moved to the site to be set on a permanent foundation and is similar in function and appearance to a conventional built-on-site dwelling.

DWELLING, SINGLE DETACHED means a building which is constructed on site in conformance with the Alberta Safety Code and contains only one dwelling unit and, except as otherwise allowed in this Bylaw, is used for no other purpose.

DWELLING UNIT means a set or a suite or rooms operated as a house keeping unit, used or intended to be used as a domicile for one family, containing cooking, eating, sleeping and sanitary facilities and having a separate entrance controlled by the person occupying the unit.

EASEMENT means a right to use land generally for access to other property or as a right-ofway for a public utility in accordance with the Land Titles Act.

EATING ESTABLISHMENT means an establishment where food and beverages are prepared and served on the premises for sale to the public and includes restaurants, delicatessens, cafeterias and tea rooms. For purposes of clarification, the service of alcoholic beverages is classified under the separate use class of “drinking establishment”.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) means a statement prepared in

accordance with the Alberta Environmental Protection Legislation on the effect of a development proposal and other major actions which significantly affect the environment.

EQUIPMENT RENTAL SHOP means a development for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.

ESSENTIAL PUBLIC SERVICE means a service which is essential to the health and safety of the municipality. This includes, but is not limited to, police stations, ambulance services, fire halls and hospitals.

EXISTING means existing as of the date of adoption of this Bylaw.

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.

FABRIC COVERED BUILDING means a steel-framed, fabric-membrane pre-engineered building for temporary or permanent industrial, commercial and agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas and event centers.

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

FIRE SEPARATION means a construction assembly that acts as a barrier against the spread of fire and may be required to have a fire resistance rating.

FIRE WALL means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire resistance rating.

FRAGMENTED LAND means an area of land that is severed or separated from the lands held in title by a public roadway, railway, river or other permanent water body shown on a registered township plan or appears as an exception on the Certificate of Title.

GARDEN SUITE means a temporary moveable single detached dwelling which is the second dwelling unit on the lot. Garden suites may be occupied by elderly or disabled relatives of the owner of the principal residence and the unit is removed when it is no long required for the purpose in which it was permitted.

GAS BAR means premises used or intended to be used for the sale of gasoline, lubrication oils and associated automotive fluids only.

GRADE means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls.

GRADIENT means the relationship of the vertical distance of a slope to its horizontal distance.

GREENHOUSE, PRIVATE means an accessory building designed and used for growing plants for domestic rather than commercial use.

GROUP CARE FACILITY means a facility which provides resident services to seven (7) or more individuals. These individuals are handicapped, aged or disabled and/or undergoing rehabilitation and are provided services to meet their needs. This category includes supervised

uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.

GROUP HOME means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults.

GROSS FLOOR AREA means the total floor area of each floor of a building measured to the outside of surface of the exterior walls or, where the buildings are separated by fire walls, to the center line of the common wall.

HABITABLE FLOOR AREA means any finished floor area intended primarily for human occupancy.

HEAVY MANUFACTURING means the manufacture of products where 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.

HOLIDAY TRAILER or TRAVEL TRAILER means a transportable unit designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks) which is designed, constructed or reconstructed in such a manner as to permit its use for temporary dwelling accommodation for travel and recreational purposes only and does not include a manufactured home.

HOME OCCUPATION means:

- (a) a development consisting of the use of a part of a dwelling as a professional or business office for gain or support which is limited to office purposes. Typical uses would include contractors, accountants and catalogue sales where there is no warehousing of goods and no client contact in the home;
- (b) a development consisting of the use of a dwelling for an occupation, trade or craft for gain or support with a limited amount of client contact in the home and with limited inside storage on site. Typical uses include those listed in (a), dressmaking, hair dressing, domestic home crafts, the manufacture of novelties, souvenirs, and handicrafts as an extension of a hobby, and individual instruction to music students; or
- (c) a development consisting of the use of a dwelling to accommodate small start-up businesses for a limited period of time with limited inside storage on site and no client contact in the home. Small business occupations are small in scale and compatible with a residential area. The intent of this use class is to allow new businesses to start which will ultimately relocate to non- residential districts.

HOTEL or MOTEL means a building used primarily for sleeping accommodation and ancillary services provided in rooms, or suites of rooms, which may contain bar and/or kitchen facilities. The building may also contain commercial or other uses and may, or may not, offer such additional services as eating and drinking establishments, meeting rooms, personal service shops and managers suite/dwelling accommodation or public convention facilities.

LANDSCAPED AREA means an area designed, constructed and laid out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing and walks.

LAND USE DISTRICT – COMMERCIAL DISTRICT means a district in which the primary land use is for commercial activities.

LAND USE DISTRICT – COMMUNITY SERVICE DISTRICT means an area of land set aside for use by community service buildings and organizations.

LAND USE DISTRICT – INDUSTRIAL GENERAL DISTRICT means a district zoned for the purpose of industrial development.

LAND USE DISTRICT – RESIDENTIAL DISTRICT means a district where people live and is primarily occupied by private, single family residences.

LAND USE DISTRICT – RESIDENTIAL MANUFACTURED HOME DISTRICT means a district where people live and is primarily occupied by manufactured homes.

LAND USE DISTRICT – URBAN RESERVE DISTRICT means an area of protected land or water on which development is indefinitely set aside.

LAND USE MAP means a map dividing the Municipality into certain land use districts.

LANDSCAPING means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; or
- (b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood.

LANE means a public thoroughfare with a right-of-way width of not greater than 9m (30ft) and not less than 6m (20ft) which provides a secondary means of access to a site or sites.

LIGHT MANUFACTURING means the assembly or packaging of articles from previously prepared materials but does not include uses which may be obnoxious by reason of emission of odors, dust, noise, smoke or vibrations.

LIQUOR STORE means a use where alcoholic beverages are sold for consumption from a retail outlet premises that has been licensed by the Alberta Gaming and Liquor Commission.

LOADING SPACE means a space for parking a commercial vehicle while being loaded or unloaded.

LOCAL ROADWAY or STREET means a street or roadway that provides unrestricted direct access to and connects with collectors and other local roadways.

LOT means that area contained within the boundaries of a lot as shown on a Plan of Subdivision or as described in a Certificate of Title.

LOT COVERAGE means that portion of lot area covered by the principal building, accessory buildings or other similar covered structures.

LOT FRONTAGE means the shortest lot line which abuts a street, other than bridge, lane, or walkway and in the case of a lot which has two equal lot lines, each of which abut a street, other than a bridge, lane or walkway, means the street to which the lot has been municipally addressed.

LOT LINE means a legally defined limit of any lot. “Boundary”, “boundary line” and “property line” have a corresponding meaning.

LOT WIDTH means the distance between the side property lines of the lot and measured at right angles from the mid-point of the shortest side property line.

MUNICIPALITY means the Municipal Corporation of the Village of Hussar and where the context requires, means the area of land contained within the boundaries of the Municipality’s corporate limits at the time of adoption of this Bylaw, or as included by any subsequent annexation.

MUNICIPAL PLANNING COMMISSION (MPC) means the Village of Hussar Municipal Planning Commission established by Bylaw pursuant to the Act.

MUNICIPAL RESERVE PARCEL means the land designated to be a municipal reserve by a condition of subdivision approval granted pursuant to the Municipal Government Act, or land designated and registered in Land Titles as “Municipal Reserve”, ”Park”, “Reserve” or “Community Service Reserve” under former legislation.

NATURAL RESOURCE EXTRACTIVE INDUSTRIES means industries engaged in the extraction of natural resources such as timber, clay, sand, gravel, limestone, shale, coal and other minerals including petroleum and natural gas which may include bringing these together with other elements such as power or water into integrated processes for the purpose of primary treatment into a marketable form of the resource being extracted.

NET FLOOR AREA means the gross floor area defined by the outside dimensions for each floor minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms and workrooms.

NON-CONFORMING BUILDING means a building that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or the land on which the building is situated becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use 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 a Land Use Bylaw affecting the land or building becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

OCCUPANCY means the utilization of a building or land for the use of which it was approved.

OCCUPANCY PERMIT means a permit issued under the Alberta Safety Codes Act for the right to occupy or use the bay, building or structure for the use intended.

OFFICES (ADMINISTRATION, BUSINESS, PROFESSIONAL) means a facility for the provision of professional, management, administrative, consulting and financial services such as offices for clerical, secretarial, employment, telephone answering and similar office support

services, offices of lawyers or accountants, banks or other financial institutions, and offices for real estate and insurance firms. Medical clinics are not included in this category.

PARAPET means a low wall or railing to protect the edge of a roof.

PARCEL means the aggregate of one or more areas of land described in a Certificate of Title or by reference to a plan filed or registered in the Land Titles Offices.

PERMITTED means, in the context of this Bylaw, that the approving authority must issue a permit, order or notice.

PERMITTED USE means the use of land or a building which is listed in the section captioned “Permitted Uses” within the applicable Land Use District for which a Development Permit shall be issued by the approving authority upon the development meeting all other requirements of this Bylaw. The approving authority may impose such conditions necessary to ensure compliance with the requirements of the Bylaw.

PERSONAL SERVICE SHOP means a development used for the provision of personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This use class includes but is not limited to such uses as photography studios, tailors, dry cleaning establishments and hair and nail studios.

PLAN OF SUBDIVISION means plans, maps or drawings, drawn to scale, which show the divisions of a piece of land.

PRINCIPAL BUILDING means a building that, in the opinion of the Development Officer occupies the major or the central portion of the site, is the main building on the site and constitutes by reason of its use, the primary purpose for which the site is used.

PRINCIPAL USE means a use of a site or building which in the opinion of the Development Officer constitutes the primary purpose for which the site is used.

PRIVATE SCHOOL means a school, other than a school operated by a School Board under the School Act that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

PUBLIC OR QUASI-PUBLIC BUILDINGS, INSTALLATIONS AND FACILITIES means installations and facilities owned or operated by, or for, the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute for the purpose of furnishing services or commodities to, or for the use of, the inhabitants of the municipality.

PUBLIC ROADWAY means any street, avenue, service roadway, arterial, collector roadway or local roadway shown as a road allowance on a township survey or registered in Land Titles, or secondary road as defined in the Public Highway Development Act but does not include a lane or controlled highway or expressway.

PUBLIC UTILITY means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) waterworks;
- (b) sewage disposal;
- (c) public transportation operated by, or on behalf of, the municipality;
- (d) irrigation;

- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat; and
- (i) waste management;

and includes the thing that is provided for public consumption, benefit, convenience or use.

PUBLIC UTILITY BUILDING means the building in which the proprietor of a public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility.

RECREATION FACILITIES - PUBLIC means any development providing amusement, active or passive recreation and enjoyment to the citizens of a municipality and any such facility is owned and operated by the Municipal, Provincial or Federal government.

RECREATIONAL VEHICLE means a portable structure designed and built to be carried on a vehicle, or an unit designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and recreational purpose and includes, but is not limited to, such vehicles as a motor home, camper, holiday (travel) trailer and a tent trailer, but does not include a mobile home. “Holiday trailer” or “travel trailer” have a corresponding meaning.

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 and geothermal energy;
- (b) that may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority; and
- (c) may provide residual power to the grid but is not intended to produce power primarily for resale.

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail prices and includes storage on, or about, the store premises of limited quantities of such goods, wares, merchandise, substances, articles, or things sufficient to service such store but does not include any retail outlet otherwise listed or defined in this Bylaw.

SCREENING means a fence, earth berm, or hedge used to visually separate areas of function, which in the opinion of the Development Officer, detract from the urban street or neighboring land uses.

SECONDARY SUITE means an accessory dwelling unit that is located as part of the same building as a single detached dwelling that is owner occupied and which meets the requirements and regulations of this Bylaw and shall only be approved as one of the following:

- (a) Secondary Suite – Attached Above Grade: where the secondary suite is located above the first storey of a single detached dwelling;

- (b) Secondary Suite – Attached Below Grade: where the Secondary Suite is located below the first storey of a single detached dwelling; or
- (c) Secondary Suite – Accessory Building: where the Secondary Suite is a separate building or as a part of an accessory building and located on the same parcel as a single detached dwelling.

SENIOR CITIZEN means a person whom is eligible to obtain senior citizen benefits, allowances and pensions as defined by Federal and Provincial legislation and policy. The age criteria is normally a person who is 65 years of age or older.

SENIOR CITIZEN ACCOMMODATION means a dwelling unit or accommodation sponsored and administrated by any public agency or any nonprofit organization, either of which obtains its financial assistance from government funding, donations or any combination thereof. Senior citizen accommodation may include lounge, dining, healthcare and recreation facilities. Senior citizen homes, extended health care facilities for seniors and senior health care facilities have corresponding meanings.

SERVICE STATION means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

SERVICED LOT means a site which is connected to and serviced by the municipality's sewage and water work system.

SHOPPING CENTRE means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided.

SIGN means anything that serves to indicate the presence or the existence of something including, but not limited to, a lettered board, structure or trademark displayed, erected, or otherwise developed and used, or intending to identify, advertise or give direction.

SIGN, ADVERTISING means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.

SIGN, AWNING means a retractable, cloth-like or light weight metal shelter projecting from a building.

SIGN, CANOPY means any sign attached to, or constructed in or on canopy.

SIGN, COPY AREA means the area of the smallest geometric figure which will enclose the actual copy of a sign.

SIGN, DIRECTIONAL means a sign that contains no advertising and directs the public or denotes the name of any thoroughfare, route, educational institution, public building or facility or a sign that directs and regulates traffic.

SIGN, FASCIA means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached.

SIGN, FREESTANDING means a sign supported independently of a building, wall or structure. It is supported by one or more columns, uprights or braces in, or upon, grade. **SIGN, IDENTIFICATION** means a sign which contains no advertising, is limited to the name,

address and number of a building, institution or the occupation of person and is placed on the premises which it identifies.

SIGN, PORTABLE means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported including, but not limited to, a sign designed to be moved on wheels, signs converted to A or T-frames, sandwich boards, balloons or inflatable devices used as signs and signs attached to, or painted, on vehicles parked and visible from a public roadway unless said vehicles are used in the normal day to day operation of that business.

SIGN, PROJECTING means a sign other than a canopy or awning sign which projects from a structure or a building face or wall.

SIGN, REAL ESTATE means a temporary sign identifying real estate that is for sale, lease, rent or sold.

SIGN, ROOF means any sign erected upon, against or above a roof or a parapet of a building.

SIGN, TEMPORARY means a sign which is in place for a predetermined period of time as specified in the Development Permit decision.

SIGN, WALL means any sign attached to a wall of a building in such a manner that its leading edge is 0.2m or less from the supporting wall and includes menu display boxes.

SIGN, WINDOW means any sign, either painted on, attached to, or placed inside a window for the purpose of viewing from outside the premises.

SITE means a quarter section, 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, 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 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.

SITE AREA means for purposes of development or subdivision, the total horizontal area of a site contained within an existing or proposed boundary of a lot. A bareland condominium unit is considered to be a site for purposes of this Bylaw.

SITE, CORNER means a site where the front and a side property lines abut one or more street(s).

SITE, REVERSED CORNER means a corner site, the rear of which abuts the side of the site immediately to its rear, with or without an intervening lane or an alley.

SITE, DEPTH OF means the mean horizontal distance between the front and the rear boundaries of the site.

SITE, INTERIOR means a site which is bounded by one street.

SITE, KEY means an interior site lying immediately to the rear of a reversed corner site or corner site.

SITE PLAN means a plan, drawn to scale, showing the boundaries of the site, the location of all existing and proposed building upon that site, the use or the intended use of the portions of the site on which no buildings are situated and showing fencing, screening, grassed areas and the location and species of all existing and proposed shrubs and trees within the development. **SITE,**

WIDTH OF means the average horizontal distance between the side boundaries of a site.

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 offgrid, 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 of a Small Wind Energy System.

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 of a Small Wind Energy System.

SMALL WIND ENERGY SYSTEM – VISUAL IMPACT means the impact of the visibility of a Small Wind Energy System’s turbines 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.

SMALL WIND ENERGY SYSTEM – SHADOW FLICKER means the repetitive moving shadows or reflection cast from the rotor blades of a Small Wind Energy System as they pass through the sunlight. This effect is generally the greatest at the winter solstice (December 21st) where the sun angle at noon is 15 degrees above the horizon. The greatest effects will be to the north of the tower location. At the winter solstice the shadow may cast up to 3.6 times the tower height.

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 site:

- (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 serviced, cleaned or repaired;
- (c) that may involve the storage of construction materials; and
- (d) that does not involve 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.

STOREY means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.

STOREY, FIRST means the storey with its floor closest to grade and having its ceiling more than 1.8m (6ft) above grade.

STOREY, SECOND means the storey located immediately above the first storey. **STREET** means a public thoroughfare, including a bridge, affording the principal means of access to

abutting sites and includes the sidewalks and the land on each side of, and contiguous, to, the prepared surface of the thoroughfare.

STREET, LOCAL OR RESIDENTIAL means an undivided roadway where all intersections are at grade, having direct access permitted from adjacent properties and is designed to permit low speed travel within a neighbourhood.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUBDIVISION means the division of a parcel by an instrument and the word “subdivide” has corresponding meaning.

SWIMMING POOL means an artificial body of water, excluding ponds, of more than 10m² in area, to be used for swimming, bathing or diving.

TEMPORARY means a limited period of time as decided by the Development Authority.

TEMPORARY BUILDING means a building, other than a manufactured home, constructed without any foundation below grade or any other building determined by the Development Officer to be temporary as a condition to the issuance of the Development Permit.

TEMPORARY USE means a proposed land use or development where the intent is to operate the land use or structure for a specified period of time, not to exceed one (1) year, unless otherwise approved by the Development Authority in consideration of a land use that is temporary but has longer term requirements due to the specific use or project. Any temporary development permit application will state a date on which the development will cease.

Temporary Uses shall be considered a discretionary use in all Land Use Districts.

TRADESMAN’S SHOP means an establishment for the operation of a trade including, but not limited to, a painter, electrician, upholsterer, printer and appliance repair shop but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke, noise or vibration.

USE, CHANGE OF means the conversion of land or a building, or portion thereof, from one land use activity to another in accordance with the permitted or discretionary use as listed in each Land Use District.

VILLAGE means the Village of Hussar in the Province of Alberta.

WALKWAY means a public right-of-way for pedestrian use on which no motor vehicles are allowed.

WAREHOUSE or WAREHOUSING means the use of a building for the storage of materials, products, goods or merchandise.

WORKS means any fence, landscaping, landscape vegetation, sidewalks, pathways, roads or other public or private utilities associated with and required for a development.

WORSHIP FACILITY means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques and synagogues.

YARD means any open space on a site, occupied and unobstructed and generally is the distance between the property or lot boundary to the foundation of the principal structure and the exterior

finishing materials of accessory buildings as prescribed in the Land Use District yard setback distance.

YARD, FRONT means the narrowest portion of the lot fronting onto a public road way and is determined by the majority of the lots with their narrowest widths fronting onto the road way.

YARD, REAR means the yard which extends between the rear boundary of a site and the rear yard setback as prescribed in the district.

YARD, SIDE means a yard which extends between the side boundary of a site and the side yard setback as prescribed in the district.

PART 3

Administrative Agencies

3.1 Development Authority

The Development Authority shall exercise development powers and perform duties on behalf of the Municipality in accordance with Part 17, Division 3 of the Municipal Government Act and may include:

3.1.1 Development Officer

- (a) the office of the Development Officer is hereby established to act on behalf of Council in those matters delegated by this Bylaw and in such matters as it may instruct from time to time;
- (b) 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;
- (c) the Development Officer shall perform duties as are specified in **Section 4.4** of this Bylaw; and
- (d) the Development Officer is the Chief Administrative Officer.

3.1.2 Municipal Planning Commission

The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Section 4.4** of this Bylaw. The Municipal Planning Commission is the duly elected Council for the Village.

3.1.3 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part 5** of this Bylaw. The Subdivision and Development Appeal Board is comprised of citizens of the Village and may not include members of the Municipal Planning Commission or the Development Officer.

3.1.4 Subdivision Authority

The Subdivision Authority, as established by Council, shall perform duties on behalf of the Municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant Village of Hussar planning documents. The Subdivision Authority is the duly elected Council of the Village and Palliser Municipal Services.

3.2 Development Authority – Powers and Duties

3.2.1 The Development Authority must administer this Bylaw and decide upon all Development Permit applications.

3.2.2 The types of Development Permit applications a Development Authority may consider in accordance with **Part 4** are Development Permits for:

- (a) a permitted use that complies with all requirements of this Bylaw;
- (b) a permitted use that does not comply with all requirements of this Bylaw;
- (c) a discretionary use that complies with all requirements of this Bylaw; or
- (d) a discretionary use that does not comply with all requirements of this Bylaw.

3.2.3 Unless otherwise referenced in **Part 4**, the Development Authority must not approve a Development Permit for an addition or structural alteration to a nonconforming building.

3.2.4 The Development Authority may refuse to accept a Development Permit application where:

- (a) the information required by **Part 4** is not provided;
- (b) the quality of the information provided is inadequate to properly evaluate the application; or
- (c) the fee for a Development Permit application has not been paid.

3.3 Subdivision Authority – Powers and Duties

3.3.1 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 Wheatland County when the original parcel boundaries are adjacent to the municipal boundary or where an inter-municipal 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 Wheatland County;
- (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 effect 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; and
- (m) appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

PART 4
Development

4.1 Development Permits Required

No development other than those designated in **Section 4.2** below shall be undertaken within the Municipality unless an application for it has been approved and a Development Permit has been issued.

4.2 Development Permits Not Required

4.2.1 A Development Permit is not required in respect of the following developments but such developments shall comply with all relevant provisions of this Bylaw:

- (a) works of maintenance, repair or alternation, on a structure, both internal and external, if in the opinion the Development Officer, such work:
 - (i) does not include structural alterations;
 - (ii) does not change the use or intensity of the use of the structure; and
 - (iii) is performed in accordance with obligatory legislation or other government regulations;
- (b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - (i) the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
 - (ii) the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
- (c) the use of any building referred to in **Section 4.2.1 (b)** for the purpose for which construction was commenced;
- (d) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of the construction;
- (e) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- (f) the use by the Municipality of land which the Municipality is the legal or equitable owner for a purpose approved by a simple majority vote of

- Council in connection with any public building, facility or installation by the Municipality;
- (g) the use of a building or part thereof as a temporary polling station for a Federal, Provincial or Municipal election or referendum or plebiscite;
 - (h) one temporary, on-site freestanding or fascia sign which does not exceed 1m² in area nor 1m in height and is intended for;
 - (i) advertising the sale or lease of a dwelling unit, or property for which a Development Permit has been issued for the development on the said property;
 - (ii) identifying a construction or demolition project for which a Development Permit has been issued for such a project;
 - (iii) identifying a political campaign: such a sign may be displayed in accordance with elections regulations; or
 - (iv) advertising a campaign or drive which has been approved by Council: such a sign may be posted for a maximum period of fourteen (14) days;
 - (i) Municipal signs used to indicate street names and traffic control;
 - (j) the construction, maintenance and repair of private walkways, private pathways, private driveways and similar works;
 - (k) the construction or installation of public roadways, walkway, utilities or grading of the site or removal, or stockpiling of soil, when a development agreement has been signed as a condition of subdivision approval, and the undertaking of any or all of the aforementioned works have been authorized by Council;
 - (l) the erection, construction or replacement of one (1) garden/tool shed per site, which does not exceed 10.5m² (113sq ft) in floor area and 2.5m (8.2ft) in height;
 - (m) 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 1.2m (4ft) in height in front yards and less than 2m (6.56ft) for side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure;
 - (n) one on-site fascia sign which does not exceed 0.185m² (2ft²) in area for any of the following buildings: single detached dwelling, semi detached or duplex, row house, apartment or townhouse and states no more than:
 - (i) the name and address of the building; or
 - (ii) the name of the person(s) occupying the building.

4.3 Application Requirements

4.3.1 An application for a Development Permit for new construction or an addition or change of use of an existing structure shall be made to the Development Officer using the prescribed form, signed by the owner or his/her agent and accompanied by:

- (a) two (2) copies of the application form and site plan, preferably drawn to scale, which show 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) floor plans, elevation and exterior finishing materials;
 - (iv) locations and distances of on-site existing or proposed water and sewer connections, septic tanks, disposal fields, water, wells, culverts and crossings;
 - (v) site drainage, finished lot grades, the grades of the roads, streets and sewers servicing the property;
 - (vi) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping and other physical features;
 - (vii) information on the method to be used for the supply of potable water and disposal of wastes along with supporting documentation; and
 - (viii) existing and proposed access and egress to and from the site;
- (b) where applicable, the cutting down or removal of trees;
- (c) on applications for signs, a replica of the proposed sign drawn to scale;
- (d) the estimated commencement and completion dates;
- (e) a statement of ownership of the land and interest of the applicant therein; and
- (f) the Development Permit fee as prescribed by Council.

4.3.2 In addition to the information required under **Section 4.3.1**, the following information is required on applications for:

- (a) multi-family, commercial, industrial, recreational and institutional uses:
 - (i) loading and parking provisions;
 - (ii) garbage and storage areas and the fencing and screening proposed for same;
 - (iii) location and approximate dimensions of all existing and proposed trees, shrubs, parks, playgrounds etc; and
 - (iv) a development impact assessment statement clearly describing how the potential impacts of the proposed development on adjacent lands will be dealt with and how the proposed facilities have been designed to minimize such disturbances.

4.3.3 The Development Officer may require additional information or additional copies of the plan and specifications as is deemed necessary.

4.3.4 The application shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.

4.4 Deciding on Development Permit Applications

4.4.1 The 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 comply with the minimum standards for that district;
- (b) refer, at his or her discretion, a Development Permit application for an industrial development for comments to those authorities (provincial and regional) where interest or jurisdiction may be affected;
- (c) refer, with his or her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a Development Permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
- (d) refer to the Municipal Planning Commission, at his or her discretion any application which in his/her opinion should be decided by the Commission; and
- (e) the Development Officer must collect fees according to the scale approved by resolution of Council.

4.4.2 The Municipal Planning Commission shall:

- (a) decide on applications for Development Permits for those Discretionary Uses referred by the Development Officer in the relevant Land Use District;
- (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application; and
- (c) when making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission must take into account:
 - (i) any plans and policies affecting the parcel;
 - (ii) the purpose statements in the applicable Land Use District;
 - (iii) the appropriateness of the location and parcel for the proposed development;

- (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
- (v) the merits of the proposed development;
- (vi) utility and servicing requirements;
- (vii) access and transportation requirements;
- (viii) vehicle and pedestrian circulation within the parcel; and (viii)
sound planning principles.

4.4.3 An application may be approved where the proposed development does not comply with the minimum or maximum requirements of any district in this Bylaw if, in the opinion of the Municipal Planning Commission, the proposed development would not unduly interfere with the amenities of the neighborhood, materially interfere with or affect the use, enjoyment or value of the neighboring properties and the amount of variance does not exceed 20% of the requirements in any district.

4.4.4 In addition to **Section 4.4.2 (c)**, the Development Authority, with respect to a Discretionary Use, may impose such conditions as deemed appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to, the following conditions:

- (a) limiting hours of operation;
- (b) limiting number of patrons;
- (c) establishing landscaping requirements;
- (d) requiring noise attenuation;
- (e) requiring special provisions be made for parking;
- (f) regarding the location, character and appearance of a building;
- (g) regarding the grading of a site or such other procedures as is
necessary to protect the site from other developments or to protect other developments from the site;
- (h) establishing the period of time during which a development may continue; and
- (i) ensuring the development is compatible with surrounding development.

4.4.5 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 or Discretionary Uses prescribed for that Land Use District.

- 4.4.6 The 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 and/or to pay an off-site levy or redevelopment levy imposed by Bylaw.
- 4.4.7 If a Development Permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for twelve (12) months after the refusal.
- 4.4.8 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 with the Development Officer to extend the 40 day time period.
- 4.4.9 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.

4.5. Development Permit Application Referrals and Notices

- 4.5.1** Upon receipt of a complete application for development for a use listed as a discretionary use or that requires a relaxation, the Development Authority may at their discretion, provide written notice to all adjacent landowners or a greater circulation area if potential for conflict is deemed to be probable.
- 4.5.2** Refer at the Development Authority's discretion, a Development Permit application for comments to any officer, individual, group, department, agency (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected.
- 4.5.3** The notice shall indicate the location and nature of the development proposal, the time and date a decision will be rendered on the application, copies of relevant drawings, contact information and a final date to submit comments.
- 4.5.4** After a minimum fourteen (14) days from the date of referral to any department or individual and/or to any other provincial, federal, or external agency the Development Officer may present the application to the Municipal Planning Commission, whether or not comments or recommendations have been received.

4.5.5 The Development Officer shall disclose to the Municipal Planning Commission whether a circulation was performed in regards to a Development Permit application for a discretionary use or an application that requires a relaxation and the extent of the circulation area.

4.5.6 In cases where the Development Officer has rendered a decision, this decision shall be circulated to the Municipal Planning Commission for their information.

4.6 Development Permit Notification of Decision

4.6.1 A Development Permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Subdivision and Development Appeal Board within the fourteen (14) day appeal period for a discretionary use or a permitted use where a relaxation of Bylaw requirements has been applied. The appeal period is deemed to be an additional five (5) days if the decision is mailed. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

4.6.2 A Development Permit granted pursuant to this Bylaw for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.

4.6.3 Where an appeal is made pursuant to **Part 4.4.2 (iv)** of this Bylaw, a Development Permit which has been granted shall not come into effect until the appeal has been determined. The Subdivision and Development Appeal Board may approve or refuse the permit application in accordance with the Municipal Government Act and this Bylaw.

4.6.4 When a Development Permit decision has been made, the following notification procedures shall be followed:

- (a) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected land owners;
- (b) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;
- (c) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made and in the Village Office and Post Office;
- (d) a notice, in writing, shall be mailed to all adjacent landowners and

to all registered owners of land whom, in the opinion of the Developer Officer, may be affected; and/or

- (e) a notice shall be immediately published in a newspaper or newsletter circulating in the Municipality stating the location of the property for which the application has been made and the use approved.

4.6.5 A decision by the Development Authority on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.

4.6.6 When the Development Authority refuses an application for a Development Permit, the decision shall contain the reasons for the refusal.

4.6.7 If after the issuance of a Development Permit it becomes known to the Development Authority that:

- (a) the application for a Development Permit contains a misrepresentation;
- (b) relevant facts which should have been disclosed at the time of consideration of the application for the Development Permit were not mentioned;
- (c) the Development Permit was issued in error;
- (d) the requirements or conditions of the Development Permit have not been complied with; or
- (e) the applicant requests, by way of written notice to the Development Authority, the cancellation of the Development Permit, provided that commencement of the use, development or construction has not occurred;

the Development Permit may be suspended or cancelled by notice in writing, issued by the Development Authority to the applicant at the address given in the Development Permit application. Upon receipt of the written notice of suspension or cancellation, the applicant must cease all development and activities to which the Development Permit relates.

4.7 Development Permit Commencement and Completion

4.7.1 If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority. Development completion shall be determined by the completion date referenced on the Development Permit application or a completion date may be added as a Development Permit condition.

PART 5
Appeals

5.1 Appeal Procedure

5.1.1 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 an applicant within forty (40) days of receipt of the application;
- (b) issues a Development Permit subject to conditions; or
- (c) issues an order under **Section 6.4** of this Bylaw.

5.1.2 The person applying for a Development Permit or affected by the order, under **Subsection 5.1.1** or any other person complying with the appeal requirements as set out in the Act may appeal the decision or order to the Subdivision and Development Appeal Board.

5.1.3 An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, including the applicable fee to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) 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;
- (b) posted on the site of the property which is the subject of the application; or
- (c) received by the applicant; whichever of these occur first.

5.1.4 For the purpose of **Subsection 5.1.3 (c)**, the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

5.2 Public Hearing

5.2.1 Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.

5.2.2 The Subdivision and Development Appeal Board shall give at least five (5) days written notice of the public 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 were notified under **Subsection 4.5** 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; and

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

5.2.3 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 including:

- (a) the application for the Development Permit, its refusal and the appeal there from; or
- (b) the order of the Development Authority under **Section 6.4**, as the case may be.

5.2.4 At the public hearing referred to in **Subsection 5.2.1**, the Board shall hear:

- (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, or if a person is designated to act on behalf of the Development Authority, that person;
- (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
- (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or person acting on his or her behalf.

5.3 Decision

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

5.3.2 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 **Section 688** of 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 thirty (30) days after the issue of the order, decision, permit, or approval sought to be appealed.

PART 6 **Conditions, Enforcement & Administration**

6.1 Conditions of Approval

6.1.1 In their decision to approve an application for subdivision or development, the Subdivision or Development Authority may apply any or all of the following

conditions to ensure the application conforms to this Bylaw, Act or other legislation:

- (a) conditions to ensure compliance with the Act, any applicable statutory plan and this bylaw;
- (b) conditions requiring the applicant to enter into a service agreement or make satisfactory arrangements for the supply of gas, water, electric power, telephone, sewer service, vehicular, and pedestrian access any other utility service, or facility, including payment of installation or construction costs by the applicant;
- (c) a condition that the applicant enter into an agreement with the Municipality for any of the following:
 - (i) to construct or pay for the construction or improvement of a public roadway required to give access to the development or subdivision;
 - (ii) to construct or pay for the construction of a pedestrian walkway system to serve the development; or a pedestrian walkway that will connect the pedestrian walkway system serving the development or subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent system or subdivision, or both;
 - (iii) to specify the location, standard, and number of vehicular and pedestrian access locations to a site from public roadways;
 - (iv) to install or pay for the installation of utilities to municipal standards necessary to serve the development or subdivision;
 - (v) to construct or pay for the utilities, roadways, and improvements with an excess capacity;
 - (vi) to construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading and unloading facilities; and
 - (vii) to pay an off-site levy or redevelopment levy, or both, imposed by a Bylaw adopted pursuant to the Act.
- (d) a condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any roads, municipal signage, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged, destroyed, or otherwise harmed during construction of the development or subdivision;
- (e) a condition requiring security in the form of a letter of credit, performance bond, or cash deposit to carry out the terms of an agreement or any works associated with the installation and construction of streets, utilities, and landscaping or replacement of same for the development of the lot and

adjacent public roadways during and after its development for the amount of 125% of the total value of the work which is based upon an independent quotation of the value of the work covered by the agreement or such other amount as the Development Officer, Subdivision Approval Authority or Council may determine. The security is to be paid to the Municipality for its use in completing the terms of the agreement or works in the event of default by the applicant;

- (f) conditions requiring the applicant to provide a Letter of Credit in the amount of 125% of the estimated dollar amount required to complete any renovations as set out as a condition of approval of a Development Permit for the relocation of a building either on the same site or from another site;
- (g) conditions respecting the time within which a development or subdivision or any part of it is to be completed; and
- (h) conditions limiting the length of time that a Development Permit may continue in effect;
- (i) the phasing of development or subdivision;
- (j) the maximum density of dwelling units, persons or animals that may be allowed to occupy the site;
- (k) the placement of objects, buildings or structures, material or any other chattel, mechanism or device used in, for or the operation of the development.

6.1.2 The Municipality may register a caveat in respect of a Development Agreement under **Section 5.3.1(c)** against the parcel that is subject of the Development Permit or Subdivision Application. The caveat shall be discharged when the agreement has been complied with.

6.2 Compliance with Other Bylaws and Regulations

6.2.1 Compliance with the requirements of this Bylaw or the issuance of a Development Permit or an approval of a subdivision pursuant to the Bylaw does not afford relief from compliance with the Act or other Federal or Provincial Government legislation or other Bylaws and regulations affecting the development or subdivision in question. It is the applicant's responsibility to ensure that all required permits, licenses and authorizations from affected authorities are in place prior to the commencement of the development.

6.3 Right Of Entry

6.3.1 Right of Entry procedures are governed by the Act and must be consulted for full details. The following extract of **Section 541** from the Municipal Government Act is provided for information purposes only:

“541(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) Enter such land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- (b) request anything be produced to assist in the inspection, remedy, enforcement or action, and
- (c) make copies of anything related to the inspection remedy, enforcement or action.

541(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry:

541(3) In an emergency or in extraordinary circumstances the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection(1)(a) and (c) without the consent of the owner or occupant.”

6.3.2 The Development Officer, Subdivision Officer or such other designated person, is the “designated person” for the purposes of **Section 6.2.1**.

6.4 Bylaw Contravention

6.4.1 Orders and municipal actions to remedy contraventions are governed by the Act and must be consulted for full details. The following extracts of **Section 645** and **Section 646** of the Municipal Government Act are provided for information and continuity purposes.

“645(1) Notwithstanding **Section 545**, if a Development Authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part,
- or
- (b) a development permit or subdivision approval;

the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them to:

- (a) stop the development or use of the land or building in whole or part as directed by the notice;
- (b) demolish, remove or replace the development; or
- (c) carry

out any other actions required by the notice so that the development or use of the land or building complies with the Part, the land use bylaw or regulations under this part, a Development Permit or a Subdivision Approval, within the time set out in the notice.

645(2) A person who receives a notice referred to in **Subsection (1)** may appeal to the Subdivision and Development Appeal Board in accordance with **Section 685(3)**.

646(1) If a person fails or refuses to comply with an order directed to him under **Section 645** or an order of a Subdivision and Development Appeal Board under **Section 684**, the municipality may, in accordance with **Section 542**, enter on the land or building and take any action necessary to carry out the order.

646(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in **Subsection(1)** against the certificate of title for the land that is the subject of the order.

646(3) If a municipality registers a caveat under **Subsection(2)**, the municipality must discharge the caveat when the order has been complied with.”

6.4.2 A person who receives an order referred to in **Section 6.3.1** may appeal to the Subdivision and Development Appeal Board.

6.4.3 Whenever it appears to the Development Officer that a Development Permit has been obtained by fraud or misrepresentation or has been issued in error, the Development Officer may suspend or cancel the Development Permit.

6.5 Offences and Penalties

6.5.1 The authority regarding offenses and penalties of this Bylaw are governed by **Part 13, Division 4 and Division 5** of the Act and should be consulted.

6.6 Forms, Notices and Fees

6.6.1 For the purpose of administering the provisions of this Bylaw, Council, by resolution, may authorize the preparation and the use of such forms, notices and fee schedules as in its discretion it may deem necessary. Any such forms, notices or fees are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized, and issued.

6.6.2 The forms, notices, and fee schedules authorized by Council pursuant to this Bylaw may be posted, issued, mailed, served or delivered in the course of the Development Officer’s or Subdivision Officer’s duties.

6.6.3 The forms and notices used for the operation of this Bylaw are contained in **Appendix A** and are provided for information. The forms may be reproduced or photocopied for the purposes of submitting applications for development and subdivision, appeals, time extensions or amendments to this Bylaw, to the Municipality, its agencies, boards, and designated officers.

6.6.4 Council may update, replace or amend any forms, notices and fee schedules contained in **Appendix A** by a resolution and Bylaw passed in Council.

6.7 Amendments to the Land Use Bylaw

6.7.1 Any person may apply to have this Bylaw amended.

6.7.2 The Council may initiate amendments by its own resolution.

6.7.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:

- (a) the fee determined by the 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.

6.7.4 All amendments of this Bylaw shall be made by Council by Bylaw in conformity with the Act and the regulations.

6.7.5 The Council in considering an application for an amendment to this Land Use Bylaw shall refer a copy of the proposed amendment to:

- (a) Palliser Regional Municipal Services;
- (b) Wheatland County, if the proposed amendment affects land on a
boundary with Wheatland County, or may otherwise have
an effect within Wheatland County; and
- (c) such other persons or agencies as it considers necessary for
comment.

6.7.6 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 twelve (12) months from the date of refusal.

6.7.7 Prior to third reading of the proposed Bylaw amendment, Council may require the applicant to apply for a Development Permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

PART 7

General Land Use Rules

7.1 Site Dimensions

7.1.1 No permit shall be issued for any development on a site, the area of width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Office if all other requirements of this Bylaw and amendments hereto are observed.

7.2 Special Setback Requirements

7.2.1 A sign which is separate from a building must be located so as to comply with the front yard setback requirements applicable to the principal building unless otherwise provided.

7.2.2 The minimum distance required for yards do not apply to:

- (a) exterior finishing materials applied to principal buildings provided the material does not encroach more than ten (10) centimeters into any yard;
- (b) construction wholly beneath the surface of the ground; or (c) decks less than 0.6m (2ft) in height from grade.

7.2.3 Projections may be allowed to encroach into a yard as follows:

(a) Front Yards:

Eaves, balconies, bay windows, canopies, chimneys, unenclosed decks, fire escapes and porches may project a maximum of 0.6m (2ft) over or onto a required front yard.

(b) Side Yards:

Eaves, balconies, bay window, canopies, chimneys unenclosed decks, fire escapes and porches may project a maximum of 0.6m (2ft) over or onto a required site yard except that only eaves may project:

- (i) into a 3m (10ft) side yard required in a lane-less subdivision where no provision is made for a garage or carport to the front or side of a dwelling; or
- (ii) into a 3m (10ft) side yard required for vehicular access to the rear of the property.

7.2.5 In addition to those features listed in **Section 7.2.3** and **Section 7.2.4**, a projection into any designated yard may be allowed for a building feature such as cantilevered bays and sun windows, dining room alcoves and similar elements, provided the feature does not encroach more than 0.6m (2ft) into any yard and the projecting façade does not exceed:

- (a) 30% to a maximum of 3.6m (12ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard in which the feature is located for internal sites; or
- (b) 40% to a maximum of 4.5m (14.7ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard facing a street and in which the feature is located;

and such encroachment complies with the Alberta Safety Code Regulations.

7.2.6 Where the site is to be developed for a dwelling - duplex or row housing complex, the following exceptions apply:

- (a) where each half of a dwelling-duplex is to be contained on a separate parcel or title, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire separation;
- (b) where the dwelling units of a row house building are to be contained on separate parcels or titles, no side yards shall be required on either side. In the case of an internal dwelling unit. No side yard shall be required on the interior side of the end dwelling unit; and
- (c) such encroachment complies with the Alberta Safety Code Regulations.

7.2.8 Setbacks in excess of the minimum requirements may be required when deemed necessary by the Development Officer.

7.3 Height of Buildings

7.3.1 The base from which to measure the height of a building shall be the average elevation of the finished ground level adjoining all exterior walls of a building.

7.3.2 The height of buildings as specified in the General Land Use Rules of this Bylaw does not apply to antenna structures, communication towers and utility poles.

7.4 Utilities

7.4.1 Each unit of a semi-detached dwelling or attached housing complex shall be serviced individually and directly connected to the sewer, water, and gas utility lines located within the public right-of-way.

7.5 Parking and Loading Facilities

7.5.1 Parking and loading spaces shall be calculated on the basis of gross floor area, and unless otherwise stated, the required number of spaces shall be rounded up to the next whole number when a fractional number of 0.5 or greater occurs and rounded down when a fractional number of 0.49 or less occurs.

7.5.2 Where eating and drinking establishments are proposed, the gross floor area, excluding food and beverage preparation, washroom and storage areas shall be used for purposes of calculating parking requirements as follows:

- (a) a requirement of one space per 7m² (75.34 sq ft) based on this adjusted or net floor area.

7.5.3 Parking and loading spaces shall be provided on site in accordance with the following table:

Use of Building	Minimum Parking Spaces
Financial Institution	1 space/37m ² (398.28sq ft)
Building Supply Center/ Lumber Yards	5 space/ha 2 space/ac of site plus 1 space/37m ² (398.28sq ft)
Child Care Facility	1 space/employee plus 1 space for owner's vehicle
Drinking Establishment	See 7.5.2
Eating Establishment	See 7.5.2
Hotel/ Motel	1 space /sleeping unit plus 1 space/employee
Industrial Service Shop	1 spaces/ 46m ² (495.16sq ft)
Libraries	1 spaces/ 37m ² (398.28sq ft)
Medical Clinic	1 space/37m ² (398.28sq ft)
Manufacturing Plants	1 space/56m ² (602.79sq ft)
Office	1 space/37m ² (398.28sq ft)
Private Clubs, Lodges and Fraternal Orders	1 space/37m ² (398.28sq ft)
Public and Quasi-Public Buildings	1 space/28m ² (301.40sq ft) plus 1 space/employee
Recreation Facilities:	1 space/37m ² (398.28sq ft)
Recreation facilities with Seating	1 space/5 seats
Worship Facilities	1 space/8 patrons
Residential: 1 or 2 family	1 space/dwelling unit
Retail Stores and Service/ Repair Shops	1 space/37m ² (398.28sq ft)

Schools-Elementary	1 space/class
Junior High	4 spaces/class
Senior High	8 spaces/class
Senior Citizens Housing	1 space/2 units
Service Station	1 space/46m ² (496.16sq ft) total building are plus 3 spaces/repair bay
Warehouses	1 space/93m ² (1,001.04sq ft) plus 1 loading bay/1,858m ² (20,000sq ft) minimum of 1

7.5.4 Notwithstanding **Section 7.5.3**, the Development Office may require the developer to provide the required off-street parking on land other than that to be developed provided that:

(a) the alternate parking site is within an acceptable distance to the site where the principal building is located or where the approved use is carried on and is within the same district;

(b) the alternate parking site is under the absolute control of the developer, or his successor, to the principal development for a term of years equal to the life of the approved principal development and that the said alternate parking site will be maintained and made available at all times in a like manner to an on-site parking space; and

(c) the absolute control is established to the satisfaction of the Council when the developer or his successor is authorized by the Village to provide one or more alternative parking site, he shall enter into an agreement under seal with the Village detailing these and such other relevant things as the Village may require and the said agreement shall be in such form as may be registered and maintained on the title or titles to such lands in the Land Titles Office.

7.5.5 A parking space shall be located on the same site or a site within a distance acceptable to the Development Officer of the building or the use for which it is required and shall be designed, located, and constructed to the Village's standards so that:

(a) it is easily accessible to the vehicle intended to be accommodated there;

- (b) it is in conformity with the requirements as outlined in **Section 7.5.12** and the stall width, angle, and depth, along with the aisle width, are indicated on the site plan; and
- (c) it is satisfactory to the Development Officer in size, shape, location, grading, and construction.

7.5.6 A loading space shall have an area of not less than 28m² (301.4sq ft), 3.5 (11.48ft) in width, and 3.5m (11.48ft) overhead clearance,

7.5.7 Any parking space or any loading space provided shall be developed and surfaced to Village standards.

7.5.8 When a building is enlarged, altered or a change in the use occurs in such a manner as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, alterations or change in the use of the building.

7.5.9 Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer.

7.5.10 The on-site parking shall be provided in the manner shown on the approved site plan, with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site, and disposed of in a manner satisfactory to the Development Officer.

7.5.11 Parking spaces shall not be less than 2.5m (8.20ft) in width, 6m (19.69ft) in length, and 15m² (161.46 sq ft) in area.

7.5.12 Parking spaces shall be designed and provided in accordance with the following table and diagram.

WIDTH OF STALL m (ft)	ANGLE OF PARKING, DEG	WIDTH OF AISLE m (ft)	DEPTH OF STALL PERPENDICULAR TO AISLE m (ft)
2.5 (8.0)	30	3.5 (11.48)	5.1 (16.73)
2.5 (8.0)	45	3.5 (11.48)	6.0 (19.66)
2.5 (8.0)	60	5.5 (18.04)	6.4 (21)

7.5.13 Parking spaces shall not be located in the front yard of a site in any residential district unless otherwise allowed by the Development Officer.

7.6 Accessory Buildings

7.6.1 All accessory buildings shall be located at least 2m (6ft) from any principal building.

7.6.2 When a building used or proposed to be used as an accessory building is located or proposed to be located closer than 2m (6ft) to a dwelling unit, it shall be connected to that principal building by a structural element including, but not limited to, a common foundation, a common roof, and a common wall.

7.6.3 For the purpose of calculating yard setbacks and site coverage requirements, when an accessory building is to be attached to the principal building it shall be deemed to be part of the principal building.

7.6.4 An accessory building erected on a site in any residential district shall not be used as a dwelling unless otherwise approved, in accordance with this Bylaw.

7.6.5 When a residential site abuts a lane less than 6.1m (20ft) in width, the Development Officer may require a rear yard setback greater than the prescribed minimum.

7.6.6 No side yard is required for an accessory building in any district provided that:

- (a) the wall of the structure nearest the property line is a fire rated wall, the exterior finish of the wall does not require maintenance and there will not be any eave overhang and footing or foundation encroachment onto the adjoining property; and
- (b) all roof drainage is directed by means of eaves, troughs, drain spouts, or such other suitable means, onto the property where the accessory building is located.

7.6.7 On sites without lanes, a rear yard for an accessory building is not required provided that the provisions of **Section 7.6.6** are adhered to and it will not interfere with any utility right-of-ways or overhead electrical transmission lines.

7.6.8 Accessory Buildings – Fabric Covered shall be considered a discretionary use in Residential Land Use Districts and shall adhere to the following requirements:

- (a) not to exceed 20.44m². (220sq ft) in area;
- (b) shall be a minimum 3m (10ft) from flammable material (i.e. burning barrels, fire pits or other open flame accessories) and vegetation;
- (c) shall be kept in good condition to the satisfaction of the Development Authority; and
- (d) 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.

7.7 Landscaping and Fencing

7.7.1 Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers or similar materials or a combination thereof which enhances the appearance of the site and which complements the development thereon.

7.7.2 Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of corner site located within an Urban Reserve, Industrial, or Residential District which lies within a triangle formed by a straight line drawn between two points on the exterior boundaries of said site, 7.5m (24.6ft) from the point where they intersect as indicated on the following diagram.



7.7.3 Except as hereinafter provided, a person shall not construct a fence in any district which is higher than:

- (a) 1.2m (4ft) in the front yard; or
- (b) 2m (6.5ft) in the side or rear yard.

7.7.4 Notwithstanding **Section 7.7.3**, the height of a fence in a Non-Residential District shall be determined by the Development Officer.

7.7.5 No fence shall be of barbed wire construction within Village boundaries.

7.8 Screening, Outside Storage Areas and Garbage Storage

7.8.1 Garbage shall be stored in weatherproof and animal proof containers, screened from adjacent sites and public thoroughfares and be in a location easily accessible for pick up.

7.8.2 Outside storage areas shall be screened from adjacent sites and thoroughfares to the satisfaction of the Development Authority.

7.9 Bed and Breakfast Accommodation

7.9.1 Bed and Breakfast accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighborhood. Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit and shall not:

- (a) require any alterations to the principal building unless the alterations are approved by the Development Officer;
- (b) create a nuisance by way of noise, parking or traffic generation;
- (c) occupy more than twenty five percent (25%) of the dwelling unit or provide for more than two (2) guest rooms in addition to the family of the owner, whichever is less;
- (d) display any form of advertising relating to the Bed and Breakfast operation on site;
- (e) sell meals or alcoholic beverages to non-overnight guests; (f) include a kitchen in any room rented; and
- (g) shall provide one (1) onsite parking space per guest room.

7.9.2 In granting a Development Permit for a Bed and Breakfast, the Development Officer shall restrict the use to a specified time limit after which an application must be made to continue the use. In no case shall a Development Permit be issued for a period that exceeds two (2) years, after which time a new application must be made to continue the use.

7.10 Home Occupations

7.10.1 Home occupations shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighborhood.

Home occupations shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit and shall not:

- (a) have outside storage of material goods or equipment on the site;
- (b) create a nuisance by way of dust, noise, smell, smoke, or traffic;
- (c) display any form of commercial advertising related to the home occupation;
- (d) require alterations to the principal building unless the alterations are approved by the Development Officer; or
- (e) employ any more than one (1) person other than the occupants.

7.10.2 Home occupations are limited to those uses which are approved by the Development Officer for the dwelling where they are carried on for a period not exceeding one (1) year, at which time the Development Officer may allow the continuance of the use.

7.11 Physical Environment

7.11.1 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.

7.11.2 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.

7.11.3 All costs associated with an environmental evaluation as requested in **Section 7.11.2** are the responsibility of the developer.

7.12 Relocation of Buildings

7.12.1 Where a Development Permit has been granted for the relocation of a building on the same site or from another site, the Development Authority may require the applicant to provide a Performance Bond or a letter of credit in the minimum amount to ensure completion of any renovations set out as a condition of approval of the permit and for repair or replacement of any damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and

gutters, lanes, roads and any surface or underground improvement on or abutting the land which is affected by the construction or demolition activity. The deposit may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction or improvements required to the relocated building.

- 7.12.2** All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- 7.12.3** Prior to approving a Development Permit for a moved in building, the Development Authority may obtain the views in writing of the adjacent registered property owners.
- 7.12.4** The Development Officer may request that an application to relocate a building or structure be accompanied by recent photographs of the building or structure, and wherever possible the Development Officer may inspect the building or structure. If the relocated building is not in compliance with the photographs provided, Council may require the building to be removed.
- 7.12.5** The design, external finish and architectural appearance of any relocated building or structure shall be similar to and complement the existing structures on the parcels adjacent to the parcel onto which the building or structure is to be located.
- 7.12.6** It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, that there is no previous damage as listed in **Section 7.12.1**. If there is existing damage, it shall be reported to the Development Officer before the work commences.
- 7.12.7** Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
- 7.12.8** The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Village.
- 7.12.9** The property owner or agent shall apply to the Development Officer for the refund of the bond or deposit.
- 7.12.10** When an application for a refund of the bond or deposit is made, the Development Officer shall inspect the site for damage.
- 7.12.11** If no damage has occurred, the deposit shall be refunded in full.

7.12.12 If damage has occurred, the deposit shall be used to cover the cost of any repairs needed and any outstanding amount shall be directed to the property owner.

7.12.13 The bond or deposit cannot be transferred to another property.

7.13 Residential Buildings on the Same Site

7.13.1 No person shall erect more than one (1) principal building on a site in any Residential Land Use District unless otherwise permitted in this Bylaw (i.e. secondary suite or garden suite).

7.13.2 No person shall erect or maintain a residential building on a site on which another residential building is already located unless the building site is designed for multiple unit development.

7.14 Sign Control

7.14.1 Excepting traffic control signs and those temporary signs outlined in **Section 4.2.1(h)**, all signs shall comply with the provisions set out for the district in which the sign is to be located.

7.14.2 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or colour where it may interfere with, or be confused with, any authorized traffic sign, signal, or device, and in so doing, create a traffic hazard.

7.14.3 Signs other than fascia signs which overhang any abutting Municipal, Provincial, or Federal property are prohibited.

7.14.4 Within a Residential District, one identification sign per site may be permitted as follows:

- (a) a fascia sign which does not exceed 1000cm² (155in²) in area to identify a home occupation; or
- (b) a free standing or fascia sign when used to identify an apartment building, church, day care centre, nursery school, or manufactured home park which does not:
 - (i) exceed 1.5m² (16 sq ft) in area,
 - (ii) project back 0.6m (2ft) from the property line, or
 - (iii) exceed 3.6m (11.5ft) in height.

7.14.5 Within a Commercial or Industrial District, advertising, identification or directional signs may be allowed as follows:

- (a) free standing signs provided that:
 - (i) the maximum height shall not exceed 9m (29.5ft);
 - (ii) the total sign area for each face shall not exceed 1.5m² (16sq ft); and
 - (iii) the sign shall not project within 600mm (1.97ft) back from a property line.
- (b) fascia signs provided that the total copy area of a sign or signs shall not exceed 20% of the face of the building or bay to which the sign is attached;
- (c) projecting signs provided that:
 - (i) the maximum area shall be 9m² (96.84sq ft);
 - (ii) a sign shall not rise more than 300mm (11.81in) above a parapet;
 - (iii) a sign shall not project within 600mm (23.62in) back from the property line;
 - (iv) a minimum of 3m (9.84ft) shall be provided between the bottom of a sign and a private sidewalk or walkway; and
 - (v) the structural supports and anchors have been approved by a professional structural engineer.
- (d) roof signs provided that:
 - (i) a sign shall appear as an architectural blade with no visible support structures;
 - (ii) no portion of a sign shall overhang the roof on which it is located; and
 - (iii) the maximum area of a sign shall be 9m² (96.87sq ft).

7.14.6 Within an Urban Reserve District, identification or directional signs may be allowed as follows:

- (a) one fascia sign per site which does not exceed 1000cm² (155in²) in area to identify a home occupation; or
- (b) one free standing directional sign per site which does not exceed 1m² (10.76sq ft) in area nor 6m (19.69ft) in height to identify the permissible use in the district.

7.14.7 Billboards may be allowed in an Urban Reserve, Central Business, Highway Commercial or Industrial District provided that:

- (a) the maximum dimensions shall not be larger than 3m (9.84ft) by 12m (39.37ft);

- (b) the billboard does not block natural light to the windows of the building behind it;
- (c) the lighting of the billboard does not adversely affect neighbouring residential sites and/or traffic lights;
- (d) the billboard is not located on the Village's boulevards;
- (e) the billboard is a minimum of 305m (1000.66ft) from any other billboard, and does not materially obscure the view of the landscape; and
- (f) the location of the billboard shall comply with setbacks applicable to free standing signs.

7.14.8 In considering a development application for a sign, the Development Officer shall have due regard to the amenities of the District in which the sign is located and the design of the proposed sign.

7.15 Non-Conforming Uses and Non-Conforming Buildings

7.15.1 The authority for **Section 7.15.2** to **Section 7.15.7** inclusive, are provided for in **Section 643** of the Municipal Government Act and should be consulted.

7.15.2 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;
- (b) as may be deemed necessary by the Development Officer for the routine maintenance of the building; or
- (c) in accordance with this Bylaw that provides minor variance powers to the Development Officer.

7.15.3 If a non-conforming building is damaged or destroyed by fire, or other causes, to an extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in conformity with the provisions of this Bylaw.

7.15.4 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 must conform to the provisions of this Bylaw.

7.15.5 The use of land or a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

7.15.6 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not

be enlarged or added to and no structural alterations may be made thereto or therein.

7.15.7 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 erected upon the lot while the non-conforming use continues.

7.15.8 When a building is a non-conforming building solely by reason of its encroachment into a required front, side, or rear yard, or inadequate parking, the Development Officer at his/her discretion may allow an extension of, or an addition to, the building if such extension or addition will not in itself constitute an encroachment into any required yard, and if such extension or addition complies with the provisions of this Bylaw.

7.15.9 A building that encroaches into a required front, side or rear yard by reason of conversion from imperial units of measurement to metric units of measurement as contained within this Bylaw is considered to be a conforming building.

7.16 Land near Water or Subject to Flooding or Subsidence

7.16.1 Development on land that is subject to flooding, subsidence, is marshy or unstable shall be discouraged, but when such development is allowed the developer shall hold the Municipality harmless from any damage to, or loss of, the development caused by flooding, subsidence or other similar causes.

7.17 Drainage

7.17.1 Any area requiring landscaping or topographic reconstruction shall be landscaped or reconstructed so that the finished surface contours do not direct surface drainage onto an adjoining site.

7.18 Controlled Appearance

7.18.1 The design, character, and appearance of any building, structure, or sign proposed to be erected or located in any District, must be acceptable to the Development Authority, having due regard to the amenities and the character of existing development in the District, as well as to its effect on adjacent Districts.

7.19 Storage Structures

7.19.1 A storage structure shall meet the setback requirements for an accessory building in the appropriate district.

7.19.2 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.

7.19.3 A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential.

7.19.4 A storage structure shall not be used as a sign.

7.19.5 A storage structure may be approved on a temporary basis during construction within any Land Use District.

7.20 Subdivision of Land

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

7.21 Undermining or Subsidence Conditions

7.21.1 Where development is proposed for land which has potential undermining or subsidence conditions, no Development Permit shall be granted unless the Development Authority is satisfied that hazards and other problems will not adversely affect the development as proposed. Valid engineering tests may be required.

7.22 Manufactured Homes

7.22.1 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.

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

7.22.3 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 the 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 thirty (30) days of their placement.

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

7.22.5 All manufactured home units shall have Canadian Standards Association (CSA) Certification.

7.22.6 Manufactured homes constructed more than eight (8) years before the date of application for a Development Permit shall not be approved. 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 eight (8) years.

7.23 Bulk Fuel, Liquefied Petroleum Gases and Chemical Storage and Distribution Facilities

7.23.1 Development for the purpose of storing natural gas, petroleum products or hazardous chemicals for distribution shall conform to the setback requirements of applicable Provincial and Federal legislation and regulations.

7.24 Temporary Buildings

7.24.1 The Development Authority may conditionally approve a temporary building to be constructed or located in any Land Use District subject to the owner agreeing to remove said building in accordance with the terms and conditions affixed by the Development Authority.

7.24.2 A temporary building shall not exceed one storey in height and shall not have a basement or a cellar or any below grade foundation.

7.24.3 A temporary building shall be maintained at all times.

7.24.4 No temporary building shall be serviced by Village sewage or water supply systems. Notwithstanding the foregoing however, when a temporary use is established in a building or on a site with existing municipal water or sewer services or both, those services may be temporarily used in accordance with the terms and conditions affixed by the Development Authority.

7.24.5 The Development Authority may require skirting around the base of a temporary building.

7.24.6 An application to extend the duration of a temporary permit shall be dealt with as a new application. There shall be no obligation to approve it on the basis that the previous permit had been issued.

7.25 Modular Homes

7.25.1 Modular homes are not to be considered as manufactured homes under this Bylaw and will be consistent in appearance to surrounding buildings. Modular homes will feature the following design features:

- (a) a minimum roof pitch of 6cm of vertical rise for every 24cm of horizontal run (3:12 pitch);
- (b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles or hand split shakes;
- (c) have a minimum roof overhang or eaves of 30cm (1ft) from the primary surface of each facade;
- (d) the depth shall not exceed 2.5 times the width of the dwelling; and
 - (e) be placed on a permanent perimeter foundation or basement.

7.26 Communication Towers

7.26.1 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.

7.26.2 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.

7.26.3 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 ten (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 28.0m (91.9ft) from the property line; and
- (c) transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing.

7.26.4 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.

7.26.5 All equipment shelters must meet the setback distances to roads and property lines as outlined in this Bylaw.

7.26.6 All telecommunication carriers requesting a new telecommunication tower shall be required to identify any other such structure within an 8.05km (5mi) radius of the proposed site location. Each request shall also provide documentary evidence that co-location of the existing structures within that 8.05km (5mi) radius is not a viable alternative to a second structure.

7.26.7 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.

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

7.27 Renewable Energy Systems

7.27.1 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 green house 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);
- (b) Renewable Energy Systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District where they are 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.

7.28 Small Wind Energy Systems

7.28.1 It is the purpose and intent to promote the safe, effective and efficient use of Small Wind Energy Systems 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 Small Wind Energy System.

7.28.2 A Small Wind Energy System may be appropriately located on larger residential parcels, commercial or industrial sites or for public facilities and shall be considered an accessory structure and use in the Land Use Districts where it is listed will be in accordance with the following requirements:

- (a) the maximum tower height on a parcel sized 0.2ha (0.5 acres) to 0.4ha (1.0 acre) shall be 25m (80ft); and
- (b) there is no maximum height on a parcel sized greater than 0.4ha (1.0 acre).

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

- (a) the Small Wind Energy System tower base shall be no closer to the property line than the total system height of the Small Wind Energy System, and no part of the tower structure, including guy wire anchors, may extend closer than 3m (10ft) to the property boundaries of the installation site;

- (b) the Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the Small Wind Energy System to be closer than the requirements in **Section 7.28.3 (a)**;
- (c) the Small Wind Energy System tower base shall be no closer to a dwelling unit or public building on adjacent properties than the total system height of the Small Wind Energy System. This distance may be greater if it is determined that shadow flicker is a factor on adjacent properties. (note: shadow flicker may be up to 3.6 times the distance of tower height in winter months);
- (d) there are no set back requirements regarding accessory buildings or structures; and
- (e) 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 Small Wind Energy System to be closer than these requirements.

7.28.3 It is not anticipated that sound levels from a professional quality Small Wind Energy System will negatively impact adjacent property owners. The required setbacks in **Section 7.28.2** are established for public safety and to eliminate any sound related conflict beyond that of normal background noise to adjacent properties.

7.28.4 The nature of a Small Wind Energy System requires the installation of the turbine on a tall tower, thirty (30) feet or more, 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.

7.28.5 Applicants for a Small Wind Energy System 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.

7.28.6 If the active production of electricity from a Small Wind Energy System is discontinued for two years or more, the Small Wind Energy System shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition, the costs of which shall be covered by the property owner of the site the Small Wind Energy System is located on.

PART 8
Land Use Districts

8.1 Land Use Districts

8.1.1 For the purpose of this Bylaw, the land within the boundaries of the Municipality shall be divided into one or more of the Districts as established in **Section 8.2**.

8.1.2 Throughout this Bylaw and amendments thereto a District may be referred to either by its full name or its abbreviation as set out in **Section 8.2**.

8.2 Districts

8.2.1 The Districts in the Village are:

- (a) Residential District (R)
- (b) Residential – Manufactured Home District (R-MH)
- (c) Commercial District (C)
- (d) Industrial General District (I)
- (e) Urban Reserve District (UR)
- (f) Community Service District (CS)

8.3 District Boundaries

8.3.1 The boundaries of the districts listed in above are as delineated on the Land Use District Map in **Appendix A**.

8.3.2 Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

- (a) Rule 1: Where a boundary is shown as following a street, lane, stream or canal it shall be deemed to follow the centre line thereof;
- (b) Rule 2: Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line; and
- (c) Rule 3: In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined where dimensions are set out on the Land Use District Map, by the dimensions so set, or where dimensions are set out on the Land Use District with respect to such boundary, by measurement of land using the scale shown on the Land Use District Map.

8.3.2 Where the exact location of the boundary of a Land Use District cannot be determined using the rules in **Section 8.3.2**, the Council, on its own motion or on

a written request, shall fix the location in a manner consistent with the provisions of this Bylaw and with the appropriate degree of detail required.

8.3.3 The location of a District Boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

8.3.4 The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

8.4 Residential District (R) Land Use Rules

8.4.1 The purpose and intent of this District is to provide for residential neighborhoods composed of predominantly single family dwellings with integration of some two family development.

8.4.2 List of Permitted Uses:

- (a) Dwelling, Single Detached (all types excluding Manufactured Homes and Moved-On);
- (b) Greenhouse, Private (accessory to the principal residential use);
- (c) Public Parks and Playgrounds; and
- (d) Signs (directional).

8.4.3 List of Discretionary Uses:

- (a) Accessory building;
- (b) Accessory building – Fabric Covered;
- (c) Accessory Use;
- (d) Child Care Facility;
- (e) Dwelling – Apartment;
- (f) Dwelling – Attached Housing;
- (g) Dwelling – Duplex;
- (h) Dwelling – Moved On;
- (i) Home Occupation;
- (j) Signs (identification);
- (k) Swimming Pool; and
- (l) Worship Facility.

8.4.4 In addition to the general land use provisions contained in **Section 7**, the following provisions as contained within **Section 8.4.5** to **Section 8.4.12** shall apply to every development in the District.

8.4.5 The minimum requirements of the area of a site in a Residential District are:

- (a) Dwelling –Single Detached: 464m² (4,994.61sq ft);
- (b) Dwelling – Semi-Detached and Attached: 279m² (3,003.21sq ft) for each dwelling or 326m² (3,509.03sq ft) for each dwelling unit with a side yard abutting a street; or
- (c) Duplex: 464m² (4,994.61sq ft).

8.4.6 The minimum requirements of the width of site in a Residential District

- (a) Dwelling – Single Detached: 15m (49.21ft);

- (b) Dwelling - Attached: 9m (29.53ft) for each dwelling or 0.5m (34.45ft) for each dwelling unit with a side abutting a street; or
- (c) Dwelling - Duplex: 15m (49.21ft).

8.4.7 All front yards shall be a minimum of 6.1m (20ft.).

8.4.8 The minimum requirements for a side yard in a Residential District are:

- (a) Principal Buildings:
 - i. Street side of corner site, 3m (9.84 ft);
 - ii. Principle building with lane access, 1.5 m (4.92 ft); iii. Principle building with front access, 3.0 m (9.84 ft)
- (b) Accessory Buildings:
 - i. 1m (3.28ft).

8.4.9 The minimum requirements for a rear yard in a Residential District are: (a) Principal Buildings: 7.6m (24.93ft); and (b) Accessory Building: 1m (3.28ft).

8.4.10 The minimum requirements for habitable floor area per unit in a Residential District are:

- (a) Dwelling –Single Detached: 74m² (796.56sq ft); or
- (b) Dwelling - Duplex and Attached Housing: 65m² (699.65sq ft).

8.4.11 The maximum limits of the coverage of a site in a Residential District are:

- (a) All buildings including accessory buildings not more than 40% of the area of the site; and
- (b) All accessory buildings not more than 15% of the area of the site.

8.4.12 The maximum limits of the height of buildings in a Residential District are:

- (a) Principal Building: 9m (29.53ft); and
- (b) Accessory Building: 5m (16.40ft)

8.5 Residential District – Manufactured Home (R-MH) Land Use Rules

8.5.1 The purpose and intent of this District is to provide for a Residential Manufactured Home neighborhood in which manufactured homes are accommodated on an individual site basis with permanent foundations and individual service connections.

8.5.2 List of Permitted Uses:

- (a) Accessory building;
- (b) Dwelling - Manufactured Home; and
 - (e) Greenhouse, Private

8.5.3 List of Discretionary Uses:

- (a) Accessory building – Fabric Covered;
- (b) Child Care Facility;
- (c) Dwelling – Modular Home;
- (d) Dwelling – Moved On;
 - (e) Home occupation; and
 - (f) Signs (identification, directional).

8.5.4 In addition to the General Land Use Provisions contained in **Section 7**, the following provisions as contained within **Section 8.5.5** to **Section 8.5.12** shall apply to every development in the District.

8.5.5 The minimum requirement for the area of a site in a Residential – Manufactured Home District is 464m² (4,994.61sq ft).

8.5.6 The minimum requirement for the width of a site in a Residential – Manufactured Home District is 15m (49.21ft).

8.5.7 The minimum requirement for the front yard in a Residential – Manufactured Home District is 4.5m (14.76ft) and the front yard setbacks of principal buildings may be varied in order to maximize the visual amenity of the district.

8.5.8 The minimum requirements for side yards in a Residential – Manufactured Home District are:

- (a) Principal Buildings:
 - (i) Street side of a corner site: 3m (9.84ft);
 - (ii) on the side or end wall of the home containing the main entrance door, or window to a living room, a minimum side yard of 4.5m (14.76ft) shall be provided, and the other side yard shall be 1.5m (4.92ft); and
 - (iii) notwithstanding **Subsection (ii)** above, where an addition is proposed to a mobile home, one side yard shall be 3m (9.84ft) and the other side yard shall be 1.5m (4.92ft).
- (b) Accessory Buildings:
 - (i) Street side of a corner site: 3m (9.84ft); and
 - (ii) all other sides: 1.5m (4.92ft) except where no side yard is required as per **Part 7** in this Bylaw.

8.5.9 The minimum requirements for rear yards in a Residential – Manufactured Home District are:

- (a) Principal Buildings: 4.5m (14.76ft); and
- (b) Accessory Buildings: 1m (3.28ft) except when no rear yard is required as per **Part 7** of this Bylaw.

8.5.10 The minimum requirement of the habitable floor area per unit in a Residential – Manufactured Home District is 55m² (592.02sq ft).

8.5.11 The maximum limits of the height of buildings in a Residential – Manufactured Home District are:

- (a) Manufactured Homes: 5m (16.4ft);
- (b) Other Dwelling Types: 9m (29.53ft); and (b)
Accessory Buildings: 5m (16.40ft).

8.5.12 The maximum limits of the coverage of a site in a Residential – Manufactured Home District are:

- (a) All building together, including accessory buildings: 40% of the site; and
- (b) All accessory buildings: 15% of the site.

8.5.13 All Manufactured Homes shall be in accordance with the Manufactured Home requirements listed in **Section 7.22**.

8.5.14 Each dwelling in a Residential – Manufactured Home District shall be located on a lot registered in the Land Titles Office.

8.6 Commercial District (C) Land Use Rules

8.6.1 The purpose and intent of this District is to provide for commercial and retail developments serving the Village and the surrounding rural areas.

8.6.2 List of Permitted Uses:

- (a) Bakery;
- (b) Building Supply Center;
- (c) Bus Terminal;
- (d) Clinic;
- (e) Convenience Store;
- (f) Eating Establishment;

- (g) Essential Public Service;
- (h) Grocery Store;
- (i) Hardware Store;
- (j) Hotel/ Motel;
- (k) Library;
- (l) Offices (Administrative, Business and Professional);
- (m) Parking Lot;
- (n) Personal Service Shop;
- (o) Public or Quasi- Public Buildings, Installation and Facilities;
- (p) Retail Store; (q) Shopping Center; or (r) Worship facility.

8.6.3 List of Discretionary Uses:

- (a) Accessory Building;
- (b) Automobile Vehicles (sales, service and repairs);
- (c) Billiard Halls and Pool Rooms;
- (d) Billboards;
- (e) Car wash;
- (f) Communication Tower;
- (g) Drinking Establishment;
- (h) Dwelling Accommodation;
- (i) Repair and Service Shop;
- (j) Service Station;
- (k) Signs (advertising, directional or identification); (l) Storage structure - accessory to a commercial use; or
- (m) Tradesman's shop.

8.6.4 In addition to the general land use provisions contained in **Part 7**, the following provisions as contained within **Section 8.6.5** to **Section 8.6.11** shall apply to every development in this District.

8.6.5 The minimum requirement for the area of a site in the Commercial District is 302m² (3250.80sq ft).

8.6.7 The minimum requirement for the width of a site in the Commercial District is 7.6m (24.93ft).

8.6.7 There is no minimum requirement for a front yard in the Commercial District.

8.6.8 The minimum requirement for a rear yard in the Commercial District is 5m (16.40ft).

8.6.9 The minimum requirement for a side yard adjacent to a Residential District in the Commercial District is 3m (9.84ft) with no side yard required for all other locations.

8.6.10 The maximum limit for the height of buildings in the Commercial District is 9m (29.53ft).

8.6.11 All development in the Commercial District shall require screening as follows:

- (a) all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Authority;
- (b) all apparatus on the roof shall be screened to the satisfaction of the Development Officer; and
- (c) all outside storage of material or equipment shall be enclosed from view from roadways and park reserve to the satisfaction of the Development Officer.

8.6.12 Dwelling Accommodation shall be subordinate to the principal commercial use of the building.

8.6.13 In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed use with existing use on or adjacent to the site.

8.6.14 The exterior finishing materials of the proposed development must be in accordance with the approved plans.

8.6.15 Notwithstanding any other provision of this Bylaw, the Development Officer may allow a building to be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use.

8.7 Industrial General District (I) Land Use Rules

8.7.1 The purpose and intent of this District is to provide for a range of industrial uses of a manufacturing, processing, assembling or distributing nature.

8.7.2 List of Discretionary Uses:

- (a) Abattoir;
- (b) Accessory Building;
- (c) Agricultural Equipment Sales, Service and Storage;
- (d) Auction Room;
- (e) Automotive Sales, Service and Repair;
- (f) Billboards;
- (g) Building Supply Center;
- (h) Bulk Fuel or Chemical Storage and Distribution;
- (i) Cartage, Freighting or Trucking Storage Yards or Terminal;
- (j) Car Washing Establishment;
- (k) Communication Tower;
- (l) Dwelling Unit as a secondary use to the principal use of the building or site;
- (m) Equipment Rental Shop;
- (n) Fabric Covered Building;
- (o) Fertilizer Storage and Distribution;
- (p) Flour and Feed Mill;
- (q) Grain Elevator;
- (r) Tradesman's Shop;
- (s) Machine Shop or Blacksmith Shop;
- (t) Manufacturing Plants engaged in secondary processing, assembly, and packaging where no excessive smoke, fumes, noise, vibration or odors will be produced;
- (u) Office (accessory to the principal industrial use);
- (v) Parking Lot;
- (w) Public and Quasi-Public Buildings, Installations, and Facilities;
- (x) Seed Cleaning Plant;
- (y) Service Station;
- (z) Signs (advertising, directional, identification);
- (aa) Small Wind Energy System;
- (bb) Storage Structure;
- (cc) Storage Yard;
- (dd) Warehousing; or (ee) Veterinarian Clinic.

8.7.3 In addition of the general land use provisions contained in **Section 7**, the following provisions as contained within **Section 8.7.4** to **Section 8.7.19** shall apply to every development in this District.

8.7.4 The minimum requirement for the area of a site in the Industrial District is 929m² (9999.67sq ft).

8.7.5 The minimum requirement for the width of a site in the Industrial District is 30m (98.43ft).

8.7.6 The minimum requirements for front yards in the Industrial District are as follows:

- (a) except as hereinafter provided: 7.6m (24.93ft);
- (b) when adjacent to a secondary highway without a service road: 28m (91.86ft) from the nearest limit of the right of way of the nearest secondary or primary road; and
- (c) the front yard requirements shall not apply to gas pumps, free standing or projecting signs or billboards.

8.7.7 The minimum requirements for side yards in the Industrial District are as follows:

- (a) except as hereinafter provided, a minimum of 1.5m (4.92ft);
- (b) where a fire resistant wall is provided, no side yard is required; and
- (c) in a laneless subdivision, one unobstructed side yard shall be a minimum of 6m (19.69ft) excluding flankage sites with alternative rear access. This does not include the accessory building when the accessory building is located to the rear of the principal building and is separated from such building by a distance of 12m (39.37ft) measured parallel to the side property line.

8.7.8 The minimum requirements for rear yards in the Industrial District are as follows:

- (a) there shall be no required rear yard setback other than where loading doors abut a street or lane, in which case, the requirements for loading and unloading are as contained in **Part 7**; and
- (b) on a laneless site, if a rear yard is provided, it shall be a minimum of 1m (3.28ft).

8.7.9 The maximum limits for the height of buildings in the Industrial District is 9m (29.53ft) unless otherwise approved for a specific use that requires a greater height at the discretion of the Municipal Planning Board.

8.7.10 The exterior finishing materials of the proposed development must be in accordance with the approved plan.

8.7.11 The boulevard and a minimum of 5% of the site area must be landscaped in accordance with the plan approved by the Development Officer and any trees or shrubs which die must be replaced during the next planting season.

8.7.12 All development in the Industrial District shall require screening as follows:

- (a) all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Officer; and
- (b) all apparatus on the roof shall be screened to the satisfaction of the Development Officer.

8.7.13 Industrial uses which emit airborne pollutants and/or noxious odors or which have fire or explosive risks shall be required to meet minimum separation distances from residential areas and also from other industrial developments in accordance with the requirements of Provincial and Federal legislation and best practices.

8.7.14 The application for Industrial Development shall supply relevant information describing any noxious, dangerous or offensive features of the proposed development in relation to:

- (a) air borne pollutants or odors;
- (b) release of any toxic, radioactive, or environmentally hazardous materials; and
- (c) flammable or explosive materials, and describe their intensity and area of impact.

8.7.15 Applications for development, along with the information required in **Section 8.7.14** may be referred to Alberta Environmental Protection.

8.7.16 An application for approval of a use employing highly flammable chemical materials must be accompanied by a plan approved by the Hussar Rural Fire Department and all other appropriate government departments.

8.7.17 All exterior work areas, storage areas, and waste handling areas shall be enclosed from view from roadways and park reserves to the satisfaction of the Development Officer and storage will not project above the height of the screening material.

8.7.18 Fencing shall be of appropriate materials and height to the satisfaction of the

Development Officer.

8.7.19 Wrecked or damage vehicles permitted to be located on the property must be screened to the satisfaction of the Development Officer.

8.8 Urban Reserve District (UR) Land Use Rules

8.8.1 The purpose and intent of this District is to provide for the continuation of existing rural pursuits and the future expansion of urban development.

8.8.2 List of Permitted Uses:

- (a) Parks.

8.8.3 List of Discretionary Uses:

- (a) Accessory Buildings;
- (b) Communication Towers;
- (c) Extensive Agricultural Uses;
- (d) Public and Quasi-Public Buildings, Installations and Facilities;
- (e) Signs; and
- (f) Storage Structure.

8.8.4 In addition to the general land use provisions contained in **Section 7**, the following provisions as contained within **Section 8.8.5** to **Section 8.8.10** shall apply to every development in this District.

8.8.5 The minimum requirement for the area of a site in an Urban Reserve District is 16.2ha (40 acres) except for Municipal and Environmental Reserve parcels and Public Utility lots where there is no minimum size requirement.

8.8.6 The minimum requirement for front yards in an Urban Reserve District is 15m (49.21ft).

8.8.7 The minimum requirement for side yards and rear yards in an Urban Reserve District is 15m (49.21ft).

8.8.8 The design, site location, site coverage, yards, height of buildings, external finish and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Officer who in determining a Development Permit application shall take into account:

- (a) the general purpose of the district; and
- (b) the existing uses and prospective uses of land in the vicinity.

8.8.9 The Municipal Planning Commission, Development Authority or Subdivision Authority may require an area structure plan before a subdivision decision is determined.

8.8.10

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.

8.9 Community Service and Recreation District (CS) Land Use Rules

8.9.1 The purpose and intent of this District is to provide for public and privately owned cultural, educational, institutional and recreational uses.

8.9.2 List of Permitted Uses:

- (a) Campground;
- (b) Cemeteries;
- (c) Community Buildings and Facilities;
- (d) Essential Services;
- (e) Exhibition Grounds;
- (f) Fabric Covered Building;
- (g) Parking Lots;
- (h) Parks, Playgrounds and Playing Fields;
- (i) Public and Quasi-Public Buildings, Installations and Facilities;
- (j) Schools (Public and Private); and
- (k) Worship Facility

8.9.3 List of Discretionary Uses:

- (a) Accessory Building;
- (b) Communication Tower;
- (c) Signs; and
- (d) Storage Structure.

8.9.4 In addition to the general land use provisions contained in **Section 7**, the following provisions as contained within **Section 8.9.5** to **Section 8.9.7** shall apply to every development in this District.

8.9.5 The minimum requirements for all yards and parcel size in the Community Service and Recreation District will be at the discretion of the Development Authority.

8.9.6 The maximum height for any development in the Community Service and Recreation District is 9m (29.53ft).

8.9.7 The design, setting, external finish and architectural appearance of all buildings including accessory buildings and structures and landscaping shall be to the satisfaction of the Development Officer to ensure that adequate protection be afforded to the amenities of the area.

PART 9
GENERAL

- 9.1 If any provision of this Bylaw is declared unconstitutional, invalid or illegal by a court of competent jurisdiction, the offending provision shall be deemed to be stricken and shall not affect the validity of the remaining provisions.
- 9.2 This Bylaw rescinds the Village of Hussar Land Use Bylaw # 375-84.
- 9.3 This Bylaw shall come into full force and effect upon the date of the final and third reading by Village Council.

Read a first time this 17 day of *October, 2014*.

Read a second time this 9 day of *December, 2014*.

Read a third and final time this 14 day of *January, 2015*.

Tim Frank

Mayor

Jennifer Pratt

CAO

PART 10
FORMS

- FORM A** Application for a Development Permit
- FORM B** Application for a Development Permit (Home Occupation)
- FORM C** Stop Order / Order of Compliance
- FORM D** Land Use Bylaw / Statutory Plan Amendment Application Form
(See Palliser Municipal Services)
- FORM E** Application for Subdivision or Development Appeal

- FORM F** Notice of Subdivision and Development Appeal Board Hearing
- FORM G** Notice of Decision on Application for a Development Permit
- FORM H** Notice of Decision of the Subdivision and Development Appeal Board
- FORM I** Time Extension Agreement for Development Permit
- FORM J** Application for a Demolition Permit
- FORM K** Notice of Decision on a Demolition Permit

Village of Hussar – Land Use Bylaw # 493-14

FORM A

APPLICATION FOR A DEVELOPMENT PERMIT

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No.

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF DEVELOPMENT:

PROPOSED USE: _____

PROPERTY LINE SETBACKS: Front: _____ Rear: _____ Side: _____

HEIGHT: _____ FLOOR AREA: _____ SITE COVERAGE: _____ %

OFF-STREET PARKING PROVIDED: _____

ESTIMATED COMMENCEMENT: _____ COMPLETION: _____

INTEREST OF APPLICANT IF NOT OWNER OF PROPERTY: _____

OTHER SUPPORTING MATERIAL ATTACHED: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____

DATE: _____

NOTE: **THIS IS NOT A BUILDING PERMIT** (such permit must be obtained separately).

The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

IMPORTANT NOTES:

1. A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements.

2. A Development Permit issued pursuant to the Land Use Bylaw is not a Building Permit and work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to all applicable bylaws and regulations.
3. If the development authorized by a Development permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of the date of its issue, the permit is deemed to be void unless an extension to this period shall first have been granted by the Development Authority.
4. When an appeal is made pursuant to the Land Use Bylaw a Development Permit which has been granted shall not be valid. The decision of the Subdivision and Development Appeal Board shall replace the previous decision.
5. Every application for a Development Permit shall be made by submitting to the Development Officer the prescribed form completed in duplicate, signed by the owner or his agent, and accompanied by the following:
 - a) if required by the Development Officer, building plans in duplicate, showing:
 - i) floor plans;
 - ii) elevations;
 - iii) exterior finishing materials.
 - b) site plans, in duplicate, showing:
 - i) the legal description and municipal address;
 - ii) dimensions of the site;
 - iii) if required by the Development Officer, utilities, site drainage, finished lot grades, the grades of the street and the location of proposed sewer and water lines of all proposed and existing buildings and structures including retaining walls, trees, landscaping and other features;
 - iv) a surveyor's certificate if required by the Development Officer.
 - c) an application for multiple family, commercial, industrial, recreational and institutional uses shall show:
 - i) loading and parking provisions;
 - ii) access locations to and from the site;
 - iii) garbage and storage areas and the fencing and screening proposed for same;
 - iv) location and approximate dimensions of existing and proposed culverts and crossings.
 - d) such other information as the Development Officer may require or as required in the Land Use Bylaw requirements.

- e) Development Permit Fee as determined by Council.

APPEAL PROCEDURE:

- 6. An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Hussar within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements (as per Section 1 above).

APPLICATION FOR A DEVELOPMENT PERMIT (HOME OCCUPATION)

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____

PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____

PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED HOME OCCUPATION:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No.

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF HOME OCCUPATION:

DETAILS OF BUSINESS

DETAILS OF EQUIPMENT AND MATERIALS USED IN BUSINESS:

DETAILS REGARDING STORAGE OF EQUIPMENT/ MATERIALS:

NUMBER OF EMPLOYEES: _____

SIGNAGE: _____

The business is performed: On-site Off-site

Is the property used for office and administrative work only? Yes No

What part of the dwelling/ property is to be used for the business? _____ sq. ft. _____%

Office Accessory Building Rear Yard

Vehicle used in the Business:

ADDITIONAL INFORMATION:

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____

DATE: _____

Village of Hussar – Land Use Bylaw # 493-14

FORM C

STOP ORDER/ ORDER OF COMPLIANCE

ORDER NO. _____

YOU ARE HEREBY NOTIFIED IN RESPECT OF THE DEVELOPMENT INVOLVING:

LOCATION OF DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No.

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

THAT THIS DEVELOPMENT IS NOT IN ACCORDANCE WITH:

The *Municipal Government Act*, in respect to

The *Land Use Bylaw*, in respect to

Development Permit No. _____, in respect to

THEREFORE, pursuant to the Land Use Bylaw and the *Municipal Government Act*, you are hereby ordered to:

- Stop the Development
 - Demolish/ remove/ replace the development
 - Take the following measures
-

THIS ORDER SHALL BE COMPLIED WITH BY: _____

Failure or refusal to comply with this Order may result in the Council of the Village of Hussar or a person or persons appointed by it, entering upon the land or building and taking such action as is necessary to carry out the Order. In such circumstances, the Council shall cause the costs incurred to be placed on the tax roll, as an additional tax against the property concerned.

You may appeal this Order to the Subdivision and Development Appeal Board in accordance with the provisions of the Land Use Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the secretary of the Subdivision and Development Appeal Board at the Town Office within 14 days following the date of issue of this notice.

DATE OF ISSUE OF ORDER: _____

SIGNATURE OF DEVELOPMENT OFFICER: _____

LAND USE BYLAW / STATUTORY PLAN AMENDMENT

See Palliser Municipal Services for form.

APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

I/We hereby appeal the decision, order or permit issued by the Subdivision/ Development Authority with regard to:

APPLICATION NO. _____

Proposed Subdivision/ Development: _____

Reasons for Appeal: _____

Village of Hussar – Land Use Bylaw # 493-14

Fee Submitted: _____

Signature _____

Date _____

FORM F

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

DEVELOPMENT PERMIT/ SUBDIVISION APPLICATION NO. _____

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD against a decision in respect of Development Permit/ Subdivision Application No. _____ which involves a development/ subdivision described as follows:

The decision of the Development Officer/Subdivision Authority was to:

Village of Hussar – Land Use Bylaw # 493-14

- APPROVE**
- APPROVE (with conditions)**
- REFUSE**

the development permit/subdivision application, with the following conditions/for the following reasons:

A Public Hearing of the Subdivision and Development Appeal Board has been scheduled, at which point the Board will hear arguments both for and against the above noted appeal.

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any person affected by the proposed development/subdivision has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons submitting the written briefs to the Secretary of the Subdivision and Development Appeal Board shall do so not later than: _____.

NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT

APPLICATION NO: _____

APPLICANT INFORMATION:

NAME: _____ **PHONE NO:** _____

ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No.

_____ All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

The Development as specified in Application No. _____ has been:

APPROVED

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

REFUSED FOR THE FOLLOWING REASON(S):

Municipal setback to be maintained as follows:

Feet from the boundary of the municipal road

Feet from the front boundaries
Feet from the side lot boundaries
Feet from the rear boundaries

Date of _____ **Decision:** _____
Development Officer: _____

Notice of Decision issued on the _____ **day of** _____, _____.

Applicant to obtain Building Permit & Inspections from Palliser Regional Municipal Services at 1-800-407-8361 or www.palliserservices.ca

Application to obtain Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services

Application to obtain Approved Electrical Permit & Inspection from Palliser Regional Municipal Services.

Application to obtain Approved Gas or Propane hook-up Permit & Inspection from Palliser Regional Municipal Services.

Other: _____

Village of Hussar – Land Use Bylaw # 493-14

NOTE:

A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements. If an appeal is lodged pursuant to the Municipal Government Act, a permit does not take effect until the Subdivision and Development Appeal Board has determined the appeal.

APPEAL PROCEDURE:

An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Hussar Subdivision and Development Appeal Board within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements.

FORM H

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

APPLICATION/SUBDIVISION NO.: _____

This is to notify you that an appeal against the

APPROVAL

APPROVAL WITH CONDITIONS

REFUSAL

of a development permit/subdivision application with regard to the following:

was considered by the Subdivision and Development Appeal Board on _____, and the decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

FINDINGS OF FACT:

DECISION:

REASONS:

DATE: _____

Secretary of Subdivision & Development Appeal Board

NOTE:

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal the Appellate Division of the Supreme Court of Alberta 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.

TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT

APPLICATION NO. _____

APPLICANT INFORMATION:

NAME: _____

PHONE NO: _____

ADDRESS: _____

Section 684 of the Municipal Government Act states:

“An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days of receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.”

In accordance with Section 684 of the Municipal Government Act, please complete the following consent form agreeing to extend the 40 day period within which the Subdivision Authority of the Village of Hussar has to make a decision.

I, the applicant, agree to extend the period of time within which the Subdivision Authority of the Village of Hussar has to make a decision on the Development Permit Application as follows:

TIME EXTENSION AGREEMENT:

Time Extended to: _____
Day Month Year

Applicant’s Signature: _____ Date Signed: _____

Development Officer: _____ Date Signed: _____

ADDITIONAL TIME EXTENSION AGREEMENT:

Time Extended to: _____
Day Month Year

Village of Hussar – Land Use Bylaw # 493-14

Applicant’s Signature: _____ Date Signed: _____

Development Officer: _____ Date Signed: _____

FORM J

APPLICATION FOR A DEMOLITION PERMIT

I / We hereby make application for a demolition permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEMOLITION:

CIVIC ADDRESS:

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No.

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF DEMOLITION:

ESTIMATED COMMENCEMENT: _____ COMPLETION: _____

Village of Hussar – Land Use Bylaw # 493-14
OTHER INFORMATION:

INTEREST OF APPLICANT IF NOT OWNER OF PROPERTY:

OTHER SUPPORTING MATERIAL ATTACHED: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____ DATE: _____

FORM K

NOTICE OF DECISION ON APPLICATION FOR A DEMOLITION PERMIT

APPLICATION NO: _____

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEMOLITION:

CIVIC ADDRESS:

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

The Development as specified in Application No. _____ has been:

Village of Hussar – Land Use Bylaw # 493-14

APPROVED

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

REFUSED FOR THE FOLLOWING REASON(S):

Date of _____ **Decision:** _____
Development Officer: _____

Notice of Decision issued on the _____ **day of** _____, _____.

Applicant to obtain other Permit & Inspections from Palliser Regional Municipal Services at 1-800-407-8361 or www.palliserservices.ca
NOTE:

A Demolition Permit issued pursuant to the Land Use Bylaw shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements. If an appeal is lodged pursuant to the Municipal Government Act, a permit does not take effect until the Subdivision and Development Appeal Board has determined the appeal.

APPEAL PROCEDURE:

An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Hussar Subdivision and Development Appeal Board within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements.