TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1012

BEING a bylaw of the Town of Milk River in the Province of Alberta, to amend Bylaw No.997, being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Milk River wishes to amend the Land Use Bylaw to regulate retail cannabis sales and cannabis production facilities.

AND WHEREAS the purpose of proposed Bylaw No. 1012 is to classify a retail cannabis store as a discretionary use in the Retail/General Commercial – C-1 land use district and include a set of accompanying use specific standards, rename a medical marihuana production facility as a cannabis production facility and update the accompanying standards, and amend and include applicable definitions.

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

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Town of Milk River in the Province of Alberta duly assembled does hereby enact the following:

1. That Part 2 Land Use Districts and Regulations is amended to include a retail cannabis store as a Type A – Municipal Planning Commission Discretionary Use in the Retail/General Commercial – C1 land use district as follows:

   Retail/General Commercial – C1, section (2) Discretionary Uses, Type A – Municipal Planning Commission – *add the use* "Retail cannabis store"

2. That Part 5 Use Specific Development Standards is amended to renumber sections 11 through 14 as 12 through 15, and include standards applicable to a retail cannabis store, inserted as section 11, as follows:

   11. RETAIL CANNABIS STORE

   (1) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of:

   (a) the boundary of a parcel of land on which a provincial health care facility is located,

   (b) the boundary of a parcel of land containing a school (public or private), or

   (c) the boundary of a parcel of land that is designated as school reserve (SR) or municipal and school reserve (MSR) under the *Municipal Government Act.*

   (2) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of another retail cannabis store (measured to the exterior wall).

(3) All parking and loading area requirements shall be provided in accordance with Part 7 Off-Street Parking and Loading Area Requirements. The "Retail and service" category in Table 1 – Off-Street Parking Spaces of Part 7, shall be used to calculate off-street parking space requirements for a retail cannabis store.

3. That Part 5 Use Specific Development Standards is amended to renumber sections 3 through 5 as 4 through 6, and section 6 Medical Marihuana Production Facility is renumbered as section 3 and amended as follows (add the text shown in *underlined italics;* delete the text shown in ~~strikethrough~~):

~~6~~ *3*. ~~MEDICAL MARIHUANA~~ *CANNABIS* PRODUCTION FACILITY

(1) A ~~medical marihuana~~ *cannabis* production facility may only be located on lands designated Direct Control – DC.

(2) All use specific development standards shall be as specified in the Direct Control – DC bylaw.

(3) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with the cannabis production facility as issued by Health Canada.

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

(5) The development must be undertaken in a manner such that all of the processes and functions are fully enclosed within a building, including waste materials.

(6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of the ventilation system.

(7) A public utility and waste management plan shall be submitted with the redesignation application that describes:

(a) estimated volume of monthly water usage;

(b) incineration of waste products and airborne emissions, including smell;

(c) the quantity and characteristics of liquid and waste material discharged by the facility; and

(d) the method and location of collection and disposal of liquid and waste material.

4. That the term "Retail cannabis store" is added to Part 8 Definitions and defined as follows:

Retail cannabis store means a development involving the use of a building where cannabis and cannabis accessories, licensed by the Province of Alberta, are offered for sale to individuals who attend the premises for off-site consumption, and may include storage within the premises of cannabis and cannabis accessories sufficient only to service such a store.

5. That the term "Cannabis" and "Cannabis accessories" are added to Part 8 Definitions and defined as follows:

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

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

6. That the term "Provincial health care facility" is added to Part 8 Definitions and defined as follows:

   Provincial health care facility means a hospital as defined in the *Hospitals Act*.

7. That the following definitions in Part 8 Definitions are amended as follows (add the text shown in *underlined italics;* delete the text shown in ~~strikethrough~~):

   Home occupation means an occupation, trade, profession or craft carried on by an occupant of a residential building as a secondary use to the residential use of the building and does not change the character of the building or lot. See Part 5, section 5 for definitions of Home occupation A and Home occupation B. *This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".*

   Intensive horticulture means a development involving the use of land or buildings for the high yield production of specialty crops and may include on-site sales. This use includes greenhouses, hydroponic or market gardens, fish farms, mushroom and sod farms. ~~Medical marijuana production facilities are not included in this definition.~~ *This use does not include production of cannabis.*

   ~~**Medical marihuana**~~ ***Cannabis*** **production facility** means a development where ~~medical marihuana~~ *federally licensed cannabis* is grown, processed, packaged, tested, *researched,* destroyed, stored, ~~and~~ *or* loaded for shipping. A ~~medical marihuana~~ *cannabis* production facility may only be located on lands designated Direct Control – DC.

   Retail sales outlets refer to uses involved in selling small quantities of goods or commodities for personal or household consumption, e.g., grocery store, hardware store, restaurant. *This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".*

8. That the Table of Contents of Bylaw No. 997 is updated accordingly.

9. Bylaw No. 997 is hereby amended and a consolidated version reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.

10. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 11th day of June, 2018.

Mayor *– Peggy Losey*

Chief Administrative Officer *– Ryan Leuzinger*

READ a **second** time this 13th day of August, 2018, as amended.

That Part 5, section 11(2) is amended to increase the minimum setback between retail cannabis stores from 100 metres to 300 metres to read as follows:

11. RETAIL CANNABIS STORE

(2) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 300 m (984 ft) of another retail cannabis store (measured to the exterior wall).

Mayor – *Peggy Losey*

Chief Administrative Officer – *Ryan Leuzinger*

READ a **third** time and finally PASSED this 13th day of August, 2018, as amended.

Mayor – *Peggy Losey*

Chief Administrative Officer – *Ryan Leuzinger*

In accordance with section 692(6) of the Municipal Government Act, the following clerical error in section 7 of Bylaw No. 1012, which is deemed to not materially affect the bylaw in principle or substance, is corrected:

Delete the reference to "Retail sales outlets" and the accompanying definition:

> **Retail sales outlets** refer to uses involved in selling small quantities of goods or commodities for personal or household consumption, e.g., grocery store, hardware store, restaurant. *This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".*

And replace with the correct reference to "Retail outlet" and its definition:

> **Retail outlet** means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store. *This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".*

TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1016

BEING a bylaw of the Town of Milk River in the Province of Alberta, to amend Bylaw No. 997, being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Milk River deems it necessary to amend Land Use Bylaw No. 997 to provide compliance with the recent amendments to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 relating to Part 17, enhance and clarify administrative procedures and requirements of the Land Use Bylaw, enhance the Development Officer functions including granting of waivers to bylaw standards and issuing decisions on certain fencing applications, expand allowances for shipping containers in residential land use districts, and correct minor clerical errors and government department name changes.

AND WHEREAS the purpose of proposed Bylaw No. 1016 is to clarify the role of the approval authorities, update administrative processes and timelines for determining complete applications and issuing notification for development and subdivision, update appeal timelines, update and enhance other administrative requirements for clarity and ease of use, enhance the Development Officer functions with respect to granting of waivers to bylaw standards and issuing decisions on certain fencing applications, add shipping containers as a development officer discretionary use in residential land use districts, and correct minor clerical errors and government department name changes.

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

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Town of Milk River in the Province of Alberta duly assembled does hereby enact the following:

1. That Part 1 Administration is amended as indicated in the attached Schedule A (text shown in strikethrough is deleted; text shown in underlined italics is added).

2. That section 2(2) Discretionary Uses, Part 2 Land Use Districts and Regulations, of each land use district except Direct Control - DC is amended to add the use "Fence, gate, wall, hedge or other means of enclosure within front yard or secondary front yard greater than 0.91 m (3 ft) in height" as a Type B – Development Officer discretionary use.

3. That section 2(2) Discretionary Uses, Part 2 Land Use Districts and Regulations, of every land use district except Direct Control - DC is amended to add the use "Fence, gate, wall, hedge or other means of enclosure within front yard or secondary front yard greater than 1.83 m (6 ft) in height" as a Type A – Municipal Planning Commission discretionary use.

4. That section 2(2) Discretionary Uses, Part 2 Land Use Districts and Regulations, is amended to add the use "Shipping container - permanent" as a Type B – Development Officer discretionary use in the following land use districts: Residential – R1, Manufactured Home Residential – R2, and Large Lot Residential – R3.

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5. That section 6 Fences, Walls and Hedges, Part 4 General Standards of Development, is amended as follows (text shown in strikethrough is deleted; text shown in underlined italics is added):

6. FENCES, *GATES,* WALLS, ~~AND~~ HEDGES, *AND OTHER MEANS OF ENCLOSURE*

(1) No fence, *gate,* wall, hedge, *or other means of enclosure,* ~~or any combination thereof~~ shall extend more than 0.91 m (3 ft) above the ground in any front yard area or secondary front yard area (as illustrated in Diagrams 4.4 and 4.5) *without an approved development permit*.

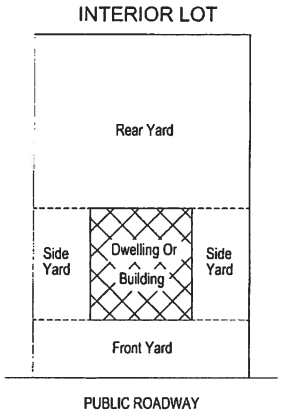


DIAGRAM 4.4

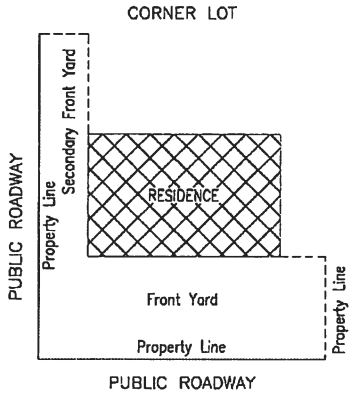


DIAGRAM 4.5

(2) Fences, *gates, walls, and other means of enclosure* in rear and side yards shall be limited to 1.83 m (6 ft) in height.

(3) In any residential land use district, fences, *gates,* walls and other means of enclosure shall not be constructed of barbed/razor wire, commercial concrete retaining blocks, or other materials incompatible with a residential aesthetic. Examples of typically acceptable materials include, but are not limited to, wood, brick, residential concrete block, vinyl, composite, chain link, wrought iron and stone.

(4) Where a development permit for a fence, *gate,* ~~or~~ wall, *hedge, or other means of enclosure* is required, the Development Authority may regulate the types of *vegetation,* materials and colours used ~~for a fence or wall~~.

6. That subsections 3(c), (d), (j), and (k) section 12 Shipping Containers (or C-Containers, Sea-Containers), Part 5 Use-Specific Development Standards, is amended as follows (text shown in strikethrough is deleted; text shown in underlined italics is added):

(c) the Development Authority may regulate the maximum *length, width and* height of shipping containers;

(d) the Development Authority may require as a condition of approval that a shipping container(s) be screened from view, ~~or~~ landscaped, sided and*/or* roofed to make it aesthetically pleasing *and compatible and consistent with the design, character and appearance of other buildings in the vicinity*;

(j) *A shipping container within any residential land use district (R1, R2, R3) may only be permitted in the rear yard.* ~~The~~ *A* shipping container *within a non-residential land use district* may only be permitted in the rear or side yard.

(k) *A shipping container within any residential land use district (R1, R2, R3) shall not display advertising, company logos, names or other marketing.* ~~The~~ *A* shipping container *within a non-residential land use district* shall not display advertising, company logos, names or other marketing without an approved sign permit.

7. That Part 9 Definitions is amended to add the following definition:

   Hedge means a row of closely planted shrubs or bushes forming a boundary, enclosure or fence.

8. That the following clerical errors are corrected as follows:

   a) The note "*See Part 4, Development Not Requiring a Development Permit" under section 2 Uses, Part 2 Land Use Districts and Regulations, in the Residential R-1, Manufactured Home Residential – R2, and Large Lot Residential R-3 land use districts is amended to reference Part 3, Development Not Requiring a Development Permit.
   b) That the 7 foot side yard setback for accessory buildings less than 13.9 m^2 (150 ft^2) in section 5 Setback Requirements for Accessory Buildings and Uses, in the Large Lot Residential – R3 land use district is amended to state 2.

9. That references to Industry Canada in Appendix C Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures (Antenna Systems) Siting Protocol is amended to reference Industry Canada's new name: Innovation, Science and Economic Development Canada.

10. That section 645 Stop Order in Appendix F Municipal Government Act Excerpts (Non-conforming buildings and uses and stop orders) is updated to reflect the current legislation.

11. That the Table of Contents of Bylaw No. 997 is updated accordingly.

12. Bylaw No. 997 is hereby amended and a consolidated version reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.

13. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 14th day of January, 2019.

Mayor – Peggy Losey | *Chief Administrative Officer – Ryan Leuzinger*

READ a **second** time this 11th day of February, 2019.

Mayor – Peggy Losey | *Chief Administrative Officer – Ryan Leuzinger*

READ a **third** time and finally PASSED this 11th day of February, 2019.

Mayor – *Peggy Losey*

Chief Administrative Officer – *Ryan Leuzinger*

TOWN OF MILK RIVER

LAND USE BYLAW NO. 997

Schedule A
Bylaw No. 1016

Text shown in strikethrough is deleted; text shown in underlined italics is added

PART 1

ADMINISTRATION

1. TITLE

This Bylaw may be cited as the "Town of Milk River Land Use Bylaw".

2. PURPOSE

In compliance with section 640 of the *Municipal Government Act*, the Town of Milk River Land Use Bylaw regulates and controls the use and development of land and buildings within the Town of Milk River to achieve orderly, efficient and economic development.

3. EFFECTIVE DATE

The Town of Milk River Land Use Bylaw (this Bylaw) shall come into effect upon third and final reading thereof.

4. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 821 and any amendments thereto is repealed upon third and final reading of this Bylaw.

5. SEVERABILITY

If any provision of this Bylaw is found to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

6. AMENDMENTS TO THE BYLAW

(1) Council may amend this Bylaw any time in accordance with the procedures detailed in section 692 of the *Municipal Government Act*.

(2) The public may make application to Council to amend this Bylaw in accordance with the procedures outlined in section 51 of this Bylaw.

7. COMPLIANCE WITH THE LAND USE BYLAW

(1) No development, other than those designated in section 28 of this Bylaw, shall be undertaken within the Town unless a development permit application has been approved and a development permit has been issued.

(2) Notwithstanding subsection (1), while a development permit may not be required pursuant to section 28, development shall comply with all regulations of this Bylaw.

8. COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial and/or federal legislation and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

9. RULES OF INTERPRETATION

(1) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act, Chapter I-8, RSA 2000*, as amended, shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.

(2) The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.

(3) The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

10. DEFINITIONS

Definitions are prescribed in Part 8.

11. METRIC MEASUREMENTS AND STANDARDS

For the purpose of applying the standards of this Bylaw, the metric standards as specified in this Bylaw are applicable. Imperial measurements are provided for convenience only.

12. FORMS, NOTICES AND FEES

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

(2) In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer and shall be consistent with those fees listed in the schedule for similar developments.

(3) Refund or adjustment of fees requires approval of the Town of Milk River.

13. PARTS AND APPENDICES

(1) Parts 1-8, form part of this Bylaw.

(2) Appendices A-F attached hereto do not form part of this Bylaw but have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued. The Appendices may be amended, updated and/or altered from time to time independent of this Bylaw.

APPROVING AUTHORITIES

14. DEVELOPMENT AUTHORITY

(1) The Development Authority is established by separate bylaw pursuant to section 624 of the *Municipal Government Act* and for the purposes of this Bylaw is comprised of the Development Officer and the Municipal Planning Commission.

(2) The Development Officer is a designated officer for the purposes of this Bylaw and shall be considered an authorized person pursuant to section 624 of the *Municipal Government Act.*

(3) In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission,

(b) Chief Administrative Officer, or

(c) a designate(s) in accordance with the *Municipal Government Act*.

(4) The Development Authority may exercise only such powers and duties as are specified:

(a) in the Town of Milk River Subdivision and Development Authority Bylaw,

(b) in this Bylaw,

(c) the Municipal Government Act,

(d) where applicable, by resolution of Council.

14.1. SUBDIVISON AUTHORITY – POWERS AND DUTIES

(1) The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Town of Milk River Subdivision and Development Authority Bylaw, and shall perform such powers and duties as are specified:

(a) in the Town of Milk River Subdivision and Development Authority Bylaw;

(b) in this Bylaw;

(c) in the Municipal Government Act;

(d) where applicable, by resolution of Council.

(2) The Subdivision Authority may delegate, through any of the methods described in subsection (1), to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:

(a) The delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.

(b) The Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

15. DEVELOPMENT OFFICER – POWERS AND DUTIES

(1) The office of Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.

(2) The Development Officer is responsible for:

(a) *receiving,* processing, *including determining whether a development permit application is complete, and* deciding upon and referring applications for a development permit in accordance with this Bylaw;

(b) maintaining a register in which the applications made for development permits and the decisions made on the applications shall be recorded, and may contain such other information as the Development Authority considers necessary;

(c) processing condominium certificates;

(d) receiving and deciding upon requests for time extensions for development permits which the Development Officer has approved and referring to the Municipal Planning Commission those requests for time extensions for development permits which the Municipal Planning Commission has approved;

(e) receiving, reviewing and referring any applications to amend this Bylaw to Council;

(f) issuing the written notice of decision and/or development permit on all development permit applications and any other notices, decision or orders in accordance with this Bylaw;

(g) performing any other duties and responsibilities as are specified in this Bylaw, the Town of Milk River Subdivision and Development Authority Bylaw, the *Municipal Government Act,* or by resolution of Council.

(3) The Development Officer may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice.

16. MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

The Municipal Planning Commission is responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations and/or decisions on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision;

(e) any other powers and duties as are specified in this Bylaw, the Town of Milk River Subdivision and Development Authority Bylaw, the *Municipal Government Act*, or by resolution of Council.

17. COUNCIL – DIRECT CONTROL DISTRICTS

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

18. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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

LAND USE DISTRICTS AND DEVELOPMENT IN GENERAL

19. LAND USE DISTRICTS

(1) The municipality is divided into those districts specified in Part 2 and shown on the Land Use Districts Map.

(2) The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; or

(b) discretionary uses in each district, with or without conditions, or both;

are described in Part 2.

(3) A land use that is not listed as a permitted or discretionary use, but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with section 35.

(4) A land use that is not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use *and shall be refused*.

20. DEVELOPMENT IN MUNICIPALITY GENERALLY

(1) A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in this Bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.

(2) The issuance of a subdivision or development approval pursuant to this Bylaw does not preclude the applicant and/or agent from the obligation to obtain any additional municipal, provincial or federal approvals that may be required before, during or after the subdivision or development process.

21. NON-CONFORMING BUILDINGS AND USES

(1) A non-conforming building or use may only be continued in accordance with the conditions detailed in section 643 of the *Municipal Government Act*. Refer to Appendix F for the relevant *Municipal Government Act* excerpts.

(2) Unresolved questions regarding the interpretation and application of this section shall, if necessary, be referred to the Municipal Planning Commission for interpretation and a decision.

22. NON-CONFORMING USE VARIANCES

The ~~Development Authority~~ *Development Officer and the Municipal Planning Commission* ~~is~~ *are* authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the *Municipal Government Act.*

23. NON-CONFORMING SIZED LOTS

Development on a lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Part 2 may be permitted at the discretion of *either* the ~~Development Authority~~ *the Development Officer or Municipal Planning Commission*.

24. NUMBER OF DWELLINGS ON A PARCEL

(1) Except as provided in subsection (2), no person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel.

(2) The Municipal Planning Commission may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if:

(a) the use allowing more than one dwelling unit is listed in the applicable land use district (e.g., duplex dwelling; multi-unit dwelling; accessory dwelling; manufactured home park); or

(b) the second or additional dwelling unit is a building as defined in the *Condominium Property Act*, that is the subject of a condominium plan to be registered in a Land Titles Office under that Act.

25. SUITABILITY OF SITES

(1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority may refuse to approve the subdivision of a lot and the Development Authority may refuse to issue a development permit, if the relevant Authority is made aware of or if in their opinion, the site of the proposed subdivision, building or use is not safe or suitable based on the following:

(a) the site does not have safe legal and physical access to a developed, maintained road in accordance with the municipal requirements or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway;

(b) has a high water table, drainage issues or soil conditions which makes the site unsuitable for foundations in accordance with provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) is located in a floodplain or situated in an area which may be prone to flooding, subsidence or erosion;

(f) does not comply with the requirements of any provincial land use policies or Regional Plan, Subdivision and Development Regulations, Municipal Development Plan or applicable conceptual design scheme, area structure plan, or statutory plan;

(g) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(h) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(i) is unsafe due to contamination by previous land uses;

(j) does not have adequate water and sewer provisions;

(k) does not meet the lot size and/or setback requirements or any other applicable standards or requirements on this bylaw;

(l) is incompatible with existing and approved uses of surrounding land;

(m) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build or use the site~~.~~*;*

(n) is located within the future road right-of-way or road alignment identified in an approved conceptual design scheme, an adopted area structure plan, or other adopted statutory plan.

(2) Nothing in this section shall prevent the Subdivision Authority from approving a lot or prevent the Development Authority from issuing a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

26. DEVELOPMENT AGREEMENTS

(1) The ~~Development Authority~~ *Development Officer or Municipal Planning Commission* may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *Municipal Government Act*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect the pedestrian walkway system that services or is proposed to serve adjacent development;

(c) to install or pay for the installation of a public utility that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is subject of the development;

(d) to construct or pay for the construction of off-street or other parking facilities, and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) The Subdivision Authority may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality pursuant to section 655(1) of the *Municipal Government Act*.

(3) An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *Municipal Government Act*.

(4) The municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

(5) If the municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

DEVELOPMENT PERMIT REQUIREMENTS

27. REQUIREMENT FOR A DEVELOPMENT PERMIT

(1) Except as provided in section 28, no person shall commence a development unless a development permit has been issued in respect of the proposed development.

(2) In addition to complying with the requirements of this Bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other municipal, provincial and federal approvals and licenses that may be required.

28. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

(1) Development that does not require a development permit is specified in Part 3.

(2) This section does not negate the requirement for obtaining all required permits, as applicable, under the *Safety Codes Act*, and any other municipal, provincial, federal statute or regulation.

(3) If there is a question as to whether a development permit is required for a development, the matter will be referred to the Municipal Planning Commission for a determination.

29. DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

(1) An application for a development permit must be made to the Development Officer by submitting:

(a) a complete development permit application, signed by the registered owner or authorized by the owner pursuant to subsection (2);

(b) the application fee prescribed in the applicable fee schedule;

(c) a description of the existing and proposed use of the land, building(s), and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary or permanent in nature;

(d) a site plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(iii) where applicable, the location of existing and proposed culverts and crossings;

(iv) the presence or absence of any abandoned oil and gas well(s); and if abandoned oil and gas well(s) are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing and proposed building site(s) and the minimum setback requirement;

(v) any additional information as may be stipulated in the standards of development;

(e) documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation; and

(f) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, floor plans, drainage plans, servicing and infrastructure plans, soils analysis, geotechnical reports and other reports regarding site suitability, Real Property Report or a surveyors sketch, certificate of title, architectural controls.

(2) An application for a development permit must be made by the owner of the land on which the development is proposed or, with the consent of the owner, by any other person.

30. ~~INCOMPLETE APPLICATIONS~~ *DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION*

~~(1) The Development Officer or the Municipal Planning Commission may refuse to accept a development permit application where:~~

~~(a) the information required by section 29 is incomplete; or~~

~~(b) the material supplied is inadequate to properly evaluate the application; or~~

~~(c) the applicable application fee has not been paid.~~

(1) The Development Officer shall, within 20 days after the receipt of an application for a development permit under section 29, determine whether the application is complete.

(2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application and is of an acceptable quality.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

~~(2)~~*(6)*~~Upon determination that an application is incomplete in accordance with subsection (1)~~, *If the Development Officer determines the application is incomplete,* the Development Officer shall ~~prepare~~ *issue to the applicant* a written notice which states the ~~reasons why the~~ application is incomplete and ~~includes a list, as applicable, of~~ *specifies* the outstanding information~~,~~ ~~materials~~ *documents* and fees which are to be submitted to the municipality within a specified timeframe *(submittal deadline) for the application to be considered complete*. *A later date may be agreed on between the applicant and the Development Officer in writing to extend the submittal deadline.* The written notice shall be provided to the applicant by mail, electronic means or hand-delivered.

(7) If the Development Officer determines that the information, documents, and fees submitted under subsection (6) are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(8)~~(3)~~If the required information, materials or fees ~~as applicable~~ *under subsection (6)* have not been submitted to the ~~municipality~~ *Development Officer* within the timeframe prescribed in the written notice issued under subsection *(6)* ~~(2)~~, the Development Officer shall return the application submission to the applicant accompanied by a written ~~n~~*N*otice *of Refusal* stating the application is ~~incomplete~~ *deemed refused, the reason(s) for refusal, and the required information on filing an appeal*.

(9) Despite issuance of a Notice of Completeness under subsection (5) or (7), the Development Officer or Municipal Planning Commission in the course of reviewing the application may request additional information or documentation from the applicant that the Development Officer or Municipal Planning Commission considers necessary to review the application.

31. REAPPLICATION

(1) Except as provided in subsection (2), when an application for a development permit is refused by the ~~Development Authority~~, *Development Officer, Municipal Planning Commission,* or on appeal by the Subdivision and Development Appeal Board, another application for a development on the same parcel of land for the same or a similar use may not be accepted for at least six months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this Bylaw, *or was refused as an incomplete application under section 30(8),* the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection (1) has lapsed, provided the application has been modified to comply with this Bylaw.

32. FAILURE TO MAKE A DECISION – DEEMED REFUSAL

In accordance with section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the complete application unless the applicant has entered into a written agreement with the Development Authority to extend the 40-day decision period.

DEVELOPMENT PERMIT PROCEDURES

33. PERMITTED USE APPLICATIONS

(1) Upon receipt of a complete application for a development permit for a permitted use that conforms with this Bylaw, the Development Officer shall:

(a) issue a development permit with or without conditions; or

(b) refer the application to the Municipal Planning Commission for a decision.

(2) The Development Officer or the Municipal Planning Commission may place any or all of the following conditions on a development permit for a permitted use:

(a) requirement to enter into a development agreement pursuant to section 26;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, stability, soil characteristics, flooding, subsidence, mass wasting, erosion, and servicing;

(d) alteration of a structure or building size or location to ensure any setback requirements of this Bylaw or the Subdivision and Development Regulation can be met;

(e) any measures to ensure compliance with the requirements of this Bylaw, including conditions pursuant to any provision listed in a Part, or any adopted statutory plan or approved conceptual design scheme;

(f) easements and/or encroachment agreements;

(g) provision of public utilities and utility servicing such as but not limited to electricity, gas, water, sewer, and storm water;

(h) provision of vehicular and pedestrian access;

(i) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or

otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;

(j) to give security to ensure the terms of the permit approval under this section are carried out;

(k) time periods stipulating completion of development;

(l) phasing of the development;

(m) time periods specifying the time during which a development permit is valid;

(n) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;

(o) the provision of a surveyor's sketch or plan from an engineer illustrating improvements and existing and/or proposed lot grades and surface drainage;

(p) preparation of an Environmental Impact Assessment;

(q) the filing of pertinent professional reports and plans prior to commencement of construction;

(r) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals and the requirement to submit documentation of such to the Town.

34. DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall:

(a) for a Type A use, refer the application to the Municipal Planning Commission for a decision;

(b) for a Type B use, either make a decision on the application or refer the application to the Municipal Planning Commission for a decision.

(2) Upon receipt of a completed application under subsection (1)(a), the Development Officer shall notify or cause to be notified the owners of land likely to be affected by the issue of a development permit in accordance with section 39.

(3) Upon receipt of a completed application under section (1)(b), the Development Officer may notify or cause to be notified the owners of land likely to be affected by the issue of a development permit in accordance with section 39.

(4) After consideration of any response to notifications of persons likely to be affected, including County of Warner, government departments, landowners, and referral agencies as applicable, compatibility and suitability of the proposed development and any other matters including but not limited to, statutory plans, access, transportation and servicing, and adjacent development, the Development Officer or the Municipal Planning Commission, as applicable may:

(a) issue a development permit with or without conditions; or

(b) refuse to issue a development permit, stating the reason(s) for refusal.

(5) The ~~Development Authority~~ *Development Officer or Municipal Planning Commission, as applicable,* may place any of the conditions stipulated in section 33(2) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area or any other conditions necessary to fulfil a planning related objective.

35. SIMILAR USE APPLICATIONS

(1) The Municipal Planning Commission may approve a proposed development not allowed in a land use district if, in the opinion of the Municipal Planning Commission, the proposed development is similar in character and purpose to a permitted or discretionary use that is allowed in that district.

(2) Upon receipt of a complete~~d~~ application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to a permitted or discretionary use allowed in the district in which such use is proposed, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify persons likely to be affected in accordance with section 39.

(3) The Municipal Planning Commission shall rule whether or not the proposed use is either similar to a permitted or discretionary use in the land use district in which it is proposed, and:

(a) if the use is deemed similar to a permitted or discretionary use in the land use district in which it is proposed, the application shall be reviewed and decided upon as a discretionary use in accordance with section 34;

(b) if the use is not deemed similar to a permitted or discretionary use in the land use district in which it is proposed, the use is deemed to be prohibited and the development permit shall be refused.

36. TEMPORARY USE APPLICATIONS

(1) The ~~Development Authority~~ *Development Officer or Municipal Planning Commission, as applicable,* ~~for a permitted, discretionary, or similar use~~, may issue a temporary development permit *for a permitted, discretionary, or similar use* for a period not to exceed one year for uses that are:

(a) determined to be temporary in nature; or

(b) for uses that may have impacts to adjacent land uses whereby a permit for a temporary period of time may have merit to ensure the development does not negatively impact the surrounding land uses.

(2) Temporary use applications shall be subject to the following conditions:

(a) it shall be a condition of every temporary development permit that the Town of Milk River shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period and the applicant or developer is

responsible for any costs involved in the removal of any development at the expiration of the permitted period;

(b) the ~~Development Authority~~ *Development Officer or Municipal Planning Commission* may require the applicant to submit a security bond or irrevocable letter of credit guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

(3) Permits issued under subsection (1) may apply for a non-temporary (permanent) development permit at the expiration of the temporary permit.

(4) Notification of persons likely to be affected, including the County of Warner, government departments and referral agencies shall be in accordance with section 39, where applicable.

APPLICATIONS REQUIRING WAIVERS

37. PERMITTED USE *AND TYPE B – DEVELOPMENT OFFICER DISCRETIONARY USE* APPLICATIONS REQUIRING A ~~MINOR~~ WAIVER(S)

(1) Upon the receipt of a complete~~d~~ application for a development permit for a permitted use *or Type B – Development Officer Discretionary Use* that requests one or more waivers not to exceed ~~10~~ *35* percent of any measurable standard of this Bylaw ~~(minor waiver)~~, the Development Officer shall evaluate the application, and:

(a) may grant the ~~minor~~ waiver(s) and issue the development permit with or without conditions if, in the opinion of the Development Officer, the waiver*(s)* would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application to the Municipal Planning Commission for a decision; or

(c) deny the ~~minor~~ waiver(s) and refuse to issue a development permit, stating the reason(s) for refusal.

(2) Granting a ~~minor~~ waiver(s) under this section does not require notification of persons likely to be affected prior to issuance of a development permit under section 39.

(3) If the waiver(s) required exceed ~~10~~ *35* percent of any measurable standard in this Bylaw, the Development Officer shall refer the application to the Municipal Planning Commission for a decision under section 38.

38. APPLICATIONS REQUIRING WAIVERS OF BYLAW PROVISIONS

(1) Upon receipt of a complete~~d~~ application for a development permit for a development that does not comply with this Bylaw and which the Development Officer is not authorized to issue a decision under section 37, but in respect of which the Development Authority is requested by the applicant to exercise discretion under subsection (3), the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify persons likely to be affected in accordance with section 39.

(2) The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the proposed development conforms with the use prescribed for that land or building in Part 2.

(3) After considering any response to the notifications to persons likely to be affected by the development and any other matters, the Municipal Planning Commission may:

(a) grant the waiver(s) and issue the development permit with or without conditions; or

(b) deny the waiver(s) and refuse to issue a development permit, stating the reasons for refusal.

(4) In addition to the conditions authorized in sections 33(2) and 34(5), as applicable, the Municipal Planning Commission may require as a condition of issuing a development permit for a use that does not comply with the requirements of this Bylaw, conditions to conform to a higher standard than stipulated in the applicable standards, if in the opinion of the Municipal Planning Commission, conformance to a higher standard will off-set any impact of granting the waiver(s).

NOTIFICATION REQUIREMENTS

39. NOTIFICATION FOR DEVELOPMENT APPLICATIONS

(1) Upon receipt of a complete~~d~~ application under sections 34(1)(a), 35, and 38, the Development Officer shall, at least **five business days,** before the meeting of the Municipal Planning Commission, notify persons likely to be affected by the issuing of a development permit by:

(a) mailing (postal service or electronic) written notice of the application to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

(ii) the County of Warner if in the opinion of the Development Officer ~~or the Municipal Planning Commission~~, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary *or is required in accordance with an adopted Intermunicipal Development Plan;* and

(iii) any other persons, government departments or referral agency that is deemed to be affected; or

(b) hand delivering written notice of the application to the persons and agencies specified in subsection (1)(a); or

(c) publishing a notice of the application in a newspaper circulating in the municipality or the municipal newsletter; or

(d) posting a notice of the application in a conspicuous place on the property; or

(e) any combination of the above.

(2) In all cases, notification shall:

(a) describe the nature and location of the use;

(b) state the place and time the Development Authority will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;

(c) specify the location at which the application can be inspected.

40. NOTICE OF DECISION ON DEVELOPMENT PERMIT APPLICATION

~~(1) Upon issuance of a decision on a development permit application for a permitted use that complies with this Bylaw, the Development Officer shall:~~

~~(a) mail (postal service or electronic mail) a written notice to the applicant; and~~

~~(b) post a copy of the decision in a prominent place in the Town Office for at least 14 days.~~

~~(2) Upon issuance of a decision on a development permit application under sections 34, 35 (excluding permitted uses), 36, 37 and 38, the Development Officer shall:~~

~~(a) mail (postal service or electronic mail) a written notice of decision to the applicant; and~~

~~(b) mail a copy of the decision to those originally notified of the development permit application, those that made written submissions, and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected; or~~

~~(c) publish a notice of the decision in a newspaper or municipal newsletter circulated within the municipality.~~

(1) A decision of the Development Authority on an application for a development permit must be issued:

(a) in writing to the applicant in accordance with subsection (2); and

(b) a copy of the decision posted in a prominent place in the town office for at least 21 days or posted in a newspaper circulated within the municipality or published on the official municipal website; and/or

(c) a copy of the decision sent by mail (postal service or electronic mail) to those originally notified of the development permit application and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected.

(2) The Development Officer will give or send by mail (postal service or electronic mail) a copy of the decision, which specifies the date on which the written decision was given, to the applicant on the same day the written decision is given.

(3) For the purpose of subsection (2), the "date on which the written decision was given" means:

(a) the date the Development Officer signed the notice of decision or development permit; or

(b) the date the decision is posted in a prominent place in the town office, posted in the newspaper, or published on the official municipal website;

whichever occurs later.

DEVELOPMENT PERMIT VALIDITY

41. COMMENCEMENT OF DEVELOPMENT

(1) Despite the issuance of a development permit, no development is authorized to commence *within 21 days after the date on which the decision was given under section 40(2)* ~~until the appeal period has expired in compliance with the following:~~

~~(a) **Permitted Uses that Comply with this Bylaw:**~~

~~(i) where the notice of decision is posted in the Town Office, development shall not commence until 14 days after the notice was posted;~~

~~(ii) where the notice of decision is published in the newspaper or municipal newsletter, development shall not commence until at least 14 days from the date of publication.~~

~~(b) **All Discretionary Uses or Applications Requiring Waiver(s):**~~

~~(i) where the notice of decision is mailed to adjacent landowners and other persons likely to be affected, development shall not commence until at least 19 days from the date the decision was mailed;~~

~~(ii) where the notice of decision is published in the newspaper or municipal newsletter, development shall not commence until at least 14 days from the date of publication.~~

(2) If an appeal is made, no development is authorized pending the outcome of the appeal.

(3) Any development occurring prior to the dates determined under subsections (1) and (2) is at the risk of the applicant.

42. DEVELOPMENT PERMIT VALIDITY

(1) Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the ~~Development Authority~~ *Development Officer or Municipal Planning Commission* within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

(2) An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection (3), except for a permit for a temporary use which shall not be extended.

(3) Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

(4) The number of extensions to the validity of a development permit is at the discretion of the Development Authority.

43. TRANSFERABILITY OF DEVELOPMENT PERMIT

(1) A home occupation permit is non-transferable.

(2) Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy.

44. DISCONTINUATION OF USE

When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *Municipal Government Act*.

45. SUSPENSION OR CANCELLATION OF A PERMIT

(1) If after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application contained a misrepresentation;

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice;

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

(2) Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

(3) A person whose development permit is suspended or cancelled under this section may appeal within 14 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

(4) If a development permit is suspended, the applicant may appeal to the Subdivision and Development Appeal Board which may:

(a) reinstate the development permit; or

(b) if the Development Officer or Municipal Planning Commission, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application, cancel the development permit.

ENFORCEMENT

46. NOTICE OF VIOLATION

(1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *Municipal Government Act,* the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Officer or the Municipal Planning Commission may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

(2) Such notice shall state the following:

(a) nature of the violation,

(b) corrective measures required to comply, and

(c) time period within which such corrective measures must be performed.

47. STOP ORDER

(1) The Development Officer or Municipal Planning Commission is authorized to issue an order under section 645 of the *Municipal Government Act* whenever it is considered necessary to do so.

(2) A person who receives notice pursuant to subsection (1), may appeal the order to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

(a) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board within the prescribed time period and shall be accompanied by the applicable fee.

48. ENFORCEMENT OF STOP ORDERS

(1) Pursuant to section 646 of the *Municipal Government Act*, if a person fails or refuses to comply with an order directed to the person under section 645 of the *Municipal Government Act* or an order of a subdivision and development appeal board under section 687 of the *Municipal Government Act*, the designated officer may, in accordance with section 542 of the *Municipal Government Act*, enter on the land or building and take any action necessary to carry out the order.

(2) The Town 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 an order.

(3) If a caveat is registered under subsection (2), the Town must discharge the caveat when the order has been complied with.

(4) If compliance with a stop order is not voluntarily effected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *Municipal Government Act*. In accordance with section 553 of the *Municipal Government Act*, the expenses and costs of carrying out an order under section 646 of the *Municipal Government Act* may be added to the tax roll of the parcel of land.

49. PENALTIES AND RIGHT OF ENTRY

(1) Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

(2) In accordance with section 542 of the *Municipal Government Act*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or *Municipal Government Act* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to 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.

(3) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *Municipal Government Act*, the municipality under the authority of section 543 of the *Municipal Government Act* may obtain a court order.

APPEALS

50. DEVELOPMENT APPEALS

(1) Any person applying for a development permit or any other person affected by any order, decision or development permit made or issued by the Development Authority may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *Municipal Government Act*.

(2) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving written notice of the appeal to the Subdivision and Development Appeal Board within the applicable time period and shall be accompanied by the applicable fee *within:*

(a) 21 days after the date on which the written decision was given in accordance with section 40, or

(b) 21 days after expiry of the 40 day period under section 32 or the extension period granted if no decision was made on the application, or

(c) 21 days after the date of which a stop order is made under section 645 of the Municipal Government Act.

LAND USE BYLAW AMENDMENTS

51. AMENDMENTS TO THE LAND USE BYLAW

(1) Any person may initiate amendments to this Bylaw regarding textual amendments or land use redesignations by making an application to the Development Officer.

(2) All applications for amendment shall be submitted using the applicable form and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application, and any applicable fee paid to the municipality as required.

(3) The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

(4) The Development Officer shall forward the application to Council for a decision if he/she is satisfied sufficient information has been provided with the application.

(5) The application shall be processed in compliance with the requirements of the *Municipal Government Act,* including the processes for notice of public hearings and the conduct of meetings.

(6) Where an application for an amendment to this Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least six months after the date of refusal.

(7) Council, at its discretion, may accept another application in respect of subsection (6) above within six months, if the resubmitted application is to address revisions, requirements or instructions of Council regarding the proposal, and Council is satisfied its instructions have been adhered to.

52. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

(1) A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and fee;

(b) a narrative describing the:

(i) proposed designation and future use(s);

(ii) consistency with applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and

(vi) any potential impacts on public roads.

(c) conceptual subdivision design, if applicable;

(d) a geotechnical report prepared by an engineer demonstrating soil stability/suitability if deemed necessary by the Development Officer or Council;

(e) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer or Council; and

(f) any other information deemed necessary by the Development Officer or Council to properly evaluate the application.

(2) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application when:

(a) redesignating land to another district,

(b) multiple parcels of land are involved,

(c) more than four lots could be created,

(d) several pieces of fragmented land are adjacent to the proposal,

(e) internal public roads would be required,

(f) municipal services would need to be extended, or

(g) required by Council or the Development Authority.

SUBDIVISION APPLICATION RULES AND PROCEDURES

53. SUBDIVISION APPLICATION

(1) *An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:*

(a) *an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;*

(b) *the applicable fees paid;*

(c) *a copy of the current Certificate of Title for the land that is the subject of the application;*

(d) *provincial abandoned gas well information;*

(e) *a tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or a Real Property Report is required; and*

(f) *any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the MGA, the Subdivision and Development Regulation, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.*

54. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(1) *In accordance with the MGA, the Subdivision Authority or its designate, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what information is required to be submitted within a specified time period, by sending notification in the following manner:*

(a) *for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;*

(b) *for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority or its designate;*

(c) *in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.*

(2) *Notwithstanding section 54(1), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.*

(3) *If the applicant fails to submit all the outstanding information and documents on or before the date referred to in section 54(1)(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the MGA. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.*

(4) *A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.*

TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1017

BEING a bylaw of the Town of Milk River in the Province of Alberta, to amend Bylaw No. 997, being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Milk River deems it necessary to amend Land Use Bylaw No. 997 to designate the land annexed under Order in Council 263/2017, from the County of Warner's land use district designations to designations under the Town of Milk River's current Land Use Bylaw and assign a land use designation to a parcel of land in proximity of the annexed land that had never been assigned a land use designation (Extra Road, Plan 1310043).

AND WHEREAS the purpose of the proposed Bylaw No. 1017 is to redesignate land described as:

Extra Road, Plan 1310043

from no zoning designation to "Railway – RY", as shown on the map in Schedule 'A' attached; and land described as:

Portion of Railway Right of Way, Plan RY23

from "Linear Parcel Direct Control (LPDC)" to "Railway - RY", as shown on the map in Schedule 'A' attached; and land described as:

Portion of NE¼ Sec. 21, Twp. 2, Rge. 16, W4M

from "Urban Fringe (UF)" to "Railway - RY", as shown on the map in Schedule 'A' attached; and land described as:

Parcel A, Plan 3166EZ

from "Urban Fringe (UF)" to no zoning designation, as shown on the map in Schedule 'A' attached; and land described as:

Portion of Railway Right of Way, Plan RY23
AND
Area 'A', Plan 1211441

from "Linear Parcel Direct Control (LPDC)" to "Railway – RY", as shown on the map in Schedule 'B' attached.

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

RECEIVED
FEB 12 2019
BB / KS / BJ

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Town of Milk River in the Province of Alberta duly assembled does hereby enact the following:

1. That Extra Road, Plan 1310043 as shown on the attached Schedule 'A' is designated "Railway – RY".
2. That the Portion of Railway Right of Way, Plan RY23 as shown on the attached Schedule 'A' is redesignated from "Linear Parcel Direct Control (LPDC)" to "Railway – RY".
3. That the Portion of NE¼ Sec. 21, Twp. 2, Rge. 16, W4M as shown on the attached Schedule 'A' is redesignated from "Urban Fringe (UF)" to "Railway – RY".
4. That Parcel A, Plan 3166EZ as shown on the attached Schedule 'A' is redesignated from "Urban Fringe (UF)" to no zoning designation.
5. That the Portion of Railway Right of Way, Plan RY23 and Area 'A', Plan 1211441 as shown on the attached Schedule 'B' are redesignated from "Linear Parcel Direct Control (LPDC)" to Railway – RY".
6. That the Land Use Districts Map of the Town of Milk River Land Use Bylaw No. 997 is amended to reflect this designation.
7. Bylaw No. 997, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
8. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 14th day of January, 2019.

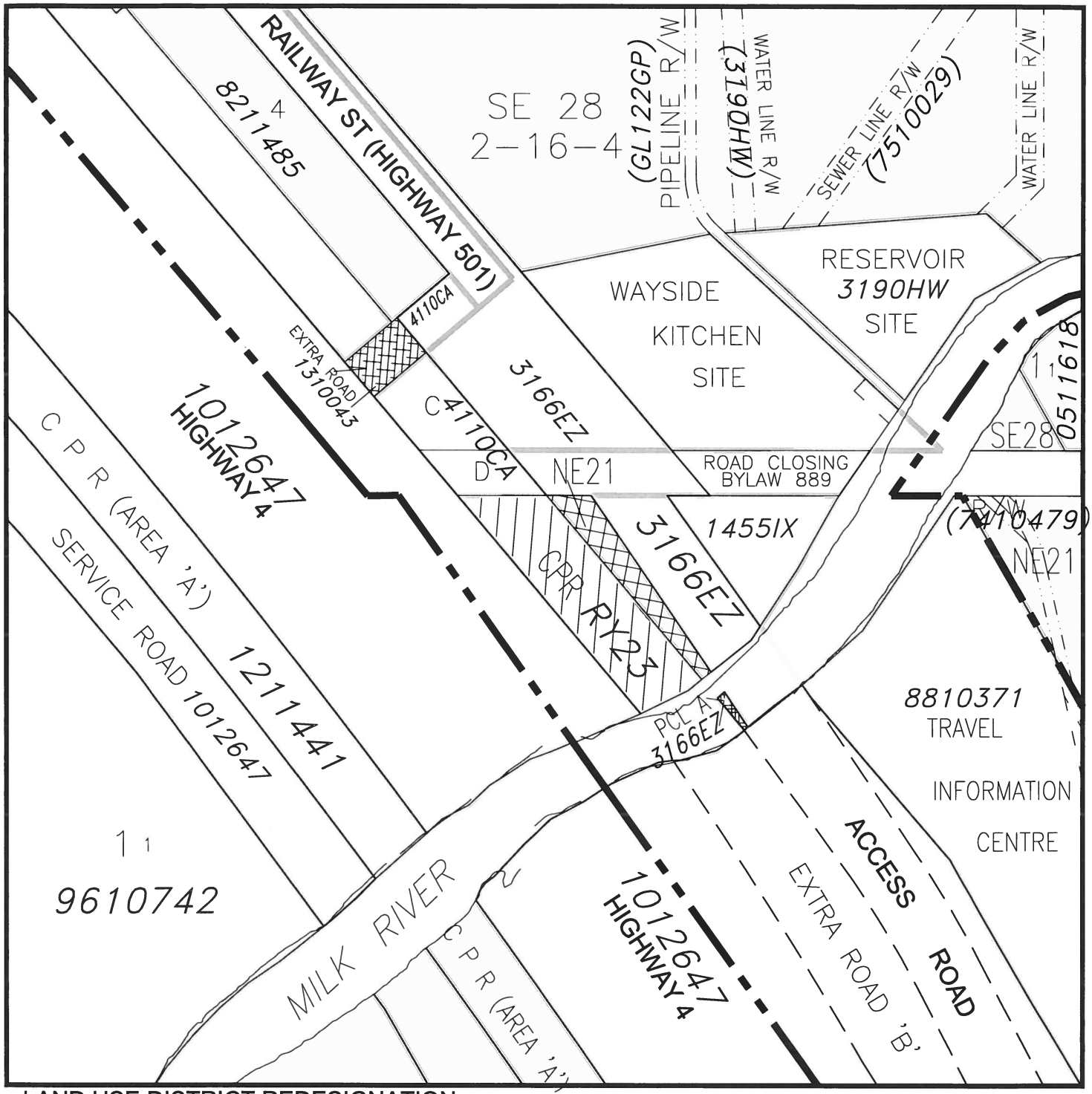
Mayor – *Peggy Losey* ***Chief Administrative Officer*** – *Ryan Leuzinger*

READ a **second** time this 11th day of February, 2019.

Mayor – *Peggy Losey* ***Chief Administrative Officer*** – *Ryan Leuzinger*

READ a **third** time and finally PASSED this 11th day of February, 2019.

Mayor – *Peggy Losey* ***Chief Administrative Officer*** – *Ryan Leuzinger*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

EXTRA ROAD, PLAN 1310043

FROM: No Zoning
TO: Railway - RY

PORTION OF RAILWAY RIGHT OF WAY, PLAN RY23

FROM: Linear Parcel Direct Control (LPDC)
TO: Railway - RY

PORTION NE 1/4 SEC 21, TWP 2, RGE 16, W 4 M

FROM: Urban Fringe (UF)
TO: Railway - RY

PARCEL A, PLAN 3166EZ

FROM: Urban Fringe (UF)
TO: No Zoning

WITHIN NE 1/4 SEC 21 & SE 1/4 SEC 28,
TWP 2, RGE 16, W 4 M
MUNICIPALITY: TOWN OF MILK RIVER
DATE: OCTOBER 19, 2018

Bylaw #: _____

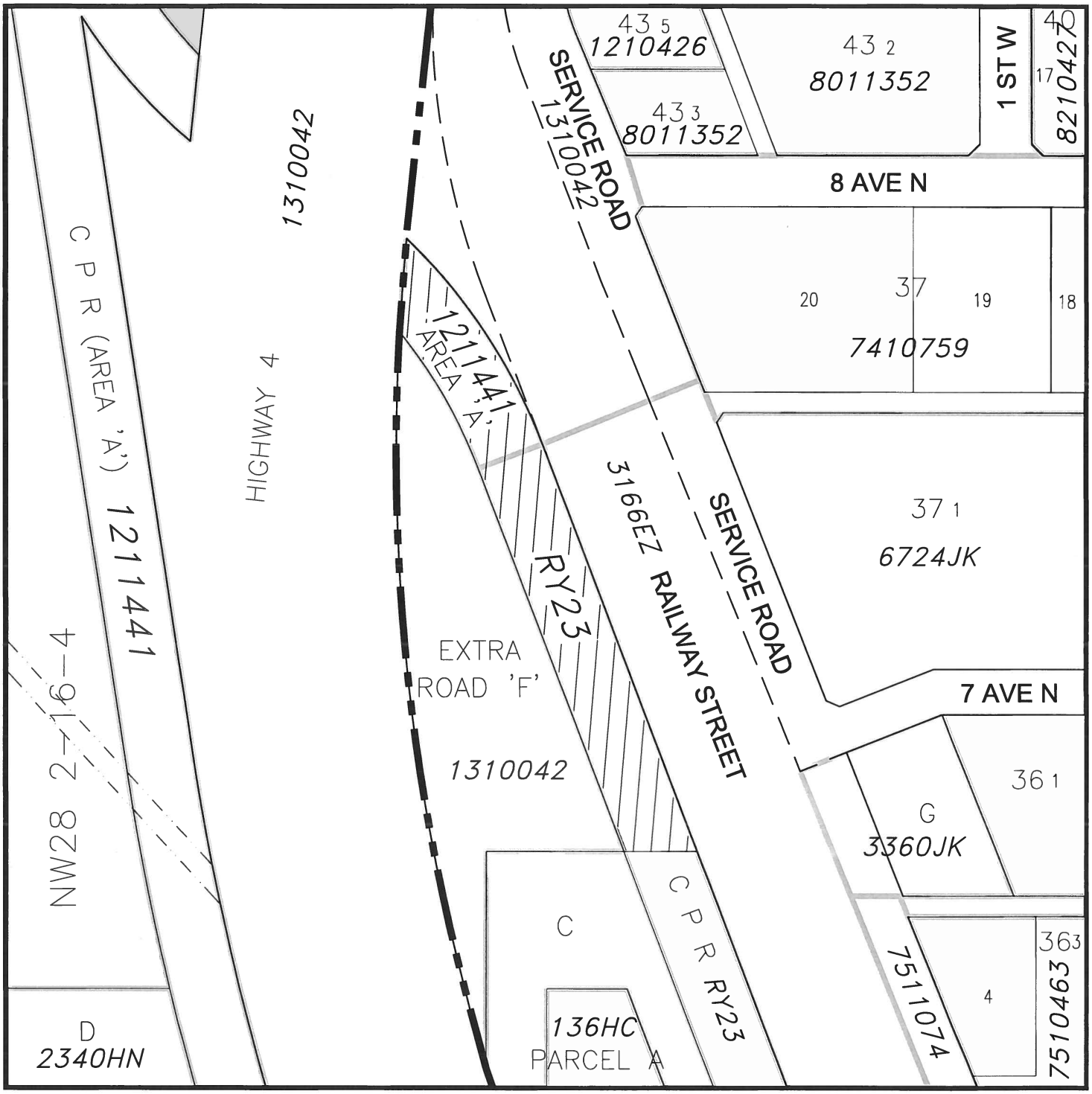
Date: _____

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

October 23, 2018 N:\Warner-County\Milk-River\Milk River LUD & Land Use Redesignations\Milk River Portions NE21-SE28-2-16.dwg



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'B'

PORTION OF RAILWAY RIGHT OF WAY, PLAN RY23
AND
AREA 'A', PLAN 1211441

FROM: Linear Parcel Direct Control (LPDC)
TO: Railway - RY

WITHIN NW 1/4 SEC 28 TWP 2, RGE 16, W 4 M
MUNICIPALITY: TOWN OF MILK RIVER
DATE: OCTOBER 19, 2018

Bylaw #:_____

Date: _____

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

October 23, 2018 N:\Warner-County\Milk-River\Milk River LUD & Land Use Redesignations\Milk River Portions NE21-SE28-2-16.dwg

Town of Milk River

REZONE BYLAW NO. 1087-26

BEING a bylaw of the Town of Milk River in the Province of Alberta, to amend Bylaw No. 997, being the municipal Land Use Bylaw.

WHEREAS the purpose of the proposed Bylaw No. 1087 is to redesignate lands legally described as: **Lots 9 and 10, Block 1, Plan 2227Y**
from "Public and Institutional – P/I" to "Residential – R1", as shown on the map in Schedule 'A' attached, to accommodate residential use.

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

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Town of Milk River in the Province of Alberta duly assembled does hereby enact the following:

1. That Lots 9 and 10, Block 1, Plan 2227Y as shown on the attached Schedule 'A' are designated "Residential – R1".
2. That the Land Use Districts Map of the Town of Milk River Land Use Bylaw No. 997 is amended to reflect this designation.
3. Bylaw No. 997, being the Land Use Bylaw, is hereby amended and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.
4. This bylaw shall come into effect upon third and final reading hereof.

That this bylaw shall take effect on the date of the third and final reading thereof.

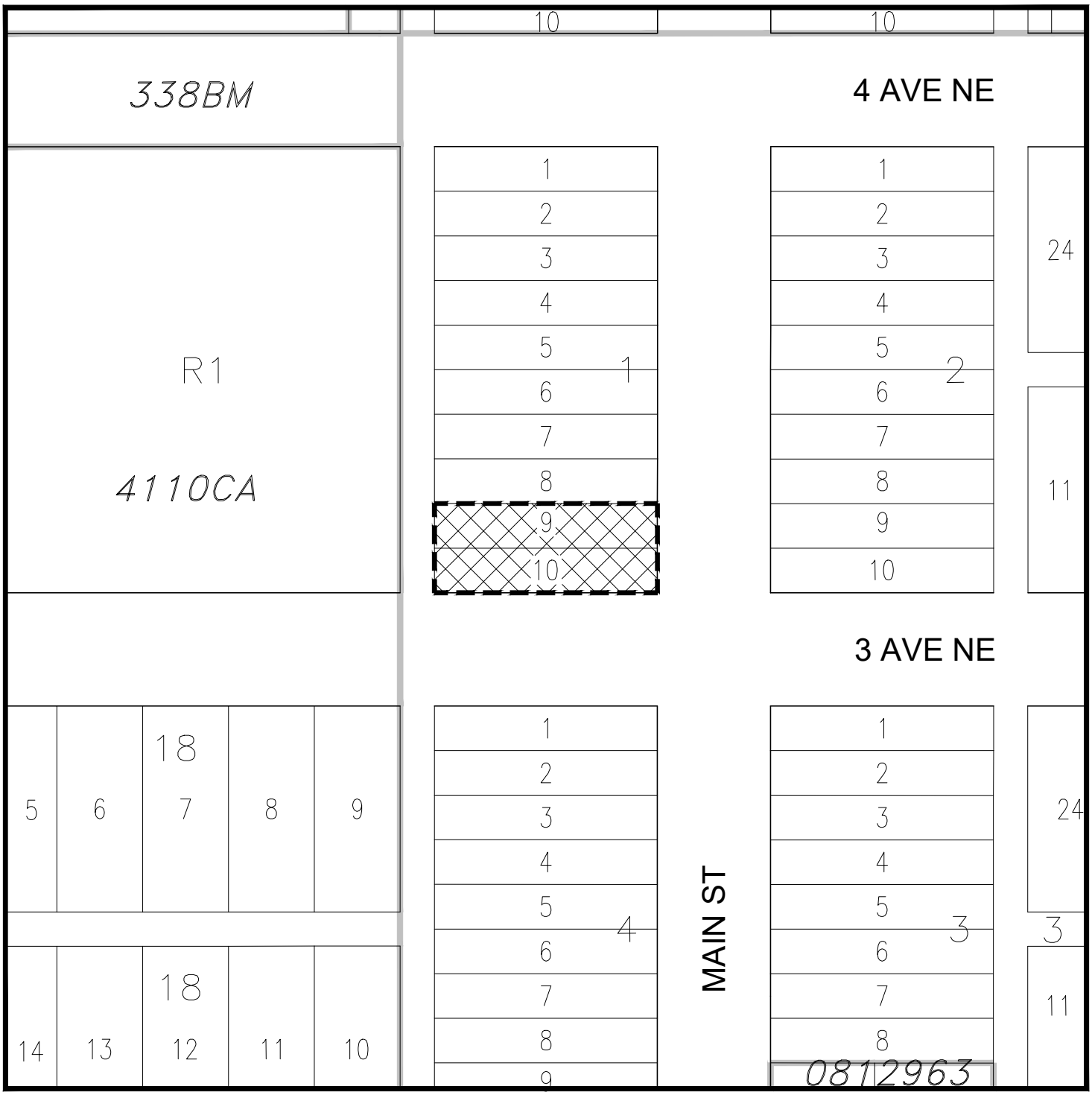
Read a first time this __11__ day of ____May_____ 2026.

Read a second time this __8___ day of ___June_____ 2026.

Read a third time and passed this __8___ day of ___June_____ 2026.

Larry Liebelt – Mayor

Ethan Gorner – Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Public and Institutional - P/I
TO: Residential - R1

LOTS 9 & 10, BLOCK 1, PLAN 2227Y WITHIN
SE 1/4 SEC 28, TWP 2, RGE 16, W 4 M
MUNICIPALITY: TOWN OF MILK RIVER
DATE: APRIL 20, 2026

Bylaw #: 1087

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 20 40 60 80

April 20, 2026 N:\Warner-County\Milk-River\Milk River LUD & Land Use Redesignations\Milk River - Lots 9-10, Block 1, Plan 2227Y.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"