TOWN OF MILK RIVER

LAND USE BYLAW NO. 997

Town Of
Milk River

December 2016

Consolidated to Bylaw No. 1087-26, June 2026

Prepared by the



OLDMAN RIVER REGIONAL SERVICES COMMISSION

TOWN OF MILK RIVER
IN THE PROVICE OF ALBERTA

BYLAW NO. 997

BEING a bylaw of the Town of Milk River, in the Province of Alberta, to adopt a new Land Use Bylaw;

WHEREAS section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, requires the passage of a Land Use Bylaw;

AND WHEREAS the Council of the Town of Milk River wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and enhancing standards regarding the use and development of land within the Town;
- incorporating new land uses and standards for uses within the Town;
- expanding and updating the Administrative section to provide more detail and clear regulation pertaining to processing, public notification, decision-making, and application of conditions for development permit applications;
- complying with the provisions of the South Saskatchewan Regional Plan and Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

AND WHEREAS the Land Use Bylaw is intended to foster orderly growth and development within the Town of Milk River;

AND WHEREAS the bylaw is adopted in accordance with section 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

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

1. Bylaw No. 821, being the former Land Use Bylaw, and any amendment thereto, is hereby rescinded.
2. Bylaw No. 997 shall come into effect upon third and final reading thereof.
3. Bylaw No. 997 is hereby adopted.

READ a **first** time this 14th day of November, 2016.

Mayor – *David Hawco* ***Chief Administrative Officer*** – *Ryan Leuzinger*

READ a **second** time this 12th day of December, 2016, as amended.

Mayor – *David Hawco* ***Chief Administrative Officer*** – *Ryan Leuzinger*

READ a **third** time and finally PASSED this 12th day of December, 2016, as amended.

Mayor – *David Hawco* ***Chief Administrative Officer*** – *Ryan Leuzinger*

Town of Milk River Land Use Bylaw No. 997 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1012	Various text amendments to classify a retail cannabis store as a discretionary use in the Retail/General Commercial – C-1 land use district and include 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		13-Aug-2018
1016	Various text amendments to enhance and clarify administrative procedures and Development Officer functions including granting of waivers to bylaw standards and issuing decisions on certain fencing applications, expand allowances for shipping containers in residential districts and correct minor clerical errors and government department name changes.		11-Feb-2019
1017	Assign or change the designation of lands affected by the annexation under Order in Council 263/2017: Designated to “Railway – RY”; “Linear Parcel Direct Control (LPDC)” to “Railway – RY” “Urban Fringe (UF)” to “Railway – RY”; “Urban Fringe (UF)” to no zoning designation; “Linear Parcel Direct Control (LPDC)” to “Railway – RY”	Extra Road, Plan 1310043; Portion of Railway Right of Way, Plan RY23; Portion of NE-21-2-16-W4M; Parcel A, Plan 3166EZ; Portion of Railway Right of Way, Plan RY23 and Area ‘A’, Plan 1211441	11-Feb-2019
1087-26	“Public/Institutional – P/I” to “Residential – R”	Lots 9 and Lot 10, Block 1, Plan 2227Y	8-June-2026

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PART 1

ADMINISTRATION

TOWN OF MILK RIVER
LAND USE BYLAW NO. 997

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. SUBDIVISION 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 Officer and the Municipal Planning Commission 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 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 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. DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION

(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.

(6) If the Development Officer determines the application is incomplete, the Development Officer shall issue to the applicant a written notice which states the application is incomplete and specifies the outstanding information, 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) If the required information, materials or fees under subsection (6) have not been submitted to the Development Officer within the timeframe prescribed in the written notice issued under subsection (6), the Development Officer shall return the application submission to the applicant accompanied by a written Notice of Refusal stating the application is 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 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 complete 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 complete 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 complete 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 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 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 Officer or Municipal Planning Commission, as applicable, 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 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 WAIVER(S)

(1) Upon the receipt of a complete 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 35 percent of any measurable standard of this Bylaw, the Development Officer shall evaluate the application, and:

(a) may grant the 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 waiver(s) and refuse to issue a development permit, stating the reason(s) for refusal.

(2) Granting a 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 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 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 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 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) 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).

(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 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.

PART 2

LAND USE DISTRICTS AND REGULATIONS

PART 2

LAND USE DISTRICTS AND REGULATIONS

1. LAND USE DISTRICTS

The Town of Milk River is divided into those districts shown on the Land Use Districts Map of this Part and shall be known by the following identifying names and symbols:

RESIDENTIAL	– R1
MANUFACTURED HOME RESIDENTIAL	– R2
LARGE LOT RESIDENTIAL	– R3
RETAIL/GENERAL COMMERCIAL	– C1
HIGHWAY COMMERCIAL	– C2
LIGHT INDUSTRIAL	– I1
GENERAL INDUSTRIAL	– I2
RAILWAY	– RY
PUBLIC AND INSTITUTIONAL	– P/I
URBAN RESERVE	– UR
DIRECT CONTROL	– DC

2. LAND USE DISTRICTS MAP AND LAND USE DISTRICTS REGULATIONS

The Land Use Districts Map and Land Use Districts Regulations follow this page.

RESIDENTIAL – R1

1. INTENT

The intent of this land use district is to accommodate a variety of types of residential development and compatible amenities in an attractive, orderly, economic and efficient manner.

2. USES

(1) PERMITTED USES

- Accessory building:
  - first accessory building 53.6 m^2 (576 ft^2) or less
- Day home*
- Home occupation A*
- Shipping container - temporary
- Single-detached dwelling site built

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Day care facility
- Dwellings:
  - Accessory
  - Duplex
  - Moved-in
  - Multi-unit
  - Row housing
  - Semi-detached
  - Single-detached manufactured**
  - Single-detached prefabricated**
- 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
- Lodging or boarding house
- Moved-in building
- Parks and playgrounds
- Public and private utilities
- Public open space
- Seniors housing
- Small wind energy system
- Sportsfield

TYPE B – Development Officer

- Accessory building greater than 53.6 m^2 (576 ft^2)
- Accessory uses
- Additional accessory building
- 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
- Guest lodging
- Home occupation B
- Shipping container - permanent
- Signs
- Solar collector
- Temporary uses

*See Part 3, Development Not Requiring a Development Permit.

**Motor homes, recreational vehicles and park model trailers are prohibited for use as a dwelling.

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Dwelling, single-detached (all types)	15.2	50	35.1	115	534.2	5,750
Dwelling, two-unit:						
– semi-detached	24.4 (2 x 12.2)	80	35.1	115	854.7	9,200
– duplex	21.3	70	35.1	115	747.8	8,050
Dwelling, multi-unit	30.5	100	35.1	115	1,068.4	11,500
Dwelling, row housing:						
– interior units	7.6	25	35.1	115	267.1	2,875
– end units	12.2	40	35.1	115	427.3	4,600
Other uses	As required by the Development Authority					

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Dwelling, single-detached (all types)	7.6	25	3.05	10	1.5	5	7.6	25
Dwelling, two-unit	7.6	25	3.05	10	3.05	10	7.6	25
Dwelling, multi-unit	9.1	30	4.6	15	3.05	10	7.6	25
Row housing	7.6	25	3.05	10	3.05	10	7.6	25
All other uses	As required by the Development Authority							

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

Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Accessory buildings 13.9 m^2 (150 ft^2) and larger in size	See (1) below		3.05	10	1.5	5	1.5	5
Accessory buildings less than 13.9 m^2 (150 ft^2)	See (1) below		3.05	10	0.6	2	0.6	2
All other uses			As required by the Development Authority					

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

(1) No accessory building or use shall be located in the front yard or secondary front yard.

(2) All roof drainage is to be contained within the property that the said building is situated.

(3) Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

(4) Any building or structure attached to a principal building is subject to the principal building setbacks (e.g., deck, veranda, carport, attached garage).

(5) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(6) Accessory buildings and uses not specifically included within a development permit require a separate development permit application, except where exempted in Part 3.

4. MAXIMUM SITE COVERAGE

(1) **Principal building** – The principal building shall not cover more than 35 percent of the surface area of a lot.

(2) **Accessory building** – The combined area of all accessory buildings shall not cover more than 15 percent of the surface area of a lot.

(3) Uncovered decks or patios are not included in the site coverage calculation.

5. MINIMUM FLOOR AREA

Use	Minimum Floor Area
Accessory dwelling	30.2 m^2 (325 ft^2)
Duplex dwellings (each unit)	55.7 m^2 (600 ft^2)
Single-detached dwelling (all types)	74.3 m^2 (800 ft^2)
Semi-detached dwellings (each unit)	74.3 m^2 (800 ft^2)
Multi-unit dwellings (each unit)	50.2 m^2 (540 ft^2)
All other uses	As required by the Development Authority

6. MAXIMUM BUILDING HEIGHT

Use	Maximum Height
Accessory buildings	4.6 m (15 ft)
All other uses	As required by the Development Authority

7. GENERAL STANDARDS OF DEVELOPMENT – See Part 4.

8. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

9. SIGN REGULATIONS – See Part 6.

10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

MANUFACTURED HOME RESIDENTIAL – R2

1. INTENT

The intent of this land use district is to provide an opportunity for predominately manufactured home residential development in those areas of the Town of Milk River that are considered suitable for such development.

2. USES

(1) PERMITTED USES

Accessory building:
- first accessory building 53.6 m^2 (576 ft^2) or less

Day home*
Home occupation A*
Shipping container - temporary
Single-detached dwelling manufactured**

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

Dwellings:
- Duplex
- Moved-in
- Single-detached prefabricated **
- Single-detached site built

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
Manufactured home park
Moved-in building
Parks and playgrounds
Public and private utilities
Public open space
Small wind energy system
Sportsfield

TYPE B – Development Officer

Accessory building greater than 53.6 m^2 (576 ft^2)
Accessory uses
Additional accessory building
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
Guest Lodging
Home occupation B
Shipping container - permanent
Signs
Solar collector
Temporary uses

*See Part 3, Development Not Requiring a Development Permit.

**Motor homes, recreational vehicles and park model trailers are prohibited for use as a dwelling.

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-detached manufactured	15.2	50	36.6	120	557.4	6,000
Other uses	As required by the Development Authority					

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

Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Single-detached manufactured	6.1	20	4.6	15	4.6	15	3.0	10
					main entrance side			
					1.5	5		
					other side			
All other uses	As required by the Development Authority							

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

Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Accessory buildings 13.9 m^2 (150 ft^2) and larger in size	See (1) below		4.6	15	1.5	5	1.5	5
Accessory buildings less than 13.9 m^2 (150 ft^2)	See (1) below		4.6	15	0.6	2	0.6	2
All other uses			As required by the Development Authority					

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

(1) No accessory building or use shall be located in the front yard or secondary front yard.

(2) All roof drainage is to be contained within the property that the said building is situated.

(3) Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

(4) Any building or structure attached to a principal building is subject to the principal building setbacks (e.g., deck, veranda, carport, attached garage).

(5) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(6) Accessory buildings and uses not specifically included within a development permit require a separate development permit application, except where exempted in Part 3.

6. MAXIMUM SITE COVERAGE

(1) **Principal building/structure** – The principal building shall not cover more than 35 percent of the surface area of a lot.

(2) **Accessory building/structure** – The combined area of all accessory buildings shall not cover more than 15 percent of the surface area of a lot.

(3) Uncovered decks or patios are not included in the site coverage calculation.

7. MINIMUM FLOOR AREA

Use	Minimum Floor Area
Single-detached manufactured	65.0 m^2 (700 ft^2)
All other uses	As required by the Development Authority

8. MAXIMUM BUILDING HEIGHT

Use	Maximum Height
Accessory buildings	4.6 m (15 ft)
All other uses	As required by the Development Authority

9. GENERAL STANDARDS OF DEVELOPMENT – See Part 4.

10. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

11. SIGN REGULATIONS – See Part 6.

12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

LARGE LOT RESIDENTIAL – R3

1. INTENT

The intent of this land use district is to provide for quality residential and related development on those larger lots within the Town of Milk River that have been designated as suitable for such development.

2. USES

(1) PERMITTED USES

Accessory building:
first accessory building 53.6 m^2 (576 ft^2) or less
Day home*
Home occupation A*
Shipping container - temporary
Single-detached dwelling site built

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

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
Parks and playgrounds
Public and private utilities
Public open space
Small wind energy system
Sportsfield

TYPE B – Development Officer

Accessory building greater than 53.6 m^2 (576 ft^2)
Accessory uses
Additional accessory building
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
Home occupation B
Shipping container - permanent
Signs
Solar collector
Temporary uses

*See Part 3, Development Not Requiring a Development Permit.

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single-detached dwelling	21.3	70	53.3	175	1,138	12,250
Other uses	As required by the Development Authority					

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

Also refer to Part 4 for street corner visibility requirements and setbacks from easements and abandoned wells.

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Single-detached dwelling	10.7	35	3.05	10	1.5	5	10.7	35
All other uses	As required by the Development Authority							

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

Also refer to Part 4, for street corner visibility requirements and setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Accessory buildings 13.9 m^2 (150 ft^2) and larger in size	See (1) below		3.05	10	1.5	5	1.5	5
Accessory buildings less than 13.9 m^2 (150 ft^2)	See (1) below		3.05	10	0.6	2	0.6	2
All other uses			As required by the Development Authority					

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

(1) No accessory building or use shall be located in the front yard or secondary front yard.

(2) All roof drainage is to be contained within the property that the said building is situated.

(3) Also refer to Part 4 for street corner visibility requirements and setbacks from easements and abandoned wells.

(4) Any building or structure attached to a principal building is subject to the principal building setbacks (e.g., deck, veranda, carport, attached garage).

(5) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(6) Accessory buildings and uses not specifically included within a development permit require a separate development permit application, except where exempted in Part 3.

6. MAXIMUM SITE COVERAGE

(1) **Principal building** – The principal building shall not cover more than 35 percent of the surface area of a lot.

(2) **Accessory building** – The **combined** area of all accessory buildings shall not cover more than 15 percent of the surface area of a lot.

(3) Uncovered decks or patios are not included in the site coverage calculation.

7. MINIMUM FLOOR AREA

Use	Minimum Floor Area
Single-detached dwellings	120.8 m^2 (1,300 ft^2)
All other uses	As required by the Development Authority

8. MAXIMUM BUILDING HEIGHT

Use	Maximum Height
Accessory buildings	4.6 m (15 ft)
All other uses	As required by the Development Authority

9. GENERAL STANDARDS OF DEVELOPMENT – See Part 4.

10. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

11. SIGN REGULATIONS – See Part 6.

12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

RETAIL/GENERAL COMMERCIAL – C1

1. INTENT

The intent of this land use district is to accommodate a variety of retail and commercial uses primarily within the central commercial area and other areas of Town where deemed compatible with adjacent uses.

2. USES

(1) PERMITTED USES

- Business support service
- Clubs and organizations
- Convenience store
- Financial institution
- Food store, bakery, deli, grocery
- Government service
- Hotel
- Medical/health facility
- Office
- Personal service
- Restaurant
- Retail outlet
- Shipping container - temporary

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Automobile sales and service
- Building supplies
- Car wash
- Community hall
- Cultural facility
- Equipment sales, rentals and service
- 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
- Funeral home
- Garden centre
- Household repair service
- Mixed use building
- Moved-in building
- Parking facility
- Parks and playgrounds
- Public and private utilities
- Public open space
- Religious assembly
- Retail cannabis store
- Seniors housing
- Service station
- Small wind energy system
- Veterinary clinic - small animal
- Warehouse - retail
- Workshop accessory to retail

TYPE B – Development Officer

- Accessory buildings
- Accessory uses
- Amusement facility
- Animal grooming facility
- Day care facility
- Farmer's market
- 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
- Licensed premises
- Liquor store
- Shipping container - permanent
- Signs
- Solar collector
- Temporary uses
- Tourist information

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	7.6	25	30.5	100	131.9	1,420

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

4. SETBACK REQUIREMENTS FOR PRINCIPAL AND ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses facing Main Street	0.0	0	1.5	5	0	0	As required by Development Authority	
All uses facing Centre Avenue	3.0	10	3.0	10	0	0		
All other uses	1.5	5	1.5	5	0	0		

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

Also refer to Part 4, for setbacks from easements and abandoned wells.

5. MAXIMUM SITE COVERAGE

The combined total of all principal buildings and accessory buildings shall not cover more than 80 percent of the surface area of a lot.

6. GENERAL STANDARDS OF DEVELOPMENT – See Part 4.

7. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

8. SIGN REGULATIONS – See Part 6.

9. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

HIGHWAY COMMERCIAL – C2

1. INTENT

To ensure sites adjacent to major thoroughfares are reserved for appropriate commercial uses for the benefit of the community and regional commerce.

2. USES

(1) PERMITTED USES

- Automobile sales and service
- Convenience store
- Equipment sales, rental and service
- Hotel
- Motel
- Restaurant
- Shipping container - temporary
- Tourist information

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Funeral home
- Building supplies
- Car/truck wash
- 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
- Food store, bakery, deli, grocery
- Garden centre
- Moved-in building
- Parks and playgrounds
- Parking facility
- Public and private utilities
- Public open space
- Recreation facility
- Retail outlet
- Small wind energy system
- Truck park/rest area
- Truck stop
- Veterinary clinic - small animal
- Warehouse - retail
- Workshop accessory to retail

TYPE B – Development Officer

- Accessory buildings
- Accessory uses
- Amusement facility
- Animal grooming facility
- Farmer's market
- 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
- Household repair service
- Licensed premises
- Liquor store
- Shipping container - permanent
- Signs
- Solar collector
- Temporary uses

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	30.5	100	45.7	150	1,393.5	15,000

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

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	9.1	30	4.6	15	4.6	15	7.6	25

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

Also refer to Part 4 for setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	9.1	30	4.6	15	As required by the Development Authority			

6. MAXIMUM SITE COVERAGE

The combined total of all principal buildings and accessory buildings shall not occupy more than 50 percent of the surface area of a lot.

7. GENERAL STANDARDS OF DEVELOPMENT – See Part 4.

8. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

9. SIGN REGULATIONS – See Part 6.

10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

LIGHT INDUSTRIAL – I1

1. INTENT

The intent of this land use district is to provide for a range of industrial uses and other compatible development in those area of the Town of Milk River that are considered suitable for such development.

2. USES

(1) PERMITTED USES

- Building and special trade contractors
- Building supplies
- Equipment sales, rental and service
- Household repair service
- Mini-storage
- Outdoor storage
- Shipping container - temporary
- Truck transportation depots/dispatch
- Veterinary clinic - small animal
- Warehousing
- Wholesale - trade

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Auto body and paint shop
- Bulk fuel storage and sales
- Car/truck wash
- Convenience store
- 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
- Funeral home
- Intensive horticulture
- Kennel
- Light industry and manufacturing
- Manufactured homes sales and service
- Moved-in building
- Office
- Public and private utilities
- Public open space
- Recycling facility
- Retail uses ancillary to approved principal use
- Service station
- Small wind energy system
- Truck park/rest area
- Truck stop
- Veterinary clinic - small animal and large animal

TYPE B – Development Officer

- Accessory buildings
- Accessory uses
- 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
- Garden centre
- Parking facility
- Shipping container - permanent
- Signs
- Solar collector
- Temporary uses

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	30.5	100	30.5	100	929.0	10,000

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	3.0	10	7.6	25

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

Also refer to Part 4 for setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	As required by the Development Authority			

6. MAXIMUM SITE COVERAGE

The combined area of all principal buildings/structures and accessory buildings and structures shall not occupy more than 60 percent of the surface area of a lot.

7. OUTDOOR STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25 ft) nor in the required corner lot side yard setback of 4.6 m (15 ft).

(2) Display of vehicles, new machinery and new equipment may be allowed in front of a proposed building, provided such display does not encroach on the required front or side yards.

(3) Other outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair.

8. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Officer or the Municipal Planning Commission, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

9. STANDARDS OF DEVELOPMENT – See Part 4.

10. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

11. SIGN REGULATIONS – See Part 6.

12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

GENERAL INDUSTRIAL – I2

1. INTENT

The intent of this land use district is to encourage the efficient and planned development of more intensive industrial uses in a manner compatible with other surrounding land uses.

2. USES

(1) PERMITTED USES

- Building and special trade contractors
- Equipment sales, rental and service
- Mini-storage
- Outdoor storage
- Shipping container - temporary
- Truck transportation depots/dispatch
- Warehousing
- Wholesale - trade

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Auto body and paint shop
- Auto wreckage and salvage
- Bulk fertilizer storage and sales
- Bulk fuel storage and sales
- Concrete batch plant
- 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
- Grain elevators
- Heavy manufacturing and industry
- Intensive horticulture
- Light industry and manufacturing
- Recycling facility
- Seed cleaning plants
- Small wind energy system
- Veterinary clinic - small animal and large animal

TYPE B – Development Officer

- Accessory buildings
- Accessory uses
- 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
- Moved-in building
- Parking facility
- Public and private utilities
- Shipping container - permanent
- Signs
- Solar collector
- Temporary uses

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	30.5	100	30.5	100	929.0	10,000

4. SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	3.0	10	7.6	25

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

Also refer to Part 4 for setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	As required by the Development Authority			

6. MAXIMUM SITE COVERAGE

The combined total of all principal buildings and accessory buildings shall occupy no more than 75 percent of the surface area of a lot.

7. OUTDOOR STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25 ft) nor in the required secondary front setback of 4.6 m (15 ft).

(2) Other outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof.

8. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

9. STANDARDS OF DEVELOPMENT – See Part 4.

10. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

11. SIGN REGULATIONS – See Part 6.

12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

RAILWAY – RY

1. INTENT

The intent of this land use district is to ensure that development on railroad lands within the Town of Milk River is compatible with other land uses.

2. USES

(1) PERMITTED USES

- Grain elevators
- Shipping container – temporary
- Uses and buildings required in the operation of a railway

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Bulk fertilizer storage and sales
- Bulk fuel storage and sales
- 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
- Other industrial uses requiring a railway spur
- Public and private utilities
- Small wind energy system

TYPE B – Development Officer

- Accessory buildings
- Accessory uses
- 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
- Shipping container – permanent
- Signs
- Solar collector
- Temporary uses

3. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All uses	30.5	100	30.5	100	929.0	10,000

4. MINIMUM SETBACK REQUIREMENTS PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	3.0	10	7.6	25

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

Also refer to Part 4 for setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	As required by the Development Authority			

6. MAXIMUM SITE COVERAGE

The combined total of all principal buildings and accessory buildings shall occupy no more than 75 percent of the surface area of a lot.

7. MAXIMUM HEIGHT OF BUILDING

As required by the Development Authority.

8. OUTDOOR STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25 ft) nor in the required secondary front yard setback of 4.6 m (15 ft).

(2) Other outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

10. STANDARDS OF DEVELOPMENT – See Part 4.

11. USE-SPECIFIC STANDARDS OF DEVELOPMENT – See Part 5.

12. SIGN REGULATIONS – See Part 6.

13. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

PUBLIC AND INSTITUTIONAL – P/I

1. INTENT

The intent of this land use district is to ensure that the development of institutional uses and facilities within the Town of Milk River is compatible with other land uses.

2. USES

(1) PERMITTED USES

- Assisted living
- Clubs and organizations
- Community hall
- Cultural facility
- Day care facility
- Farmer's market
- Government service
- Hospital
- Medical/health facility
- Parks and playgrounds, sportsfields, public open spaces
- Religious assembly
- School/education facility
- Seniors housing
- Shipping container - temporary
- Tourist information

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission

- Cemetery and internment services
- Dormitory
- 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
- Funeral home
- Group care facility
- Recreation facility
- Recycling facility
- Residence in conjunction with an approved permitted or discretionary use
- Rodeo grounds
- Small wind energy system
- Waste transfer site
- Wastewater treatment plant
- Water treatment plant

TYPE B – Development Officer

- Accessory buildings
- Accessory 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
- Moved-in building
- Parking facility
- Public or private utilities
- Shipping container – permanent
- Signs
- Solar collector
- Temporary uses

3. MINIMUM LOT SIZE

As required by the Development Officer or the Municipal Planning Commission.

4. MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	3.0	10	3.0	10	7.6	25

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

Also refer to Part 4 for setbacks from easements and abandoned wells.

5. SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS AND USES

Use	Front Yard		Secondary Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	3.0	10	As required by the Development Authority			

6. MAXIMUM SITE COVERAGE

The combined total of all principal buildings and accessory buildings shall occupy no more than 50 percent of the surface area of a lot.

7. STANDARDS OF DEVELOPMENT – See Part 4.

8. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

9. SIGN REGULATIONS – See Part 6.

10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

URBAN RESERVE – UR

1. INTENT

The intent of this land use district is to ensure the planned and orderly development of the fringe area of the Town of Milk River in order that this area may be suitable for more intensive future development.

2. USES

(1) PERMITTED USES

Extensive agriculture*

(2) DISCRETIONARY USES

TYPE A – Municipal Planning Commission	TYPE B – Development Officer
Accessory buildings to an extensive agricultural 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
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	Signs
Parks and playgrounds public open space and sportsfields	
Public or private utilities	

*See Part 4, Development Not Requiring a Development Permit.

3. MINIMUM LOT SIZE

All uses – 4.0 ha (10 acres)

4. DEVELOPMENT PREREQUISITE

The Development Authority may require that a discretionary use only be approved when an area structure plan for the site has been adopted by Council.

5. MINIMUM SETBACK REQUIREMENTS

As required by the Development Authority.

6. MAXIMUM SITE COVERAGE

As required by the Development Authority.

7. STANDARDS OF DEVELOPMENT – See Part 4.

8. USE-SPECIFIC DEVELOPMENT STANDARDS – See Part 5.

9. SIGN REGULATIONS – See Part 6.

10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 7.

DIRECT CONTROL – DC

1. INTENT

The intent of this land use district is to allow flexibility for approval of uses on sites which have potential for a variety of different uses and where the circumstances relating to the development of a site are such that regulation and control by the use of the other land use districts is inadequate considering long-range planning goals and the greater public interest. On sites designated Direct Control, Council is willing to consider proposals that do not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

2. USES

PERMITTED AND DISCRETIONARY USES
Council may by bylaw, specify permitted, and/or discretionary uses.

3. MINIMUM LOT SIZE

As determined by Council.

4. MINIMUM SETBACK REQUIREMENTS

As determined by Council.

5. STANDARDS OF DEVELOPMENT

As determined by Council having regard to Parts 4 and 5 and any other matters determined necessary by Council.

6. SIGN REGULATIONS

As determined by Council having regard to Part 6.

7. OTHER STANDARDS

As required by Council.

8. DEVELOPMENT APPROVAL PROCEDURES

(1) Before Council considers an application for a use in the Direct Control district, they shall:

(a) cause notice to be issued by the Development Officer in accordance with Part 1, section 39 of this Bylaw; and

(b) hear any persons who claim to be affected by a decision on the application.

(2) Council may then approve the application with or without conditions or refuse the application.

(3) Subsequent to a decision, notification shall be displayed/posted in the Town of Milk River office and mailed to the applicant.

(4) Where the Development Authority has been delegated the authority to decide upon applications, prior and subsequent to a decision, notification shall be issued in accordance with Part 1, sections 39 and 40 of this Bylaw.

9. DELEGATION OF AUTHORITY

Council may delegate the authority to decide upon an application to the Development Authority as described in the adopting Direct Control bylaw.

10. APPEAL PROCEDURE

(1) Pursuant to Part 1, section 17 and section 641(4)(a) of the *Municipal Government Act*, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(2) If a decision with respect to a development permit application is made by the Development Authority, then the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

11. DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

(1) Any parcel designated as Direct Control – DC as illustrated on the Land Use Districts Map is designated for that purpose.

(2) Where a parcel has been designated Direct Control – DC prior to this Bylaw coming into effect and is included in the list below, the standards or regulations approved by Council at that time of such designation to the Direct Control – DC land use district shall continue to apply.

(a) The following Direct Control – DC bylaw was adopted with Land Use Bylaw No. 781 under the general DC designation. Uses and development standards are as determined by Council.

LEGAL DESCRIPTION
PLAN COUNTY OF WARNER 8810371, MILK RIVER TRAVEL INFORMATION CENTRE, EXCEPTING THEREOUT PLAN 1012647

(b) The following Direct Control – DC bylaw was adopted as an amendment to Land Use Bylaw No. 821, and for continuity is adopted as part of this Bylaw and remains in full force unless otherwise amended or repealed. The amending bylaw follows this section.

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
996	Lot 1, Block 44, Plan 1410068	September 13, 2016

(3) The following is a reference list of redesignation bylaws adopted by Council which designated the specified parcels of land to a Direct Control – DC land use district. This list will be updated on an on-going basis and displays the amending bylaws to the most recent date of the Land Use Bylaw being consolidated (updated). The amending bylaws follow this section.

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION

TOWN OF MILK RIVER
IN THE PROVICE OF ALBERTA

BYLAW NO. 996

BEING a bylaw of the Town of Milk River, in the Province of Alberta, to amend Bylaw No. 821, being the municipality's Land Use Bylaw.

WHEREAS the Council of the Town of Milk River proposes to redesignate land described as:

Lot 1, Block 44, Plan 1410068

from Direct Control – DC designated under amending Bylaw No. 970 to a new Direct Control - DC, as shown on the map in Schedule A attached hereto.

AND WHEREAS the purpose of proposed Bylaw No. 996 is to provide for site-specific regulation of development adjacent to the Town of Milk River's reservoir to ensure protection of the raw water supply;

AND WHEREAS the Town of Milk River has determined that the aforementioned land is not required for expansion or maintenance of the raw water supply;

AND WHEREAS the uses and regulations for the Direct Control district for the aforementioned land are described in Schedule B attached hereto;

AND WHEREAS the Town of Milk River has adopted a Municipal Development Plan and therefore may exercise control over the use and development of land or buildings within an area of the municipality through a direct control district;

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 2000, Chapter M-26, as amended, the Council of the Town of Milk River duly assembled does hereby enact the following:

1. That amending Bylaw No. 970 is rescinded.
2. Land described as Lot 1, Block 44, Plan 1410068, as shown on Schedule A (attached), be designated Direct Control - DC.
3. The uses and regulations for the Direct Control district shall be as described in Schedule B (attached).
4. The Land Use Districts Map shall be amended to reflect this designation.
5. Bylaw No. 821, being the Land Use Bylaw, is hereby amended.
6. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 13th day of September, 2016.

D. M. Hawco

Mayor – David Hawco

Chief Administrative Officer – Ryan Leuzinger

READ a **second** time this 13th day of September, 2016, as amended.

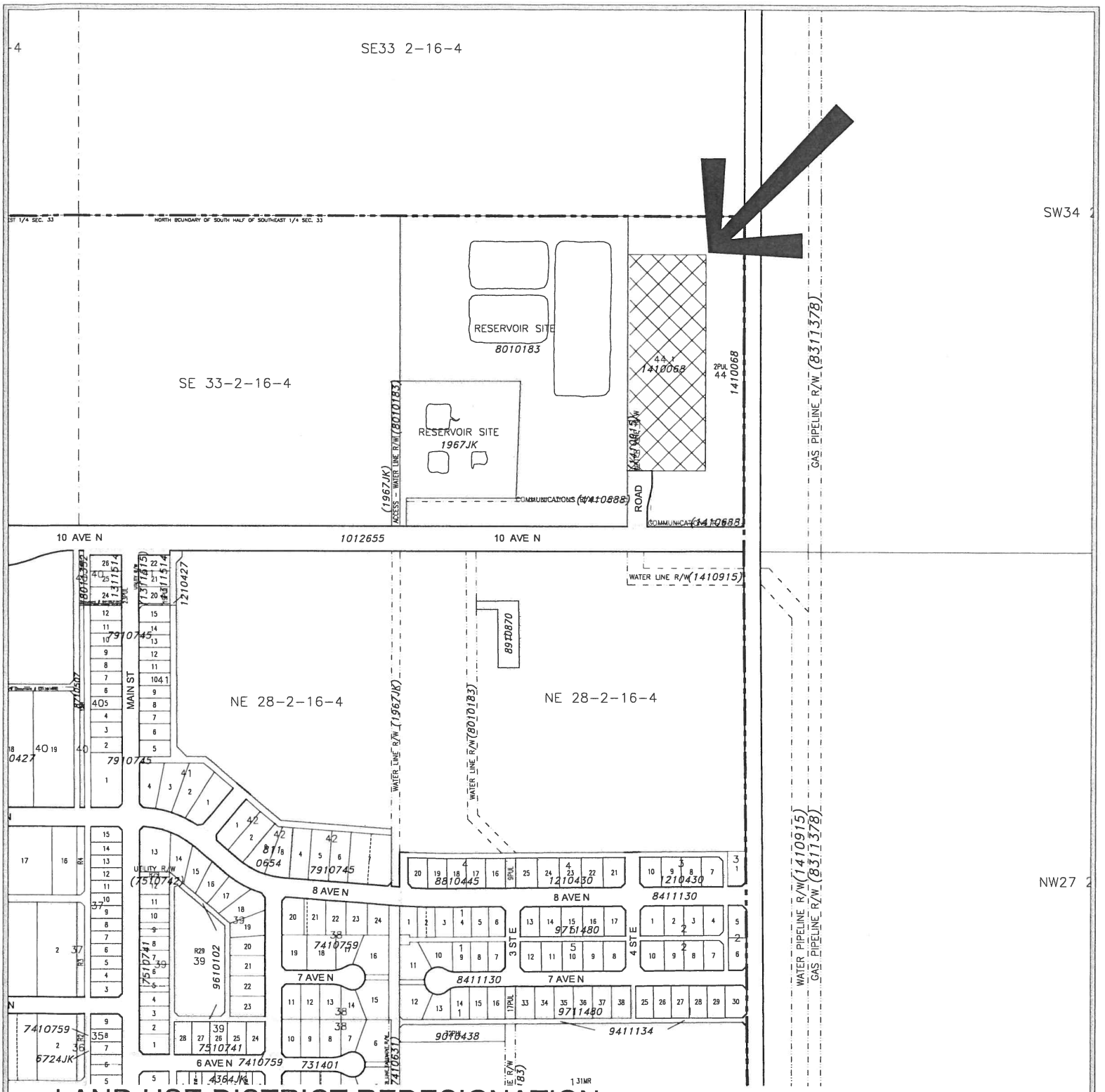
Mayor – David Hawco

Chief Administrative Officer – Ryan Leuzinger

READ a **third** time and finally PASSED this 13th day of September, 2016, as amended.

Mayor – David Hawco

Chief Administrative Officer – Ryan Leuzinger



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: DIRECT CONTROL - DC

TO: DIRECT CONTROL - DC

LOT 1, BLOCK 44, PLAN 1410068 WITHIN
SE 1/4 SEC 33, TWP 2, RGE 16, W 4 M
MUNICIPALITY: TOWN OF MILK RIVER
DATE: AUGUST 8, 2016

Bylaw #: 996

Date: Sept. 13, 2016

OLDMAN RIVER REGIONAL SERVICES COMMISSION

September 15, 2016 N:\Warner-County\Milk-River\Milk River LUD & Land Use Redesignations\Milk River – Lot 1, Block 44, Plan 1410068.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"

Schedule B

DIRECT CONTROL BYLAW NO. 996

1. INTENT

To regulate and control development of a Lot 1, Block 44, Plan 1410068 (as shown on Schedule A) located east of the Town of Milk River's reservoir to ensure protection of the Town's raw water supply.

2. USES

Medical marihuana production facilities
Any other uses council considers suitable

3. MINIMUM LOT SIZE

As determined by Council having regard for the proximity to the Town of Milk River's reservoir and the need to ensure protection of the Town's raw water supply.

4. MINIMUM SETBACK REQUIREMENTS

As determined by Council.

5. STANDARDS OF DEVELOPMENT

As determined by Council having regard to Schedule 4 of the Town of Milk River Land Use Bylaw and the proximity to the Town of Milk River's reservoir.

6. SIGN REGULATIONS

As determined by Council having regard to Schedule 7 of the Town of Milk River Land Use Bylaw and the proximity to the Town of Milk River's reservoir.

7. OTHER STANDARDS

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

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

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

(d) The development shall not include outdoor storage of goods, materials or supplies.

(e) 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.

(f) Any other standards as Council requires.

8. APPROVAL AUTHORITY

The Council of the Town of Milk River shall be the approval authority for all development within this district.

9. APPROVAL PROCEDURE

As specified in section 7, Direct Control – DC, Schedule 2 of the Town of Milk River Land Use Bylaw.

PART 3

DEVELOPMENT NOT REQUIRING A PERMIT

PART 3

DEVELOPMENT NOT REQUIRING A PERMIT

1. The following developments do not require a development permit:
   (a) any use or development exempted under section 618 of the *Municipal Government Act* or exempted in an exemption regulation;
   (b) telecommunication antenna systems regulated by Industry Canada subject to Part 5, Use Specific Standards of Development, section 15 (Telecommunication Antenna Siting Protocol);
   (c) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided the building is completed in accordance with the terms and conditions of the development permit granted;
   (d) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this Bylaw came into effect;
   (e) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publically owned or controlled.

2. The following development does not require a development permit, but must otherwise comply with the requirements of this Bylaw:
   (a) the carrying out of works of maintenance or repair to any building if such works do not include structural alterations or additions;
   (b) interior renovations to a building which do not:
      (i) create another dwelling unit,
      (ii) increase parking requirements, or
      (iii) result in the change in use or intensity of use of a building or land;
   (c) a change to the exterior cladding (finish) of a building;
   (d) the temporary erection or construction of buildings, works, plant or machinery needed in connection with the development for which a development permit has been issued for the period of those operations;
   (e) the temporary placement of one shipping container in connection with the construction of a development for which a development permit has been issued for the period of those operations in accordance with the following:
      (i) construction site is active (i.e., construction has commenced and is on-going or is about to commence within two weeks); placement of a shipping container on an inactive construction site is prohibited;

(ii) minimum yard setbacks shall be 0.9 m (3 ft);

(iii) shipping container must be removed immediately upon completion of construction;

(iv) more than one shipping container on an active construction site or placement of a shipping container on a lot in connection with a project for which a development permit is not required in accordance with this Schedule, requires the issuance of a development permit prior to placement of the temporary shipping container.

(f) the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure in accordance with Part 4, sections 4 and 6.

(g) the erection or placement of one accessory building or structure of less than 13.9 m^2 (150 ft^2) in area;

(h) lot grading where the prevailing drainage patterns are not altered and adjacent landowners are not negatively affected;

(i) a satellite dish less than 1 m (3.3 ft) in diameter;

(j) temporary outdoor above ground swimming pools and above ground hot tubs;

(k) stockpile, excavation, stripping or grading of land, not including resource extraction, when such activities are being undertaken as part of a development for which a development permit has been issued or a signed development agreement with the Town of Milk River has been entered into authorizing such work;

(l) the construction of an uncovered deck or patio less than 0.61 m (2 ft) above grade;

(m) exempted signs in Part 6, section 2;

(n) Home Occupation A in accordance with Part 5, section 5;

(o) temporary structures associated with an event or festival sanctioned by the Town of Milk River;

(p) a day home in accordance with Part 5, section 3;

(q) in the Urban Reserve land use district, the cultivation of land or extensive agricultural use;

(r) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

(s) landscaping on a parcel, unless otherwise required by a development permit;

(t) demolition of buildings;

(u) temporary and seasonal sales, activities and special events (e.g., farmer's market, fruit and vegetable stands, food trucks, fair etc.) not to exceed 30 days if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:

(i) traffic flow,

(ii) parking,

(iii) appearance of the site,

(iv) public safety;

(v) installation of asphalt, concrete, brick, stone wood or aggregate driveways, walkways and steps.

3. Although the previous listed items may eliminate the need to obtain a development permit, the applicant is responsible for obtaining any required building permit and/or adhering to any other applicable legislation, safety codes requirements, or municipal bylaws.

4. If there is a question as to whether a development permit is required, the matter may be referred to the Municipal Planning Commission for a determination.

PART 4

GENERAL STANDARDS OF DEVELOPMENT

PART 4

GENERAL STANDARDS OF DEVELOPMENT

1. STATUTORY PLANS

Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace, or qualify the requirement of this Bylaw for a particular district or districts, the policies, rules, or procedures indicated in the statutory plan shall take precedence.

2. QUALITY OF DEVELOPMENT

The Development Authority may impose conditions on a development permit which serve to improve the quality of any proposed development in any land use district. Such special conditions may include, but are not limited to: paved parking areas, setback variations, building mass, control of noise, smoke, smell and industrial wastes.

3. DESIGN, FINISH AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

(1) The design, character and appearance of buildings, structures and signs shall be consistent with the intent of the land use district in which the building, structure or sign is located and compatible with other buildings in the vicinity.

(2) The exterior finish of buildings, structures and signs may be regulated to ensure compatibility and improve the quality of any proposed development.

(3) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be regulated by the Development Authority.

(4) If the building, structure or sign is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building, structure or sign.

4. STREET CORNER VISIBILITY

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections.

(a) In residential land use districts, such restrictions apply between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area, bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 metres (20 ft) from the point of intersection. (see Diagrams 4.1 and 4.2)

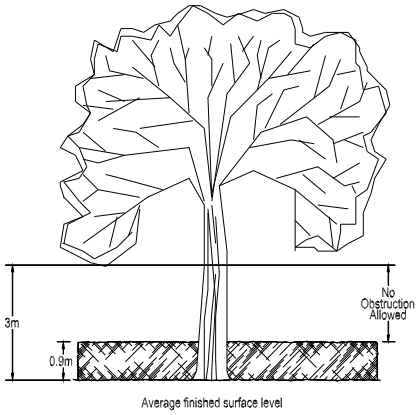


DIAGRAM 4.1

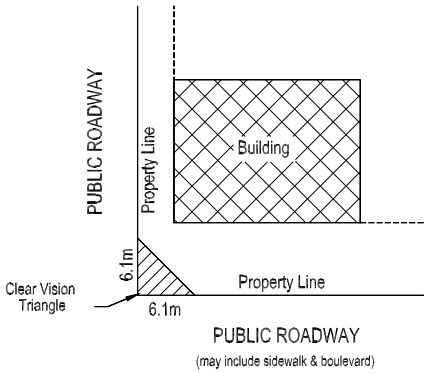


DIAGRAM 4.2

(b) In non-residential land use districts, the street corner visibility requirements shall be as prescribed by the Development Authority.

5. ACCESS AND DRIVEWAYS

(1) Location of the access to each development from a public roadway shall be shown on the site plan submitted with the application for a development permit and is subject to the approval of the Development Authority.

(2) Vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac.

(3) In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 7.62 m (25 ft) in width.

(4) Only one front or side driveway per lot shall be permitted for single-detached residential development (including manufactured homes). A separate driveway accessible from a rear lane is also permitted on a lot.

(5) Driveways shall be a minimum of 3.05 m (10 ft) and a maximum of 7.93 m (26 ft) in width.

(6) Driveways shall be a minimum of 4.6 m (15 ft) from the intersection of two public roadways (illustrated as setback A on Diagram 4.3) and 3.05 m (10 ft) from the entrance to a lane (illustrated as setback B on Diagram 4.3).

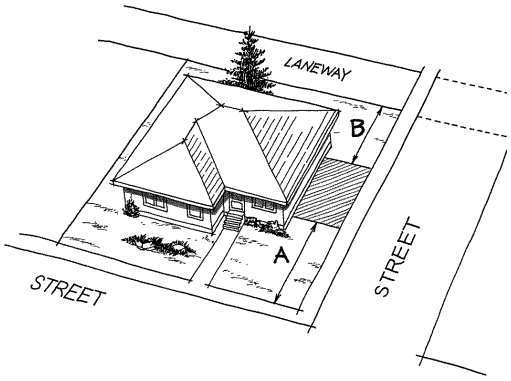


DIAGRAM 4.3

(7) The minimum length of a driveway shall be such that no portion of the parked vehicle encroaches upon the adjacent sidewalk.

(8) Driveways shall not be occupied in such a manner that will interfere with convenient and safe pedestrian movement or traffic flow.

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

(1) No fence, gate, wall, hedge, or other means of enclosure, 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.

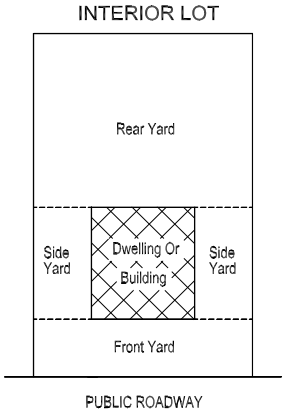


DIAGRAM 4.4

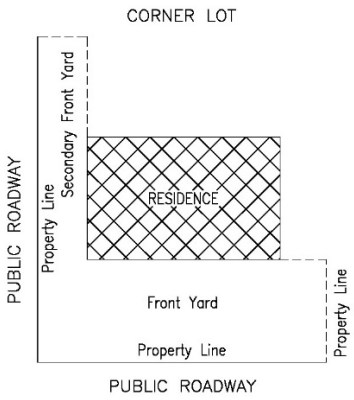


DIAGRAM 4.5

(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, wall, hedge, or other means of enclosure is required, the Development Authority may regulate the types of vegetation, materials and colours used.

7. BUILDING SETBACKS AND PROJECTIONS

(1) The Development Authority may require increased building setbacks if, in their opinion, such setbacks would:

(a) help avoid land use conflict,

(b) enhance the appearance of the area.

(2) The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

(a) unenclosed steps or unenclosed fire escapes;

(b) a wheelchair ramp at the discretion of the Development Authority;

(c) fences or walls to the property line in accordance with the applicable land use district;

(d) driveways, curbs and sidewalks;

(e) off-street parking;

(f) cooling units not to exceed 0.9 m (3 ft);

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles [less than 4.6 m (15 ft) in height], or other similar landscaping features;

(i) temporary swimming pools in accordance with the applicable land use district; and

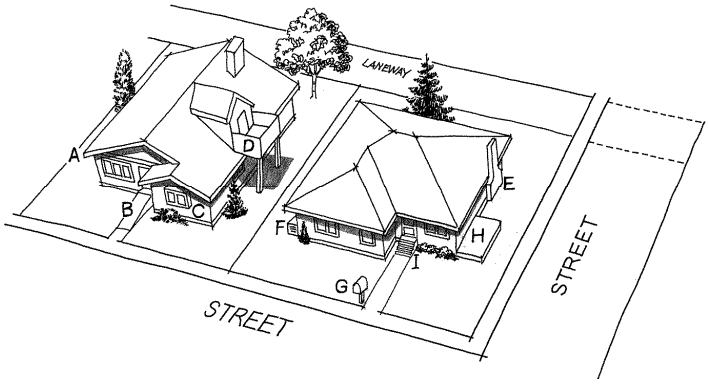
(j) signs in accordance with Part 6.

(3) The portions of and attachments to a principal building which may project over a setback are as follows:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);

(b) an uncovered balcony, cantilever, or other similar feature may project over a side or rear setback a distance not to exceed one-half of the width of the smallest setback required for the site;

(c) a chimney which is not more than 1.2 m (4 ft) wide and projects not more than 0.3 m (1 ft) into a rear or side setback.



A – Eaves
B – Wheel chair ramp
C – Bay window
D – Balcony
E – Chimney
F – Cooling unit
G – Mailbox
H – Steps
I – Steps

DIAGRAM 4.6

8. LANDSCAPING AND SCREENING

(1) In all residential land use districts, the front yard and secondary front yard must be comprehensively landscaped in accordance with subsection (2), except those areas occupied by sideways or driveways, to the satisfaction of the Development Authority.

(2) Landscaping may consist of any or all of the following:

(a) vegetation (e.g., lawn, trees, shrubs, flowers);

(b) ground cover (e.g., large feature rocks, bark chips, crushed rock, field stone or other similar features);

(c) berming, terracing;

(d) outdoor amenity features (e.g., benches, walkways, ornaments, raised planters, water features).

(3) In all non-residential land use districts, landscaping of the front yard and secondary front yard shall be as required by the Development Authority.

(4) Screening and/or buffering between a non-residential use and residential use may be required at the discretion of the Development Authority.

(5) Where any parcel or part of a parcel is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Development Authority may require satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features.

(6) Parking lots shall be landscaped and/or screened as required by the Development Authority where deemed appropriate, to help buffer or screen the use from adjacent land uses, to limit the percentage of hard surface in relation to surface drainage management or for aesthetic purposes.

(7) The Development Authority may impose additional landscaping or screening requirements on a development approval to improve the quality or compatibility of the proposed development.

9. GRADING AND STORMWATER MANAGEMENT

(1) The Development Authority may require:

(a) grading and other measures including the construction of retaining walls, as appropriate to control surface drainage, reduce or eliminate grade differences between adjacent lots, and minimize erosion or slope instability;

(b) engineered grading and drainage plans including plans for construction of retaining walls, for the development and legal survey demonstrating that engineered grades have been met;

(c) approval of final grades prior to issuance of a building permit.

(2) Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered stormwater management plan.

10. SERVICING

(1) All development shall be required to connect to both the municipal water supply and sewerage system, natural gas system, and electrical system.

(2) Where no municipal servicing or connection to the natural gas system or the electrical system is reasonably available, development may be approved at the discretion of the municipality.

11. CONSTRUCTION/DEMOLITION DAMAGE DEPOSIT

(1) A refundable security fee for damage to municipal infrastructure and sidewalks in the amount of $1000.00 may be required, at the discretion of the Development Authority to ensure that existing municipal infrastructure and sidewalks are not destroyed or damaged when construction or demolition occurs on a lot.

(2) If damage does occur, the Town will use the security fee for the replacement and/or repair costs and the landowner and/or applicant will be responsible for any additional costs (over and above $1000) to repair the municipal infrastructure and sidewalks to their previous condition. Costs may be added to the tax roll in accordance with the *Municipal Government Act*.

(3) If a security fee has not been required as a condition of a development permit under subsection (1), the Town may invoice the landowner for any and all damages to municipal infrastructure and sidewalks caused by construction or demolition on a lot and may be added to the tax roll in accordance with the *Municipal Government Act*.

12. EASEMENTS/RIGHTS-OF-WAY

No building or structure shall be located within an easement or right-of-way unless otherwise permitted by the holder of the easement or right-of-way. It is the applicant's responsibility to determine the location of easements and rights-of-way.

13. CONSTRUCTION HOARDING

A temporary development permit is required for erection of construction hoarding which may infringe on any public property such as sidewalks or streets. The maintenance of pedestrian and vehicular access shall be deemed to be essential.

14. SITE LIGHTING

(1) Site lighting may be required as a condition of development.

(2) Site lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties.

15. RIVER VALLEYS, WATERCOURSES AND ENVIRONMENTALLY SIGNIFICANT AREAS

The Development Authority may place development related conditions, including setbacks, on an application for development that is located in or adjacent to a river valley or watercourse, shore land area, riparian area, and/or environmentally significant area.

16. DEVELOPMENT OF LAND SUBJECT TO SUBSIDENCE OR FLOODING

If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence or flooding, the applicant may be required to submit a structural building plan, and/or a slope suitability analysis, and/or geotechnical report, and/or flood mapping prepared by a qualified professional demonstrating that any potential hazards can be mitigated.

17. SETBACKS FROM ABANDONED WELLS

The Subdivision and Development Regulation (Alberta Regulation 160/2012) requires municipalities to ensure that applicants include abandoned well information from the Alberta Energy Regulator (AER) in applications for both subdivisions and development permits:

(1) It is the responsibility of the applicant of the proposed subdivision and/or development to take measures to identify any abandoned wells within that property and to apply the required setback.

(2) A subdivision or development permit application shall not be deemed complete until the applicant has provided the required abandoned well information from the AER.

(3) The applicant shall be required to provide the following information:

(a) the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and

(b) if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e., latitude, longitude) on the subject parcel as identified in the field and the setback established in the Directive 079 (a minimum 5 metre (16 ft) radius around the well) in relation to existing or proposed building sites.

(4) If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

(5) Notwithstanding a use may be a permitted use or discretionary use, surface structures on top of an abandoned well are not permitted and a minimum 5 metre (16 ft) setback radius around the well shall be maintained.

18. MITIGATION OF IMPACTS FROM NOISE, ODOUR, VIBRATION AND AIR QUALITY

(1) Where, in the opinion of the Development Authority a development has the potential to create negative impacts in the form of noise, odor, vibration, lighting, air quality or other similar impacts, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

(2) A mitigation plan may be required as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant subsection (1).

PART 5

USE-SPECIFIC DEVELOPMENT STANDARDS

PART 5

USE-SPECIFIC DEVELOPMENT STANDARDS

1. ACCESSORY DWELLING

(1) An accessory dwelling shall only be permitted on a lot with a developed single-detached dwelling.

(2) An accessory dwelling may only be located within a single-detached dwelling or an accessory building. If proposed within an accessory building, the single-detached dwelling must be established on the lot prior to approval of the accessory dwelling.

(3) No more than one accessory dwelling may be permitted on any lot.

(4) The maximum floor area of the accessory dwelling shall be as follows:

(a) in the case of an accessory dwelling located within a single-detached dwelling, the floor area of the accessory dwelling shall not exceed 50 percent of the floor area of the single-detached dwelling;

(b) in the case of an accessory dwelling located within an accessory structure, the floor area of the accessory dwelling shall not exceed 74.3 m^2 (800 ft^2).

(5) The minimum floor area of an accessory dwelling shall be not less than 30.2 m^2 (325 ft^2).

(6) One off-street parking space must be provided for the accessory dwelling in addition to the off-street parking requirements for the principal dwelling.

(7) An accessory dwelling must be constructed on a permanent foundation.

(8) An accessory dwelling must be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighbourhood.

(9) Utility servicing for an accessory dwelling unit shall be as follows:

(a) in the case of an accessory dwelling located within a single-detached dwelling, the accessory dwelling shall have full utility services through service connections from the principal dwelling unit;

(b) in the case of an accessory dwelling located within an accessory structure, the accessory dwelling shall have full utility services separate from and independent of the principal dwelling unit.

(10) The structure containing the accessory dwelling must reflect the design of the principal dwelling, incorporating similar features such as window and door detailing, exterior cladding, materials and colours and roof lines.

(11) An accessory dwelling shall not be developed on a lot containing a Home Occupation B, unless it is proven to the satisfaction of the Development Authority that the amount of traffic

generated is limited and adequate parking is available without adversely affecting the neighborhood.

(12) Development of an accessory dwelling shall adhere to the Alberta Building Code and Alberta Fire code as a condition of approval.

2. BULK FUEL STATIONS AND SERVICE STATIONS

(1) Bulk fuel stations and service stations shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, topography and access and egress from the site.

(2) In addition to the setback requirements of the applicable land use district, bulk fuel ammonia storage facilities are subject to the Guidelines for the Location of Stationary Bulk Ammonia Storage Facilities prepared by Alberta Environment.

3. CANNABIS PRODUCTION FACILITY

(1) A 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. DAY HOME

(1) The operation of a day home does not require a development permit.

(2) A day home shall have no more than six clients a day.

(3) A day home shall not be located within a dwelling containing a Home Occupation B.

(4) Signage for day home facilities must comply with the following:

(a) a maximum of one sign, and

(b) sign must be no greater than 0.19 m^2 (2 ft^2) in size.

(5) Notwithstanding that a development permit may not be required, all day homes must comply with provincial requirements and regulations.

5. GUEST LODGING

(1) A guest lodging operation shall not change the principal character or external appearance of the dwelling in which it is located.

(2) A guest lodging operation shall not change the principal character of the area in which it is located, and shall not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(3) One off-street parking space per rented guestroom shall be required in addition to the off-street parking requirements of the dwelling.

(4) When considering an application for a guest lodging the Development Authority shall, among other factors, consider:

(a) the impact of the proposed use on adjacent land uses;

(b) side yard setbacks in relation to adjacent users;

(c) potential traffic generation, and parking requirements.

(5) Landscaping, buffering and screening or other techniques to limit interference with other uses or the peaceful enjoyment of neighbouring parcels may be required as conditions of approval in addition to any other conditions authorized under this Bylaw.

(6) A maximum of one lawn sign or other appropriate sign associated with the guest lodging operation may be approved provided the sign does not exceed 1.5 m^2 (16 ft^2) in size and is no more than 1.5 m (5 ft) above grade.

(7) Issuance of a development permit does not exempt compliance with health regulations or any other municipal or provincial regulations. The applicant is responsible for obtaining any other provincial and municipal approvals that may be required.

6. HOME OCCUPATIONS

(1) Home occupations are subject to the following classifications:

(a) *Home Occupation A* – a home-based occupation that involves the establishment of a small-scale business incidental to the primary use of the residence and which involves:

(i) phone and office only;

(ii) no outdoor storage and/or display of goods;

(iii) off-premises sales only; and

(iv) the use complies with the general standards in subsections 2, 3, 5 and 6.

(b) Home Occupation B – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation A and which may involve:

(i) a limited volume of on-premises sales;

(ii) the use of an accessory building; and

(iii) outdoor storage and/or display of goods within the residence or accessory building, provided it is not exposed to public view.

(2) Home occupations shall not include:

(a) activities that use or store hazardous materials;

(b) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(3) The following standards apply to Home Occupations A and B:

(a) the business operator must be a full-time resident of the home;

(b) a maximum of one non-resident employee may be permitted. For the purposes of this section, a non-resident employee means a person who does not live at the home in which the home occupation is operating;

(c) no variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted;

(d) the use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district;

(e) no commercial vehicles of a capacity of more than 682 kg (three-quarter ton) associated with the home occupation shall be parked or maintained on or about the lot or on the public road or lane;

(f) no offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.

(4) All permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time, if, in the opinion of the Development Authority, the use is or has become detrimental to the residential character or the amenities of the neighbourhood.

(5) Only one home occupation shall be permitted per dwelling or as otherwise approved by the Development Authority.

(6) Signage advertising a Home Occupation A shall be limited to one sign located in the buildings window of an approved home occupation use, not to exceed 0.19 m^2 (2 ft^2) in size.

(7) Signage advertising a Home Occupation B shall be as approved by the Development Authority.

(8) The development permit for the use shall be valid only for the period of time the property is occupied by the applicant for such approved use and is not transferrable to another person or location.

(9) In addition to the general standards, the following standards shall apply to Home Occupation B permits:

(a) customer and employee parking, in addition to the parking requirements for residential use, may be required;

(b) the number of customer visits and hours of operation may be limited by the Development Authority to minimize impacts on surrounding residential uses;

(c) the home occupation shall not be permitted if, in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district;

(d) a Home Occupation B shall not be approved where an accessory dwelling use has been developed, unless it is proved to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

7. MOVED-IN DWELLINGS AND BUILDINGS

(1) An application for the placement of a moved-in dwelling/building shall include the following additional information:

(a) a report by a certified safety codes officer documenting the quality of the building and compliance with the requirements of the Alberta Building Code;

(b) recent colour photographs of all exterior sides of the proposed moved-in building;

(c) information regarding the age of the building, foundation height, roofing and exterior finish material, and any proposed upgrades to the exterior of the moved-in building;

(d) any proposed additions including porches, steps, decks, garage or other similar features;

(e) any additional information required by the Development Officer or Municipal Planning Commission to determine the suitability of the proposed moved-in building.

(2) The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of deposit.

(3) The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

(4) The requirements of the building shall be established by the Development Authority at the time of approval of the application and shall form a part of the conditions of the development permit.

(5) A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application.

(6) The Development Authority may require a bond or irrevocable letter of credit of a minimum of 50 percent of the estimated value of the structure, or $5,000, whichever is greater to ensure the conditions of the development permit are met.

8. PORTABLE GARAGES AND COVERED STORAGE STRUCTURES

(1) All portable garages (fabric buildings) and storage structures shall require a development permit.

(2) Portable garages (fabric buildings) and storage structures are to be classified as permanent accessory buildings and must meet the required setbacks, maximum height, maximum site coverage and other applicable standards of this Bylaw.

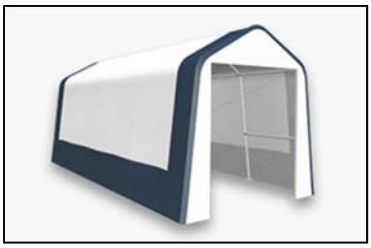


DIAGRAM 5.1

(3) A portable garage (fabric building) and storage structure shall be setback a minimum 1.22 m (4 ft) from the principal dwelling and from all other structures on the same lot.

(4) All portable garage (fabric building) and storage structures must be securely tethered and anchored to the ground in accordance with provincial Safety Code requirements. Additionally, all fabric covers must be securely tethered to the structures' frame.

(5) As a condition of a development permit approval, the Development Authority may stipulate specific requirements for the type of fastening or tie-down system and fabric material colour to be applied to the accessory building or structure.

(6) The Development Authority may limit the permit duration of any of these garages or structures. In such a case, these structures would then be categorized as temporary.

9. PREFABRICATED AND MANUFACTURED DWELLINGS

(1) Eligible prefabricated and manufactured dwellings are:

(a) new manufactured and modular dwellings, new panelized dwellings and new ready-to-move dwellings that meet CSA standards and Alberta Building Code that have not been previously occupied.

(2) Recreational vehicles and park model homes are not permitted for use as a permanent dwelling.

(3) An application for a development permit for a new prefabricated or manufactured dwelling under subsection (1)(a) shall include the following additional information:

(a) professional building plans illustrating the exterior design, floor plan, and elevations;

(b) if available, colour photographs of all exterior sides of the proposed dwelling;

(c) any proposed additions, including porches, steps, decks, garages, or other similar features;

(d) the proposed foundation or footing type;

(e) any additional information required by the Municipal Planning Commission to determine the suitability of the proposed dwelling.

(4) The design, character and appearance, including the roof lines and materials and exterior finish of the dwelling shall be consistent with the purpose of the district in which the dwelling is proposed and compatible with the surrounding buildings.

(5) To ensure compatibility of housing types, the Development Authority may regulate:

(a) roof lines,

(b) exterior finish – type and colour,

(c) foundation type and maximum elevation,

(d) dwelling orientation,

(e) any other matters deemed necessary to ensure compatibility with surrounding development.

(6) The quality of the completed dwelling shall be at least equal to the quality of the other buildings in the area.

(7) Any dwelling placed on a pile, pier or other open foundation type shall be skirted in compatible materials and enclosed to the satisfaction of the Development Authority.

(8) Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with an approved material.

(9) The maximum height of the exposed portion of a continuous concrete or concrete block foundation shall be not more than 0.6 m (2 ft) above the average finished grade level of the surrounding ground.

(10) Any wheels, hitches or running gear shall be removed immediately upon placement of the dwelling.

(11) All additions shall be of a design and finish which complement the dwelling.

10. PRIVATE SWIMMING POOLS

(1) Private swimming pools shall be classified as an accessory building.

(2) Any private swimming pool with a design depth greater than 0.6 m (2 ft) shall be constructed and fenced in accordance with Safety Codes requirements.

(3) Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but must meet minimum setbacks for accessory buildings.

(4) Construction of an in-ground swimming pool and swimming pools that are attached to or enclosed by a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district;

(c) permanent swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

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 300 m (984 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.

12. SHIPPING CONTAINERS (or C-Containers, Sea-Containers)

(1) An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

(2) A shipping container may be placed temporarily on a construction site for the period of construction, or in conjunction with renovation work being done to a building subject to the following provisions:

(a) the shipping container is needed in connection with construction of a development for which a development permit has been issued or is where used to temporarily accommodate the storage of goods where a building has been damaged in a fire or flood or where a building is being renovated;

(b) the construction site is active (i.e., construction has commenced and is on-going or is about to commence within two weeks); placement of a shipping container on an inactive construction site is prohibited;

(c) setbacks for the shipping container shall be as required by the Development Authority;

(d) the Development Authority may regulate the maximum amount of time the shipping container is permitted on a lot;

(e) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority.

(3) Any permanent shipping container shall be subject to the following general standards:

(a) there shall be a legal primary use on the property where the shipping container is proposed;

(b) the Development Authority may regulate the maximum number of shipping containers permitted on a lot;

(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, 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;

(e) the Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property;

(f) the Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property;

(g) the Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit;

(h) removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

(i) The maximum lot coverage and setback requirements for accessory structures in the applicable land use district apply to shipping containers.

(j) A shipping container within any residential land use district (R1, R2, R3) may only be permitted in the rear yard. 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. 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.

13. SOLAR COLLECTOR

(1) A solar collector attached to a roof or wall of a building may be permitted in any land use district as an accessory structure subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.2 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.3 m (7.5 ft) above grade;

(iii) may project a maximum of 1.5 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

(2) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory use and processed subject to the applicable land use district and the following additional standards:

(a) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) must not exceed 1.83 m (6 ft) in height above existing grade.

14. SMALL WIND ENERGY SYSTEM

(1) Applications for Small Wind Energy System (SWECS) shall include the following additional information where applicable:

(a) all proposed SWECS shall be commercially manufactured and applications shall include the manufacturers make and model number;

(b) the manufacturer's specifications indicating:

(i) the SWECS rated output in kilowatts;

(ii) safety features and sound characteristics;

(iii) type of material used in tower, blade, and/or rotor construction;

(c) potential for electromagnetic interference;

(d) nature and function of over speed controls which are provided;

(e) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires; and

(f) location of existing buildings or improvements.

(2) Prior to making a decision on a development permit application for a SWECS, the Development Authority may require that the application be referred to the following agencies and departments:

(a) Transport Canada,

(b) NAVCanada,

(c) Alberta Transportation, and

(d) any other federal or provincial agencies or departments deemed necessary.

(3) Any SWECS shall be subject to the following general standards:

(a) tower mounted SWECS shall be setback from all property lines a distance equal to the height of the system;

(b) the system's tower-climbing apparatus and blade tips shall be no closer than 4.6 m (15 ft) from ground level unless the system is enclosed by a 1.8-m (6-ft) high fence or approved otherwise;

(c) any guy wires associated with a SWECS shall be accommodated entirely within the parcel and must be clearly visible from grade to a height of 1.8 m (6 ft);

(d) the sound produced by the SWECS under normal operating conditions, as measured at the property line shall not exceed 60 dBA or 6 dBA over the background noise, whichever is greater;

(e) the SWECS shall not display advertising or other marketing. Brand names or advertising associated with the system or the system's installation shall not be visible from any public place;

(f) the SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department;

(g) the system, including tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments;

(h) the system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer;

(i) the system's utility lines shall be underground where economically practical;

(j) the system shall be located in the rear or side yard.

(4) Prior to the installation of a SWECS the applicant and/or landowner shall obtain:

(a) all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit.

(5) All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

(6) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

(7) Approval of any SWECS must consider cumulative and aesthetic impacts.

15. TELECOMMUNICATION ANTENNA SITING PROTOCOL

Telecommunication, radiocommunication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radiocommunication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix C shall be subject to the Siting Protocol process as stipulated in Appendix C. The Telecommunication Antenna Siting Protocol Application form and applicable fee must be submitted by the proponent to the Development Authority who will determine if the municipality will grant a letter of concurrence or non-concurrence.

See Appendix C – Telecommunication, Radiocommunication and Broadcasting Antenna Systems and Supporting Structures (Antenna Systems) Siting Protocol.

PART 6

SIGN REGULATIONS

PART 6

SIGN REGULATIONS

1. SIGN APPLICATION REQUIREMENTS

(1) Unless otherwise indicated in section 2, no one shall erect, place or alter a sign including a temporary sign, without having first obtained a development permit from the Development Authority in accordance with the provisions of this Bylaw.

(2) In addition to the requirements of Part 1, section 29, a development permit application for a sign shall include:

(a) a description of the proposed sign and a plan drawn to a suitable scale;

(b) photographs or illustration, if available;

(c) the location of all existing and proposed sign(s);

(d) the size, height and other dimensions of the proposed sign including any supporting structures;

(e) the message content and dimensions of the proposed sign face;

(f) the materials and finish of the proposed sign;

(g) type of illumination and/or changeable content, if any, and details with respect to the proposed luminosity, intensity and transition time; and

(h) if a sign is to be attached to a building, the details regarding the extent of projection.

2. SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

A development permit is not required for the following signs but shall otherwise comply with this Bylaw and be maintained to the satisfaction of the Development Authority:

(a) residency identification signs which state the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.2 m^2 (2 ft^2);

(b) signs approved in conjunction with a home occupation permit;

(c) construction signs, provided such signs do not exceed 2.9 m^2 (32 ft^2) in area and are removed within 14 days of the completion of construction;

(d) political posters, provided all such signs are removed within 3 days after the completion of the relevant election or plebiscite;

(e) real estate signs, provided all such signs are removed within 30 days after the sale or lease of the premises upon which the sign is located;

(f) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;

(g) any traffic or directional and informational signs erected by the Town of Milk River, the Alberta government or Federal government;

(h) any community service bulletin board erected by the Town of Milk River and any notices posted on the bulletin board;

(i) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate such on the street furniture has been reached with Council;

(j) A-board signs in compliance with this Part that are removed from the location on a daily basis when the business is closed;

(k) the alteration of a lawful sign which includes routine maintenance, painting or change in copy content or lettering and does not include modification of the sign structure, location, dimensions or sign type.

3. GENERAL SIGN STANDARDS

(1) Unless otherwise indicated, signs shall generally be limited to advertising or identifying the principal use of a premises or the products and services available at the premises.

(2) All signs shall be maintained in good repair and a safe and tidy manner to the satisfaction of the Development Authority.

(3) The location of any sign is at the discretion of the Development Authority.

(4) The location of any sign shall not create a visual obstruction to vehicular traffic, obstruct the vision of or cause confusion with any information sign, traffic control sign or device, or create a potential hazard or conflict with rights-of-way, easements or routing of any public utility.

(5) All signs shall be of quality construction and of a design suitable for public display and maintained in good repair and a safe and tidy manner.

(6) Signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

(7) Signs shall not be located in the public right-of-way or on public property, except for signs approved by the Town of Milk River or signs approved by the Province of Alberta or Federal Government.

(8) Where any sign extends over public land, the owner shall agree to a save harmless agreement with the Town of Milk River.

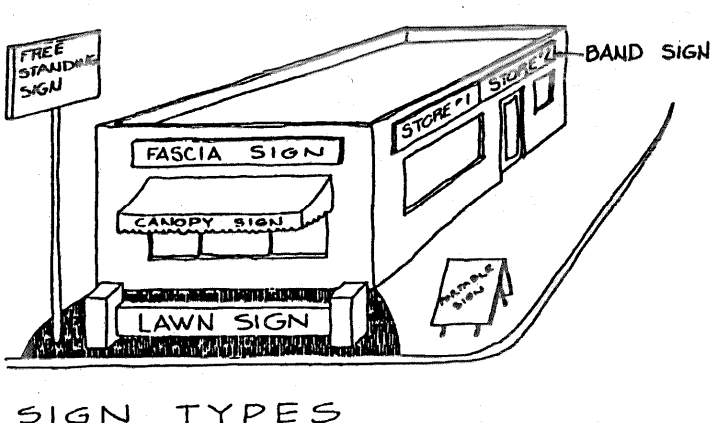
(9) No sign shall be illuminated unless the source of light is steady and suitably shielded.

(10) Signs shall not be permitted to emit amplified sound or music or employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting.

(11) A business or building owner shall remove the visible copy and image area of a derelict sign within 60 days of the business ceasing operations within the town.

(12) Signs adjacent to residential land use districts or which may have an effect on residential uses, as determined by the Development Authority, may be subject to additional or modified standards deemed necessary to mitigate impact(s) of the sign on residential uses.

(13) Digital signs shall generally be limited to non-residential land use districts and are at the discretion of the Development Authority.



SIGN TYPES

DIAGRAM 6.1

4. SIGN TYPES – USE SPECIFIC STANDARDS

(1) **Lawn, fascia and free-standing** signs are subject to the following limitations:

(a) not more than two signs shall be permitted on the premises;

(b) no sign shall exceed 11.1 m^2 (120 ft^2) in area;

(c) the maximum height of any freestanding sign shall be 6.1 m (20 ft);

(d) the maximum height of any lawn sign shall be 1.52 m (5 ft).

(2) **Canopy** signs are subject to the following limitations:

(a) no part of the canopy, excluding that portion which is used for support and which is free of advertising shall be less than 2.4 m (8 ft) above the ground or sidewalk grade;

(b) no part of the canopy shall project more than 1.8 m (6 ft) over public property, or come within 0.6 m (2 ft) of the curb or edge of a roadway;

(c) no part of the canopy shall project more than 45.7 cm (18 inches) above the top of the vertical face of the wall to which it is attached;

(d) the space between the canopy and supporting structure shall not be more than 0.6 m (2 ft).

(3) **Directional, informational and identification** signs are as regulated by the Development Authority.

(4) **Banding signs for cluster, comprehensive mall-like development** are as regulated by the Development Authority.

(5) **Mural** signs are as regulated by the Development Authority.

(6) **Portable** signs are subject to the following limitations:

(a) no more than one portable sign shall be permitted;

(b) portable signs shall not be displayed for more than 90 days in one calendar year;

(c) the copy area, maximum height and maximum width of portable signs shall be as follows:

(i) A-board signs shall not exceed 0.56 m^2 (6 ft^2) in area; sign height from grade shall not exceed 0.91 m (3 ft); sign width shall not exceed 0.91 m (3 ft);

(ii) all other portable signs shall not exceed 3.72 m^2 (40 ft^2) in area; sign height from grade shall not exceed 2.13 m (7 ft); sign width shall not exceed 2.44 m (8 ft).

(7) **Billboard** signs are subject to the following limitations:

(a) such signs shall be limited to the Highway 4 corridor within town limits;

(b) signs shall be restricted to a maximum size of 18.1 m^2 (195 ft^2);

(c) signs shall be located so as not to become a visual obstruction or other traffic hazard;

(d) no sign shall be illuminated unless the source of light is steady and suitably shielded.

(8) **Other** signs – when a sign cannot be clearly categorized as one of the sign types defined in this section, the Development Authority shall determine the sign type and any and all applicable controls.

PART 7

OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

PART 7

OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

1. OFF-STREET PARKING

(1) Parking areas shall be accessible and laid out and delineated in a manner which will provide for orderly parking. (see Diagram 7.1)

(2) Parking areas shall be constructed in a manner which will permit adequate drainage, snow removal and maintenance.

(3) The Development Authority may require that parking areas or portions thereof be paved.

(4) Off-street parking may be located the front yard in accordance with this Bylaw. Off-street parking for recreation vehicles should be provided in the rear or side yard only.

(5) All parking spaces provided shall be on the same lot as the building or use, except that the Development Authority may permit parking spaces to be on a lot within 152.4 m (500 ft) of the building or use if determined impractical to provide parking on the same lot with the building or use. Where such other parking space is provided, a caveat approved by Council shall be registered against the lot.

(6) Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties.

2. SPECIFIC REQUIREMENTS

(1) The off-street parking and loading requirement standards apply to:

(a) all new buildings and uses, and

(b) the expansion or enlargement of existing buildings or uses.

(2) In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

(3) A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.

(4) Calculation of parking requirements resulting in a fractional number shall be rounded to the next highest number.

(5) The following shall be used to calculate the off-street parking spaces required for a proposed development:

Table 1 – Off-Street Parking Spaces

RESIDENTIAL	MINIMUM PARKING SPACES
Boarding or lodging home	1 space per sleeping unit
Guest lodging	1 space per guest room
Dwellings:	
– Accessory dwelling unit	1 space per dwelling unit
– Single- detached dwelling (all construction types)	2 spaces per dwelling unit
– Duplex and semi-detached dwellings	2 spaces per dwelling unit
– Multi-unit dwelling	1.5 spaces per dwelling unit
Home occupation B	As required by the Development Authority
All Other uses	As required by the Development Authority
NON-RESIDENTIAL	**MINIMUM PARKING SPACES**
Automobile sales and service	1 space / 46.5 m^2 (500 ft^2) of GFA
Bulk fuel station	1 space per employee or more as required by the Development Authority
Day care facility	1 pick-up/drop off space per 10 children plus 1 space per employee
Community hall and cultural facility	1 space / 9.3 m^2 (100 ft^2) of gross floor area or 1 space per 6 seating spaces, whichever is greater
Convenience store	1 space / 27.9 m^2 (300 ft^2) of GFA
Educational facility and school	1 space per employee or more as required by the Development Authority
Financial institution	1 space / 37.2 m^2 (400 ft^2) of GFA
Hospital	1 per 3 beds
Hotel/motel	1 space per guest room
Industrial	1 space by 65 m^2 (700 ft^2) of gross floor area
Licensed premises	1 space per 2 seating spaces
Medical/health facility	1 space per employee and 1 space per 18.6 m^2 (200 ft^2) of gross floor area
Office	1 space per employee
Religious assembly	1 space / 9.3 m^2 (100 ft^2) of gross floor area or 1 space per 6 seating spaces, whichever is greater
Restaurant	1 space per employee and 2 seats per table
Retail and service	1 space per 37.2 m^2 (400 ft^2) of gross floor area
Service station	1 space per employee and 2 spaces per service bay
All other uses	As required by the Development Authority

PARKING LAYOUT ALTERNATIVES-METRES

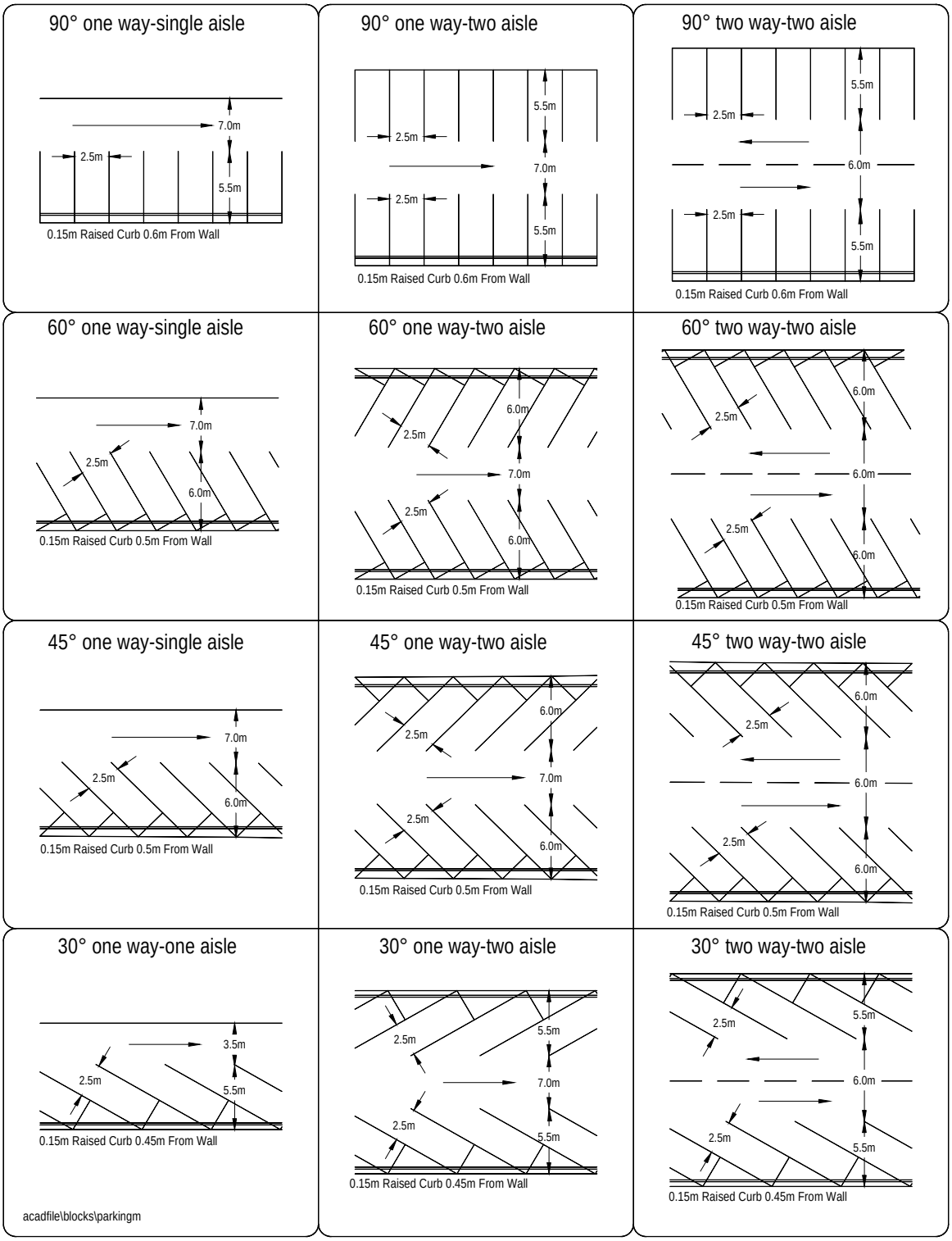


DIAGRAM 7.1

3. LOADING AREA REQUIREMENTS

(1) There shall be a minimum of one off-street loading area per building in the C1, C2, RY and I1 land use districts.

(2) The Development Authority may require that off-street loading areas be provided in districts other than C1, C2, RY and I1 if necessary.

(3) All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building.

(4) Each loading area shall be designed in such a manner that it will not interfere with convenience and safe pedestrian movement, traffic flow or parking.

(5) The Development Authority may consider a joint loading area for two or more uses if, in their opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

(6) The Development Authority may require additional loading areas or doors if, in his or their opinion, such additional areas or doors are deemed necessary.

4. BARRIER-FREE PARKING

(1) The minimum number of barrier-free parking spaces to be provided for non-residential uses shall be a portion of the total number of off-street parking spaces required, in accordance with Table 2, Barrier-Free Parking Spaces.

(2) Each barrier-free parking space for the disabled shall be:

(a) at least 3.6 m (12 ft) wide;

(b) have a firm, slip-resistant and level surface;

(c) be clearly marked as being for the use of persons with disabilities only.

(3) Where there are two or more adjacent barrier-free parking stalls, a 1.5 m (5 ft.) wide access aisle shall be provided between the stalls.

(4) Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

(5) There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

(6) The Development Authority may require an additional number of spaces be provided when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical or health services, pharmacies and restaurants.

Table 2 – Barrier-Free Parking Spaces

Number of parking spaces required for a use	Number of barrier-free spaces required for use by persons with disabilities
0-10	0*
11-25	1
26-50	2
51-100	3
for each additional increment of 100 or part thereof	one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

PART 8

DEFINITIONS

PART 8

DEFINITIONS

In this Land Use Bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

The following is a list of defined terms referred to in this Land Use Bylaw:

A

Accessory building means any building or structure that is physically separate from the principal building or structure on the lot on which both are located, and the use of which the Development Authority decides is normally subordinate and incidental to that of the principal building, structure or use. A principal building, principal structure or principal use must be legally established or approved before an accessory building or accessory structure can be approved. When attached to a principal building or structure by any means, it is considered part of the principal building/structure and subject to the standards for the principal building.

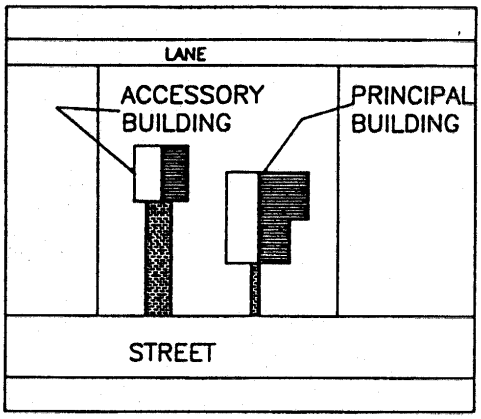


DIAGRAM 8.1

Accessory use means a use of a building or structure or lot that is incidental and subordinate to the principal building or use and is located on the same lot as the principal building, structure or use. A principal use must be legally established or approved before an accessory use can be approved.

Adjacent land means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, watercourse, water body, utility lot, right-of-way, reserve land or other similar feature.

Amusement facility means a development for amusement pastimes, and may incorporate eating facilities and other similar uses as an accessory use. Such uses may include but are not limited to, amusement arcades, billiard parlours, bowling alleys, theatres and indoor mini-golf.

Animal grooming facility means a development that provides a service for the care and appearance of domestic animals, where all care and confinement facilities are enclosed within a building, but does not include the breeding and/or overnight boarding of such animals.

Applicant means the registered owner of land or his or her representative or agent.

Approved use means a use of land and/or buildings for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

Area structure plan means a statutory plan in accordance with Part 17 of the *Municipal Government Act* and municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

Assisted living means a development involving a combination of housing and supportive services, personalized assistance and heath care designed to respond to the individual needs of those who require help with activities of daily living. The use may include things such as a central or private kitchen, dining, recreational, and other facilities, with separate dwelling units or group living quarters, where the emphasis of the facility remains residential.

Auto body and paint shop means a development where vehicle bodies and parts are repaired and painted. This use may include an outdoor storage area.

Automobile sales and service means a development involving the retail sale, lease or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and recreational vehicles, including but not limited to parts, mufflers, oil changes, transmissions, engine replacement, glass repair, and auto detailing. Auto body and paint repair and sale of gas are not included in this definition.

Auto wreckage and salvage yard means a development for the dismantling, shredding, compressing and/or salvaging of vehicles, machinery or equipment.

B

Balcony means a platform attached to and projecting from the face of a building, with or without a supporting structure, normally surrounded by a baluster railing with access only from within the building.

Basement means the lowest storey of a building, partly or wholly below grade.

Belt course means a narrow horizontal band projecting from the exterior walls of a building, usually defining the interior floor levels. (see Diagram 8.2)

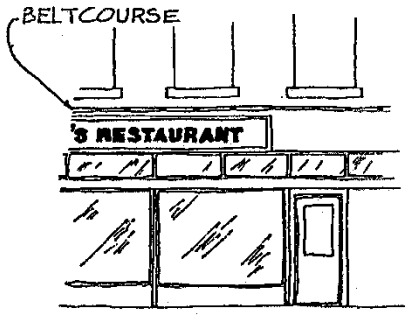


DIAGRAM 8.2

Berm means a barrier, typically constructed of mounded earth and landscaped, used to separate incompatible areas, uses, functions or to protect a site or development from noise or nuisance.

Boarding house means a building other than a hotel or motel containing not more than 15 sleeping rooms where lodging for 5 or more persons are provided for compensation pursuant to previous arrangements or agreement.

Buffer means open spaces, landscaped areas, fences, walls, hedges, trees, shrubs, berms or other similar features used to physically and/or visually separate incompatible uses, areas, functions, sites, buildings, roadways or districts.

Building has the same meaning as in Part 17 of the *Municipal Government Act* and includes anything constructed or placed on, in , over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

Building and special trade contractors means a development for businesses engaged in activities commonly referred to as construction or contract services such as plumbing, heating, dry walling, framing, electrical, renovating and related excavating and may include storage of equipment in association with the business and accessory sale of goods normally associated with such contractor services.

Building height means the vertical distance between average grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, skylight, steeple, chimney, smoke stack, fire wall or parapet wall, flagpole or other similar structure as determined by the Development Authority.

Building, non-conforming in accordance with Part 17 of the *Municipal Government Act* means a building:

(a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

Building permit means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing construction.

Building, principal means a building or structure which:

(a) occupies the major or central portion of a lot;

(b) is the chief or main building or structure on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

Building supplies means a development where building materials such as lumber, plywood, drywall, cement blocks, roofing material and other similar materials are stored and sold.

Bulk fertilizer storage and sales means a development where fertilizer goods, most commonly for agricultural purposes, are received and stored for the purposes of distribution and sale.

Bulk fuel storage and sales means a development for storing and distributing petroleum products and other similar crude oil products in bulk quantities.

Business support service means a development primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services and other similar services.

Bylaw means the Town of Milk River Land Use Bylaw.

C

Cannabis means cannabis as defined 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.

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

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles. (see Diagram 8.3)

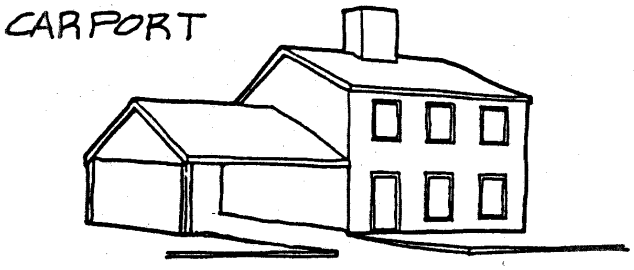


DIAGRAM 8.3

Car wash means a development providing for the cleaning of vehicles but does not include a truck wash or service station.

Cellar means a space with less than one-half its floor to ceiling height above the average finished grade of the adjoining ground or with floor to ceiling height of less than 2.0 m (6.6 ft).

Cemetery and interment services means a development for the entombment of the deceased and may include such facilities as crematoriums, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.

Change of use means the conversion of land or building, or a portion thereof, from one land use activity to another.

Clubs and organizations means a development for the assembly, social or recreational activities of members of charitable, social service, ethnic, athletic, business, fraternal or other similar organizations without on-site residences. This use may include accessory uses such as eating, drinking, entertainment, sports, and recreation and amusements facilities, but excludes campgrounds.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purposes.

Community hall means a development where the primary purpose is to accommodate use by community groups or the public. The use may include features such as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coatrooms, storage rooms and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, sitting areas and other similar features.

Concrete batch plant means a development where concrete or concrete products used in building or construction are produced and includes the administration or management of the business, stockpiling of bulk materials used in the production process or of the finished products manufactured on the premises and the storage and maintenance of required equipment and may include the retail sale of finished concrete products.

Condominium means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

Convenience store means a development for a retail store that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

Council means the Council of the Town of Milk River in the Province of Alberta.

Cultural facility means a development providing cultural services to the public, such as but not limited to museums, art galleries and libraries by a public or private or non-profit facility.

D

Day care facility means a development for the provision of care, maintenance and supervision of seven or more children or adults, by persons unrelated to the children or adults by blood or marriage, for periods not exceeding 24 consecutive hours and includes all child-care centres, day cares, nurseries and after-school or babysitting programs.

Day home means a development within a private residence where care, development and supervision are provided for a maximum of six children, by persons unrelated to the children by blood or marriage, including children who reside in the home, for periods not exceeding 24 consecutive hours.

Deck means a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.61 m (2 ft) or greater above grade.

Demolition means the pulling down, tearing down or razing of a building or structure.

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 of any of them in, on, over or under land;

(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 agreement means a contractual agreement between the municipality and the applicant/developer for a development permit or subdivision approval which specifies the public roadways, utilities and other services, improvements, fees and levies to be provided or paid for by the applicant/developer as a condition of development approval or subdivision approval, in accordance with section 648, 650, 654, and 655 of the *Municipal Government Act*.

Development Authority means the Municipal Planning Commission, except in such instances where the Development Officer may be the Development Authority in accordance with this Bylaw.

Development Officer means a person(s) authorized by Council to act as a development authority pursuant to section 624(2) of the *Municipal Government Act* and in accordance with the municipality's Development Authority Bylaw and this Bylaw.

Development permit means a permit issued with or without conditions pursuant to this Bylaw authorizing a development. A development permit does not constitute a building permit.

Discretionary use means a development which, depending upon circumstances and conditions, may be suitable within a particular district and, therefore, may be refused or approved with or without conditions by the Development Authority.

Discretionary Uses Type A – Municipal Planning Commission means a development which, depending upon circumstances and conditions, may be suitable within a particular district and, therefore, may be refused or approved with or without conditions by the Municipal Planning Commission or Subdivision and Development Appeal Board on appeal.

Discretionary Uses Type B – Development Officer means a development which, depending upon circumstances and conditions, may be suitable within a particular district and, therefore, may be refused or approved with or without conditions by the Development Officer or Municipal Planning Commission, or Subdivision and Development Appeal Board on appeal.

District – see **Land use district**.

Dormitory means a development within a building intended to provide residential accommodation for a group of individuals where such building is related to an education or public and institutional use, including religious assembly. Such use may include a kitchen, common gathering facilities and residential accommodations for an on-site manager and other related amenities in support of the residential accommodation.

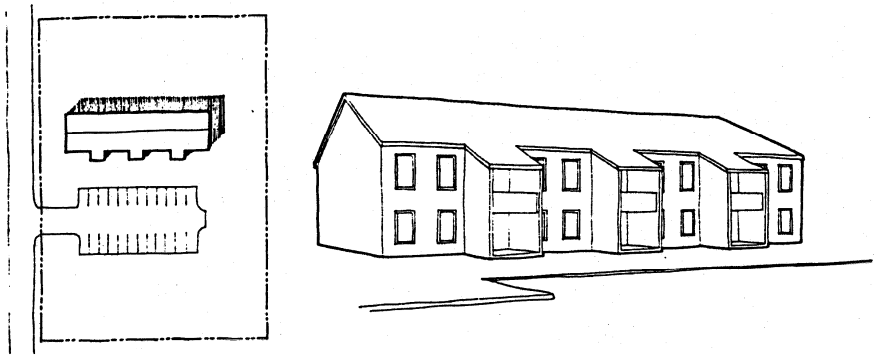
Dwelling or dwelling unit means a building or a portion of a building designed for human habitation which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, park model trailers, recreation vehicles or other mobile living units, hotels, or motels. Dwelling types are as follows:

Accessory means a dwelling unit that is incidental and subordinate to the principal dwelling on the lot and which may be located within a single-detached dwelling or an accessory building on a lot that contains a developed single-detached dwelling.

Duplex means a residential building containing two separate dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.

Moved-in means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site for use as a residence.

Multi-unit means a residential building other than a row dwelling containing three or more separate dwelling units. (see Diagram 8.4)



DWELLING, MULTI-UNIT

DIAGRAM 8.4

Row house means a residential building containing three or more separate dwelling units with each unit placed side by side and each having a separate front and rear entrance. (see Diagram 8.5)

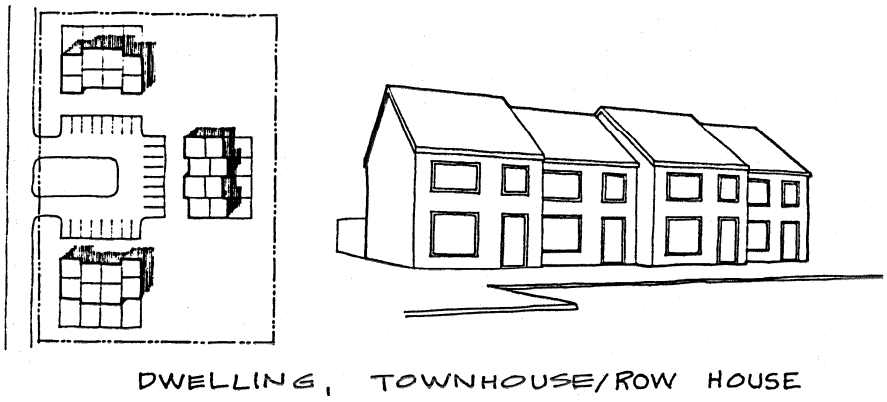


DIAGRAM 8.5

Semi-detached means a residential building containing two separate dwelling units connected by a common wall but legally subdivided by a property line. (see Diagram 8.6)

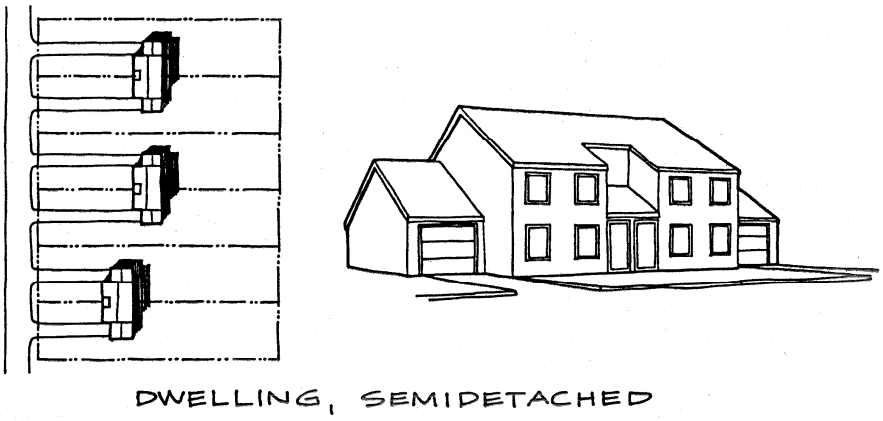


DIAGRAM 8.6

Single-detached means a residential building containing one dwelling unit which is not attached to any other dwelling by any other means.

Single-detached manufactured means a residential building containing one dwelling unit which is newly constructed typically with an integrated frame for placement on a permanent surface foundation in conformance with CSA standards and designed in one or two sections for transport, whether on its own wheels or a transport trailer. The unit arrives at the site where it is complete and ready for occupancy except for incidental operations such as placement on an acceptable foundation and removal of any hitch and wheels and skirting. Manufactured dwelling does not include recreational vehicles or park model trailers.

Single-detached prefabricated means a residential building containing only one dwelling unit which is newly built at an off-site manufacturing facility or location other than the lot intended for occupancy. The unit is built in conformance with CSA standards and/or Alberta Building Codes. Single-detached prefabricated dwellings include modular dwellings, panelized dwelling and ready-to-move dwellings as follows:

- **Modular dwelling** means a single-detached dwelling unit constructed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled over a conventional permanent foundation.

- **Panelized dwelling** means a single-detached dwelling unit consisting of factory built wall panels and building components that are delivered to the site as a package ready for assembly on site over a conventional permanent foundation.

- **Ready-to-move (RTM)** means a single-detached dwelling unit built using conventional construction methods that would normally be built on the lot intended for occupancy, but for various reasons is built at a plant site. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the client's location for placement on a conventional permanent foundation.

Single-detached site built means a residential building containing one dwelling unit which is constructed on the lot intended for occupancy and is not attached to any other dwelling by any means. (see Diagram 8.7)

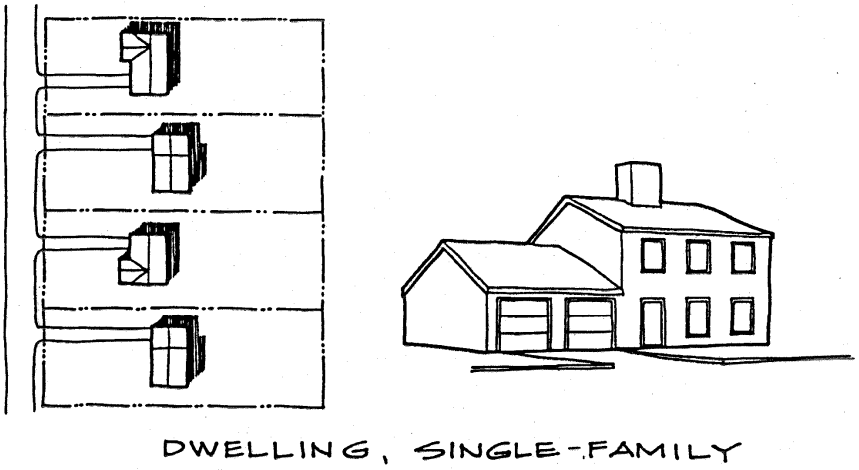


DIAGRAM 8.7

E

Easement means a right held by one part in land owned by another.

Educational facility means a development for the offering of continuing education or specialized courses of study.

Equipment sales, rental and service means a development for the retail sale, wholesale distribution, rental and/or service of equipment such as hand tools, construction, farming, gardening and automotive equipment, small machinery parts, and office machinery and equipment and other similar equipment.

Extensive agriculture means the production of crops by expansive cultivation. Barns and other similar buildings associated with extensive agriculture are classified as accessory buildings. This use does not include the grazing or keeping of farm animals, agricultural related industry buildings such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.

F

Farmer's market means a development where fresh or processed farm or garden produce and wares are sold in retail or wholesale settings and where goods are typically displayed in bulk bins or stalls for customer selection. This use may also include entertainment, crafts sales and sales of other similar products and amenity activities.

Fence means an accessory structure usually made of wood, rails, or bricks intended to mark parcel boundaries and provide yard privacy.

Financial institution means a development primarily for providing the service of banking or lending money such as a bank, saving and loan institution or credit union.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building not including the basement, cellars, attached garages and open porches. Basement floor area is included only when the building contains an accessory dwelling unit.

Food store, bakery, deli, grocery means a development where most of the floor area is devoted to the sale of food products for home preparation and consumption, which may also include things such as home care, personal care products, and pharmacy services and are substantially larger and carry a broader range of merchandise than convenience stores.

Foundation means the supporting base structure of a building.

Frontage means the portion of a lot abutting a road right-of-way measured along the front line or secondary front lot line.

Funeral home means a development for the arrangement of funerals, the preparation of the deceased for burial or cremation, cremation service, and the holding of funeral services.

G

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Garden centre means a development for the sale, display, growing and storage of garden, household, and ornamental plants and trees. The use may include the supplementary retail sale of fertilizers, garden chemicals, implements, and associated products.

Government service means a development providing municipal, provincial or federal government services directly to the public or the community at large and includes development required for the protection of persons or property.

Grade means the average surface level of the ground when the work of erecting a structure is completed.

Grain elevator means a development for the collecting, grading, sorting, storage and transhipment of grains.

Group care facility means a development that provides residential accommodation and rehabilitative services to persons who are handicapped, disabled or undergoing rehabilitation and are provided care to meet their needs. This use may also include supervised uses such as group homes and half-way houses.

Guest lodging means a development carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling on a short-term basis for remuneration and may include the provision of meals for guests that are prepared in the common kitchen of the dwelling. This use is commonly referred to as a bed and breakfast.

H

Heavy manufacturing and industry means a development for manufacturing, assembling or fabricating activities on a large scale, where there may be external effects from the activity and which does not meet the definition of light industry/manufacturing.

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

Home occupation means an occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary 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".

Hospital means a development providing medical treatment on an in-patient and/or out-patient basis and may include provisions such as outdoor amenity areas, laundry, maintenance buildings, air transport facilities, cafeteria, accessory staff residences and other accessory uses.

Hotel means a development within a building used primarily for sleeping accommodation for compensation and ancillary services provided in rooms or suites, accessible through a central lobby. The building may also contain commercial, restaurant, dining room, and convention facilities.

Household repair service means a development for the repair and servicing of goods, furniture, equipment and appliances normally used within and around the home.

I

Illumination means the lighting of a building, structure, landscaping or sign by artificial means.

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. This use does not include production of cannabis.

K

Kennel means commercial development where three or more domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale.

L

Land use district means a specifically delineated area or zone within which the development standards of this Bylaw govern the use, placement, spacing and size of land and buildings.

Lane means a public roadway which provides a secondary means of access to a lot.

Licensed premises means a development licensed and regulated pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

Light industry and manufacturing means a development for processing, assembly, production and packaging of goods or products as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the lot upon which it is situated.

Liquor store means a development licensed under provincial authority for the sale of beer, wine, or spirits for consumption off-site.

Livestock sales yard means a development where animals, poultry and/or livestock are collected for sale or trade to a bidder. The definition does not apply to individual sales by private owners. Livestock sales yard is a prohibited use in the Town of Milk River.

Lodging house – see **Boarding house**.

Lot means an area of land, the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words **site** and **parcel** shall have the same meaning as the word **lot**.

Lot area means the total horizontal area of a lot.

Lot, corner means a lot located at the intersection or junction of two or more streets. (see Diagram 8.8)

Lot, interior means any lot other than a corner lot. (see Diagram 8.8)

Lot, length means the horizontal distance between the front and rear lot lines vertically projected and measured along the median between the side lot lines. (see Diagram 8.8)

Lot lines means the legally defined limits of any lot. The term property line shall have the same meaning. (see Diagram 8.8)

Lot line, front means the lot line abutting the street, or on a corner lot or lot with multiple street frontages, is the lot line deemed to be the front lot line by the Development Authority having regard to the orientation of buildings within the block.

Lot line, rear means the lot line opposite or approximately opposite the front parcel one, or on a corner lot or lot with multiple street frontages, is the lot line deemed to be the rear lot line by the Development Authority having regard to the orientation of buildings within the block.

Lot line, secondary front means the secondary front lot line on a corner lot which is deemed to be the secondary front lot line by the Development Authority.

Lot line, side means the lot line other than the front, secondary front, or rear lot lines.

Lot, width means the average horizontal distance between the side lot lines. (see Diagram 8.8)

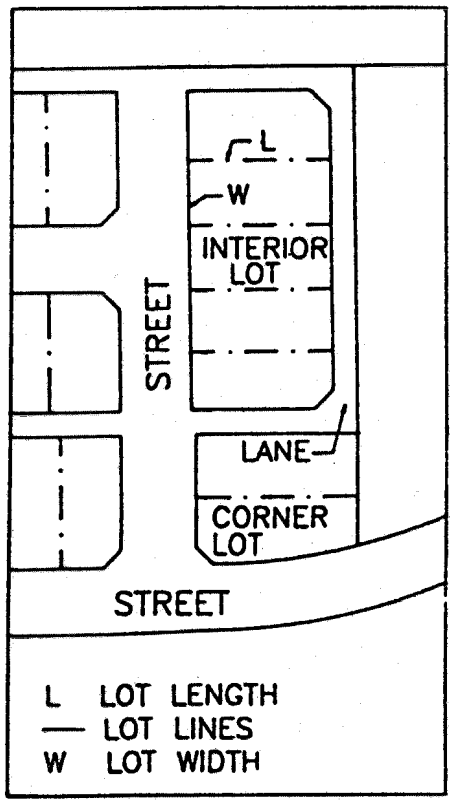


DIAGRAM 8.8

M

Manufactured home park means a parcel of land maintained and operated by an owner or a manager providing spaces for the long-term parking and occupancy of manufactured homes with ancillary facilities including recreation area.

Manufactured homes sales and service means a development for the display and sale of manufactured homes, and may include supplementary maintenance services and the sale of parts and accessories.

Medical/health facility means a development for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, massage therapy, doctor, dentist, optometrist, and chiropractic offices.

Mini-storage means a development providing compartmentalized buildings or a designated site for the storage of equipment, household or business materials, and vehicles, recreational vehicles, boats, trailers and similar items, but excludes storage of hazardous goods or materials.

Mixed use building means a development where a building is used partly for residential and partly for commercial use.

Motel means a development within a building containing sleeping accommodations for compensation, and which is distinguished from a hotel primarily by reason of providing direct exterior access to and from each room. The use may also include other uses such as a restaurant, dining room, and convention facilities.

Moved-in building means a pre-constructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include manufactured homes, modular dwellings or ready-to-move dwellings.

Municipal Development Plan means a statutory plan adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended*.

Municipal Planning Commission (MPC) means the body established by bylaw to act as the subdivision and development authority in accordance with sections 623 and 624 of the *Municipal Government Act*.

Municipality means the Town of Milk River in the Province of Alberta.

N

Non-conforming building – see **Building, non-conforming**.

Non-conforming use – see **Use, non-conforming**.

Noxious or hazardous uses are those land uses which may be detrimental to public health, safety and welfare because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are incompatible with residential or other development.

O

Office means a development primarily for the provision of professional, management, administrative, consulting or financial services in an office setting.

Off-street loading space means the designated area on a lot designed expressly for the parking of haulage vehicles while loading and unloading.

Off-street parking means an off-street parking area for vehicles which is located on a lot, excluding a public roadway.

Off-street parking area means the designated area on a lot which is accessible from a street, lane or other public roadway, set aside for and capable of providing space for the off-street parking of motor vehicles.

Off-street parking space means an off-street parking space set aside for, designed and capable of being used for the parking of one motor vehicle.

Orientation means the arranging or facing of a building or other structure with respect to the street frontage.

Outdoor storage means a development on land with or without buildings for the open, outdoor storage of equipment, materials, vehicles, goods, and processed or unprocessed resources or materials.

P

Parking facility means a parking lot or parking structure not located in the public roadway which is intended to be used exclusively to provide off-street parking of vehicles as a principal use and which may include buildings or structures necessary for the operation of the parking lot or structure. A parking structure means a building or structure designed for parking vehicles in tiers on levels above each other, whether above or below ground.

Park model trailer means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so it does not require a special highway movement permit and conforms to the CSA Z-240 standard for recreational vehicles; or

(b) intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

Parks and playgrounds means development for active or passive public recreational activities that do not require major buildings or facilities and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

Patio means a paved, wooden, or other hard-surfaced area intended for outdoor living space that is less than 0.61 m (2 ft) above grade. A patio is not included in site coverage calculations.

Permitted use means the use of land or buildings which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees, provided the proposed development conforms with this Bylaw.

Personal service means a development that provides personal services to an individual that are related to the personal care and appearance or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurist, aestheticians, fitness facility, tailors, dress makers, shoe repair, dry cleaning establishment and laundries.

Principal building – see **Building, principal**.

Principal use means the main purpose, in the opinion of the Development Authority, for which a lot is used.

Prohibited use means a development that is not listed within a land use district as a permitted or discretionary use, or is not deemed a similar use in accordance with the provisions of this Bylaw.

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

Public and private utilities means a development for any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;

(b) facilities for the transmission, movement or disposal of sanitary sewage;

(c) facilities for the transmission, movement, distribution or supply of water;

(d) storm sewage drainage facilities;

(e) systems for the distribution of artificial light or electric power;

(f) facilities for the storage of telephone, cable, remote weather stations and internet infrastructure;

(g) any other things prescribed by the Lieutenant Governor in Council by regulation.

Public open space means land which is not in private ownership, and is open to use by the public.

R

Railway and railway related uses means a railway line and any use connected with the direct operation or maintenance of a railway system and also includes any loading or unloading facilities.

Recreation facility means a development for sports or recreational or retreat activities, uses and facilities including associated eating and retail areas, provided for public or private use. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, shooting ranges, golf courses, recreation centres, indoor/outdoor ice rinks, campgrounds, retreats and country clubs.

Recreational vehicle/holiday trailer means a vehicle or trailer, designed to be moved on its own wheels or by other means (including units mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such vehicles and trailers are subject to highway safety standards rather than housing standards. Examples include things such as motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers, and park model trailers. Recreational vehicles/holiday trailers are not permitted for use as a permanent dwelling.

Recycling facility means a development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. Examples include bottle, can and paper recycling depots, but does not include auto wreckage and salvage.

Religious assembly means a development for worship and related religious or social activities, and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses include churches, chapels, temples, mosques, synagogues, parish halls and convents.

Residence in conjunction with an approved permitted or discretionary use means a residential unit located within a commercial building which is accessory to the approved principal use.

Restaurant means a development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term includes such uses as restaurants, cafes, diners, lunch and tea rooms, ice cream parlours, banquet facilities and take-out restaurants.

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.

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".

Rodeo grounds means a development for public performance featuring bronco riding, calf roping, etc. and may include exhibition areas, eating and drinking establishments, and other associated uses.

S

School means a development providing a place of instruction offering courses of education or study operated with public or private funds pursuant to the provincial *School Act*.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Seed cleaning plant means a development where grains are stored, sorted, cleaned, and bagged within a building for agricultural purposes.

Seniors housing means a development which is used as a residence for elderly persons not requiring constant or intensive medical care and complies with the *Alberta Housing Act,* and is sponsored and administered by any public agency or any non-profit organization. This use may also include a lounge, dining, health care, recreation facilities and other similar uses in associated with the principal use.

Service station means a development for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles.

Setback means the minimum distance required between a building, structure, development or use from a property line and is measured at a right angle to the lot line. (see Diagram 8.9)

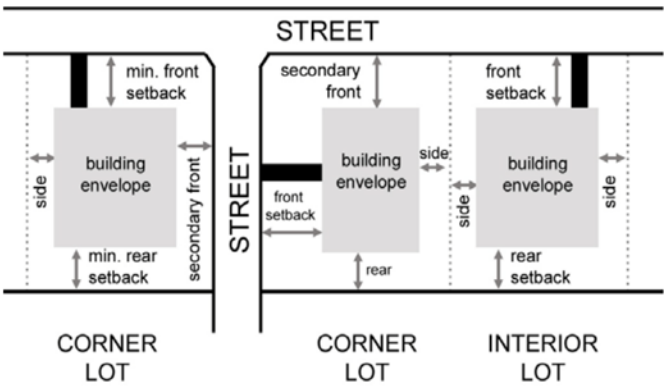


DIAGRAM 8.9

Shipping container means any container that is or was used for transport of goods by means of air, rail, truck or by sea. These are generally referred to as a C-container, sea cargo container, sea can, and cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this Bylaw, when such a container is used for any purpose other than transporting freight, it will be considered a structure, and must conform to the regulations of this Bylaw and may require a development permit.

Sign means any word, letter, model, picture, symbol, object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to any object, matter, thing, person, institution, organization, business, product, service, event or location by any means.

Sign, a-board means a portable sign which is set on the ground, built of two similar pieces of material and attached to the top by a hinge(s) so as to be self-supporting when the bottom edges are separated from each other and designed and built to be easily carried by one person. (see Diagram 8.10)



DIAGRAM 8.10

Sign, band means a fascia sign which is used to advertise tenants of a shopping mall or group of retail stores, in a uniform manner. (see Diagram 8.11)

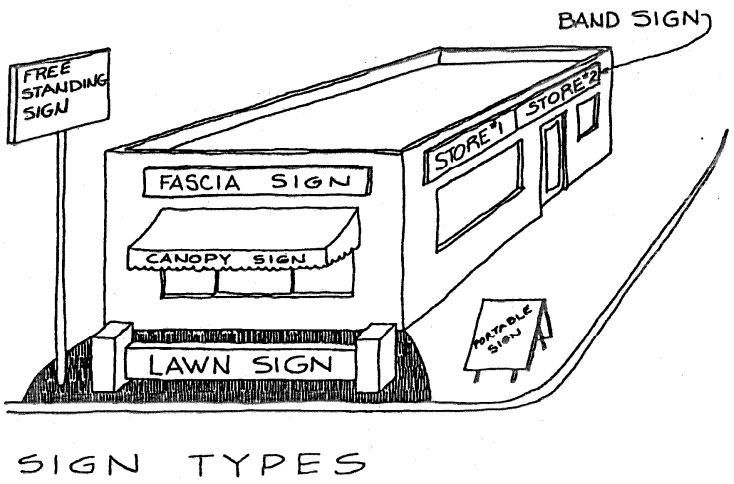


DIAGRAM 8.11

Sign, canopy means a sign attached to a non-retractable completely enclosed overhead, which is intended to be used for business identification and protection against the weather and is not supported independently of any other building or structure. (see Diagram 8.11)

Sign, directional means a sign providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances, exits, parking areas, loading zones, and circulation direction.

Sign, fascia means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building or other distance approved by the Development Authority. (see Diagram 8.11)

Sign, free-standing means a sign supported independently of a building, wall or other structure by way of a column or pole or other similar structure placed in or on the ground. (see Diagram 8.11)

Sign, identification means a sign providing the nature, logo, trademark or other identifying symbol, or combination of the name a symbol of a building, business, development or establishment on the premises where it is located.

Sign, information means a sign located on the premises that provides a service, direction or courtesy information intended to assist the public/patrons in locating services such as hours of operation, list of businesses within a complex, service windows, restrooms, etc.

Sign, lawn means a sign where the base of the sign is located at grade or is mounted between two structures elevating the base of the sign above grade. (see Diagram 8.11)

Sign, mural means a painting or other decorative work applied to and made integral with an outside wall surface of a building for the primary purpose of decoration or artistic expression and not created solely to display a commercial message or depiction.

Sign, portable means a sign that is not permanently affixed to a building, structure or the ground. (see Diagram 8.12)

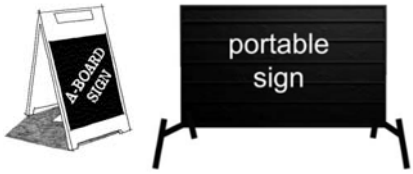


DIAGRAM 8.12

Similar use means a use of land or buildings for a purpose that is not provided in any district designated in this Bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use that is included within the list of uses prescribed for the district in which the development is proposed.

Site – see **Lot**.

Site coverage, **accessory** means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures.

Site coverage, principal means the percentage of lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, covered decks and covered porches.

Site, density means the average number of families, persons or dwelling units per unit of land.

Site plan means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this Bylaw.

Small wind energy system means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, which has a limited capacity to be used primarily for the applicant's own use.

Solar collector a device or structure that is capable of collecting and distributing solar energy for the purpose of transforming it into thermal, chemical or electrical energy.

Sportsfield means a development for the recreational use of land to accommodate active or passive type athletic, sport or recreational activities such as soccer, football, rugby, field hockey and baseball and may include minor associated uses such as benches, bleachers, washrooms, maintenance buildings and canteen.

Stop order means an order issued by the Development Authority pursuant to section 645 of the *Municipal Government Act*.

Storey means that portion of a building included between the surface of any floor and the surface of the floor next above, or of the ceiling.

Street means a registered and named public roadway typically greater than 7.6 m (25 ft) in width. It does not include lanes or alleys.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, stairs and signs.

Subdivision means the division of a parcel by an instrument. Subdivide has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

Such as means includes but is not limited to.

T

Telecommunication antenna means a structure and any associated systems, including masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

Temporary use means a use, building, or structure maintained for a limited time period as specified in a temporary development permit and ceased after that time.

Tourist information means a development intended to provide information to the travelling public and may include amenities such as washroom and picnic facilities, accessory retail sales and food and beverage service.

Truck park/rest area means a development providing a parking area for large commercial vehicles such as semi-trailer trucks to stop and park on a temporary basis, which can include restroom facilities, but excludes campground use and overnight parking of private passenger vehicles.

Truck stop means a development providing a service station which caters to large commercial vehicles such as trucks as well as intermediate sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Development Authority.

Truck transportation depots/dispatch means a development for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

Truck wash means a development for commercial vehicle washing of large vehicles such as tractor trailers.

U

Use means the purpose for which land or a building or structure is arranged or intended, or for which either land, a building or structure is, or may be, occupied and maintained.

Use, non-conforming means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof, affecting the land or building, becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

Utilities – see **Public and private utilities**.

V

Variance – see **Waiver**.

Veterinary clinic - large animal means a development involving a medical facility which treats animals of all sizes and can consist of inside and outside pens.

Veterinary clinic - small animal means a development involving a medical facility which treats only small animals with no provision for outside pens or cages.

W

Waiver means a relaxation of a numerical standard or development standard prescribed in this Bylaw which is granted by the Development Authority.

Warehouse - retail means a development for the indoor storage and distribution of goods, materials, equipment and merchandise that includes a retail component open to the public.

Warehousing means a development for the indoor storage and distribution of goods, materials, equipment and merchandise but does not include a retail component open to the public.

Waste transfer site means a development for the collection and temporary holding of solid waste and/or recycling that is transferred off-site to a landfill.

Wastewater treatment plant has the same meaning as referred to in the *Subdivision and Development Regulation* and the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

Water treatment plant means a development that treats raw water so that it is safe for human consumption and then distributes it for human use.

Wholesale - trade means a development primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

Workshop accessory to retail means a development attached or unattached to the principal building of a retail store where the workshop is used for the purpose of small scale, on-site production or repair of goods or production of craftwork. This work may be carried on by an individual or proprietor with or without helpers or power machinery and the goods or articles produced or repaired are associated with the principal retail use on the lot. The production in the workshop must not generate any detrimental impact, potential health or safety hazard or any nuisance. This term includes but is not limited to uses such as woodworking, pottery, ceramic, jewellery, sculpture and artists' studios.

Y

Yard means a part of a lot upon or over which no building or structure other than a boundary fence is erected, unless otherwise hereinafter permitted. (see Diagram 8.13)

Yard, front means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings. (see Diagram 8.13)

Yard, rear means a yard extending across the full width of a lot and situated between the side lot lines and the nearest portion of the principal building. (see Diagram 8.13)

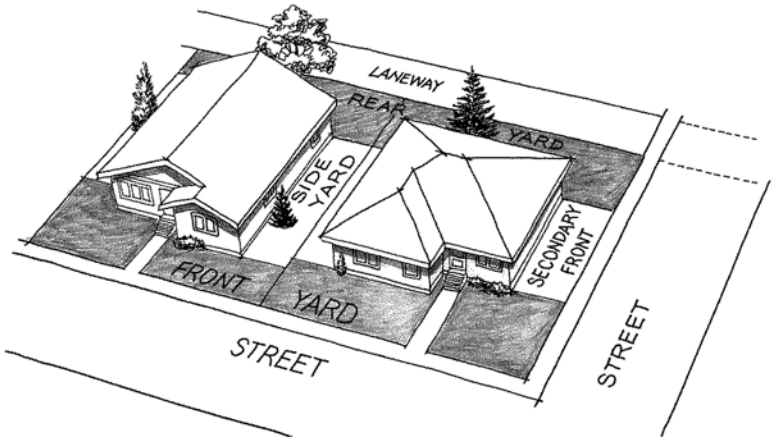


DIAGRAM 8.13

Yard, secondary front means the second front yard on a corner lot with street frontage which is designated as the secondary front by the Development Authority having regard to the orientation of the buildings within the block extending across the full width of the lot and situation between the secondary front lot line and the nearest portion of the principal building. (See Diagram 8.13)

Yard, side means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building. (see Diagram 8.13)

Z

Zoning – see **Land use district**.

All other words and expressions, not otherwise defined, have the same meaning as in Part 17 of the Municipal Government Act.

APPENDIX A

FEE SCHEDULE

APPENDIX A

FEES

1. Every application for a development permit shall be accompanied by a fee as set out in the fee schedule (see Appendix A), which shall be established by resolution of Council from time to time.

2. Where the permit fees are on a graduated scale for residential, commercial, industrial and miscellaneous uses, such fees shall be based exclusively on the category into which the area of the proposed building falls.

3. 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.

4. Where, pursuant to the provision of this Bylaw, the application will require special notification to adjoining property owners, the applicant shall pay a fee in addition to that specified in the fee schedule.

5. Where, in the opinion of the Development Officer, the application is substantially revised, the applicant, prior to reconsideration of the application, shall pay, in addition to the fee specified, a fee equal to 50 percent of the initial application fee, except that such additional fee shall not be required in instances where improvements are suggested by the Development Officer, resulting in substantial revisions.

6. Where an application is made to Council for an amendment to this bylaw:
   (a) it shall be accompanied by an application fee for each application as specified in the fee schedule;
   (b) the cost of advertising for the public hearing on the matter shall be borne by the applicant; and
   (c) the Council may determine that the whole or any part of the application fee be returned to the applicant.

7. Any development commenced without a development permit or if a structure is built in error and requires an application for approval, the fee for the application shall be twice the amount prescribed in the fee schedule.

Appendix A

Schedule of Fees for Planning and Development Services (2016)

Fee Schedule	Permitted Uses	Discretionary Use or Use Requesting Waiver(s) Greater than 10%
Residential:		
Dwellings	$100	$150
Additions	$25	$75
Accessory Buildings	$25	$75
Home Occupations	N/A	$100
Commercial / Industrial:		
Change of Use	$100	$150
All Other Development	$100	$150
Public / Institutional:		
All Uses	$100	$150
Sign Permit:	N/A	$75
Fences*:	N/A	$75

Letter of Compliance:	$30
Recirculation Fee:	50% of the original application fee
Land Use Bylaw Amendments:	$300
Other Statutory Plans and Amendments To:	$300
Appeal to the Subdivision and Development Appeal Board: ($150 of fee refundable upon successful appeal)	$300

***** Fences that do not meet the standards of the Land Use Bylaw require a development permit.

Whenever an application is received for a development or use not listed in this schedule, the amount of the fee shall be determined by the Development Officer and shall be consistent with those fees listed herein.

Fees are set by Council through a separate bylaw or resolution and may be adjusted from time to time.

APPENDIX B

APPLICATIONS AND FORMS

Town of Milk River

Box 270, Milk River, AB T0K 1M0

RESIDENTIAL
DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY			
Processing Fee		*Development Permit Application No.*	
Date Received		*Date Deemed Complete*	

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a permit has been issued by the Development Authority. If a decision has not been received within 40 days of the date the application was deemed complete and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant:
(please print) _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PROPERTY INFORMATION

Municipal Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Existing use of parcel: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new dwelling

  The dwelling is a:

  - ❑ Single-detached site built dwelling
  - ❑ Single-detached manufactured or prefabricated dwelling
  - ❑ Single-detached moved-in dwelling
  - ❑ Semi-detached dwelling
  - ❑ Duplex
  - ❑ Multi-unit – please specify the number of dwelling units _____
  - ❑ Other _____

- ❑ Alter/renovate the existing building

  The renovation is a:

  - ❑ Addition
  - ❑ Accessory dwelling unit
  - ❑ Attached garage
  - ❑ Deck
  - ❑ Other _____

- ❑ Construct an accessory building / structure

  The accessory building is a:

  - ❑ Garage (detached)
  - ❑ Shed
  - ❑ Accessory dwelling
  - ❑ Other _____

- ❑ Moved-in building

- ❑ Development not involving construction _____

- ❑ Other _____

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Secondary Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

Details of VEHICLE PARKING and ACCESS:

Show **location** and **number** of all existing and proposed **parking spaces**, **parking areas** and **driveways** on the Site Plan.

Details of EXTERIOR BUILDING FINISH:

Describe the type(s) _____ and colour(s) _____ of all material used to finish the existing and proposed structure exteriors.

Details of SERVICES: Indicate as follows: **(A)** = available **(R)** = required

( ) water ( ) sewer ( ) natural gas ( ) electricity ( ) telephone

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 m^2), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are <u>required</u> to do the following:

1. Obtain map and well information

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@aer.ca, or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

2. Submit the following as part of your development permit application

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB/AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT	Registered Owner (if not the same as applicant)
DATE	

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

TOWN OF MILK RIVER

RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall be prepared on an 11 X 17 or 8.5 X 11 sheet to the satisfaction of the Development Officer and provide the following information:
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all buildings
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ The proposed distances from the foundation of the building to the front, secondary front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Surface drainage patterns
  - ❑ Landscaping plan
  - ❑ Location of utilities and any abandoned oil and gas wells
  - ❑ Location of any registered utility right of ways or easements
  - ❑ Location and number of off-street parking spaces
- ❑ **Copy of Building Plans.** Plans shall be to scale, either 11 X 17 or 8.5 X 11 in size, and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of all living space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch
- ❑ **Copy of map or additional information from the AER regarding location of abandoned wells.**
- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.
- ❑ **Application fee payable to the Town of Milk River.**

Town of Milk River

Box 270, Milk River, AB T0K 1M0

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY			
Processing Fee		*Development Permit Application No.*	
Date Received		*Date Deemed Complete*	

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a permit has been issued by the Development Authority. If a decision has not been received within 40 days of the date the application was deemed complete and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant: (please print) _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PROPERTY INFORMATION

Municipal Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Existing use of parcel: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new building

  The building is for:

  - ❑ Commercial Use
  - ❑ Industrial Use
  - ❑ Public/Institutional Use
  - ❑ Other, specify _____

- ❑ Alter/renovate the existing building
- ❑ Construct an accessory building
- ❑ Change or intensification of use (e.g. new type of business in existing building)

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft	❑ m ❑ ft	
Proposed Setbacks From Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Secondary Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

Details of VEHICLE PARKING and ACCESS:

Show **location** and **number** of all existing and proposed **parking spaces**, **loading spaces** and **driveways** on the PLOT PLAN.

Details of EXTERIOR BUILDING FINISH:

Describe the type(s) _____ and colour(s) _____ of all material used to finish the existing and proposed structure exteriors.

Details of SERVICES: Indicate as follows: **(A)** = available **(R)** = required

( ) water ( ) sewer ( ) natural gas ( ) electricity ( ) telephone

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 m^2), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are <u>required</u> to do the following:

1. Obtain map and well information

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@aer.ca, or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

2. Submit the following as part of your development permit application

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB/AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

DATE

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

TOWN OF MILK RIVER
NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall be prepared on an 11 X 17 or 8.5 X 11 sheet to the satisfaction of the Development Officer and provide the following information:
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all buildings
  - ❑ Existing buildings with dimensions of foundation and projections
  - ❑ Proposed buildings with dimensions of foundation and projections
  - ❑ The proposed distance of the building to the front, secondary front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Number and location of parking spaces, both on and off-street
  - ❑ Surface drainage patterns
  - ❑ Location of any registered utility rights-of-way and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Location of utilities and any abandoned oil and gas wells
- ❑ **Copy of Building Plans.** Plans shall be to scale, either 11 x 17 or 8.5 x 11 in size and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of the space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch
- ❑ **Copy of map or additional information from the AER regarding location of abandoned wells.**
- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.
- ❑ **Application fee payable to the Town of Milk River.**

Town of Milk River
Box 270, Milk River, AB T0K 1M0

HOME OCCUPATION
DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY			
Processing Fee		*Development Permit Application No.*	
Date Received		*Date Deemed Complete*	

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date the application was deemed complete and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant:
(please print) _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PROPERTY INFORMATION

Municipal Address of Home Occupation: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District _____

BUSINESS DESCRIPTION

(1) Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.

(2) Is there another home occupation already operating out of the residence? ❑ Yes ❑ No

(3) Where will the business operate from? ❑ In-home ❑ Accessory building

(4) How will you interact or do business with your clients or customers?

❑ **In person.** Clients/customers will come to the residence. On average, how many clients will come to the residence?

Please specify _____

❑ **Remotely.** Clients/customers will not be coming to the residence but will only be in contact by:

❑ Phone ❑ Fax ❑ Mail ❑ Courier ❑ Internet/Email

(5) How many on-site parking spaces for any client visits, deliveries, etc. will be available? _____

(6) What will the days of operation be? ❑ Mon-Fri ❑ Weekends ❑ 7 days/wk ❑ Part-time

(7) What will be the hours of operation? _____

(8) Will there be any employees that are not residents of the dwelling? ❑ Yes ❑ No

If YES:

How many employees will come to the residence? _____

(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?

❑ Yes (list materials & quantities) _____

❑ No

(10) Will any vehicles/machinery/tools be used to operate the business? Please list.

_____

(11) Will there be any flammable or hazardous materials on the premises as a result of the business?

❑ Yes (list materials & quantities) _____

❑ No

(12) Will any goods be displayed at the residence? ❑ Yes ❑ No

(13) Will there be a sign for the business? ❑ Yes ❑ No

Please specify size, materials, proposed location _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

DATE

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

Town of Milk River

Box 270, Milk River, AB T0K 1M0

SIGN DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY			
Processing Fee		*Sign Permit Application No.*	
Date Received		*Date Deemed Complete*	

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date the application was deemed complete and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: (please print) _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

SIGN INFORMATION

TYPE OF WORK: ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

Sign Location (Civic Address): _____

Are there any other signs at this location? ❑ Yes ❑ No

If yes, please state how many: _____

SIGN TYPE*:	PROJECTION STYLE: *Mark any or all that apply*	ILLUMINATION: *Mark any or all that apply*
❑ Billboard ❑ Canopy ❑ Fascia ❑ Freestanding ❑ Lawn ❑ Mural ❑ Portable ❑ Other	❑ Electronic changeable lettering content ❑ Lettering / logo ❑ Manual changeable lettering content	❑ Direct illumination ❑ Internal illumination ❑ No illumination

				Office Use
Length of Sign:		❑ m^2	❑ ft^2	
Height of Sign:		❑ m^2	❑ ft^2	
Sign Face Area (length x height):		❑ m	❑ ft	
Top of Sign Height from Grade:		❑ m	❑ ft	

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed? _____ days

Is the sign a portable sign type ❑ Yes, or ❑ Other (describe) _____

SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ❑ Location of all existing and proposed sign(s) on the property
- ❑ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ❑ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ❑ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ❑ Setbacks from property lines of proposed sign(s) and existing building(s)

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign.

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

_____

DATE

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

Town of Milk River

Box 270, Milk River, AB T0K 1M0

APPLICATION FOR A LAND USE BYLAW AMENDMENT

FOR OFFICE USE ONLY			
Processing Fee		*Bylaw No.*	
Date Received		*Date Deemed Complete*	

IMPORTANT NOTE: A refusal is not appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

APPLICANT INFORMATION

Name of Applicant: (please print) _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, **attach** a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

❑ **Map Attached**

Section 52 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- the proposed designation and future land use(s);
- if and how the proposed redesignation is consistent with applicable statutory plans;
- the compatibility of the proposal with surrounding uses and zoning;
- the development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- 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
- Any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land to another district;
- multiple parcels of land are involved;
- more than four lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- internal public roads would be required;
- municipal services would need to be extended; or
- required by Council or the Subdivision and Development Authority.

The Development Officer may also require a:

- geotechnical report; and/or
- evaluation of surface drainage; and
- any other information deemed necessary to evaluate the application.

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

DATE

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

Town of Milk River

Box 270, Milk River, AB T0K 1M0

TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

FOR OFFICE USE ONLY			
Date Received		*Date Deemed Complete*	
Processing Fee		*Land Use District (zone)*	

APPLICANT INFORMATION

Name of Applicant: (please print) _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DETAILS OF THE PROPOSED DEVELOPMENT

Description of the proposed antenna system's purpose (what will the system be used for), location and type, including any supporting structures.

Proposed lighting and aeronautical markings and any safety measures to control public areas.

Are there any other antenna towers located within 800 metres (0.5 miles) of the subject proposal? (If yes, describe what the other tower is used for, who the operator is, and provide a map identifying the location.)

Documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal.

Is Co-utilization with existing antenna systems proposed? if not, explain why not.

Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act.

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

DATE

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Milk River.

TOWN OF MILK RIVER

TELECOMMUNICATION SITING PROTOCOL
APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A complete Telecommunication Siting Protocol Application filled out, with the site plan attached
2. A completed checklist
3. Processing fee
4. Signature of ALL landowners (whose land the proposal will be located on)
5. Any additional information requested by the Development Authority

NOTE: For any proposal which includes uses, buildings or structures in addition to the antenna system, the applicant is required to obtain a development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw. In such a case, a separate development permit application must be filled out and submitted to the Town.

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Town of Milk River will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada.
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

FEES	
A. A processing fee of <u>$200.00 plus</u> the following additional fees if required (whichever is applicable):	
B. Copying and distribution of required notification letters	$1.50/letter
C. Distribution (only) of required notification letters	$1.00/letter
If the applicant can demonstrate that notification to all required adjacent landowners has been done, then no B or C fee is required. If a special meeting of the Development Authority is requested, there may be additional fees in accordance with the bylaw.	
For fees not listed here, please see the full Fee Schedule of the bylaw.	

TOWN OF MILK RIVER

TELECOMMUNICATION SITING PROTOCOL

APPLICATION & CHECKLIST

CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	YES OR NO	SUBMITTED? YES, NO OR N/A
Co-utilization: Are there any other such structures within a radius of **800 metres (0.5 miles)** of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
Stealth Structure Options/Screening: If this structure will be visible from residential areas, stealth structure options may be required to be used and a description of the stealth structure options must be submitted to the satisfaction of the Town.		
Lighting and Signage: Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required.		
What signage will be used? Please describe. (Note: No advertising signage shall be permitted.)		
Notification & Public Consultation Process: All landowners within a distance of 500 m (1,640 ft.) from the proposed structure must be notified. Please provide a letter that the Town can circulate on your behalf.		
The fee for copying and distributing these letters is $1.50/letter. _____ x $1.50/letter = _____ total The fee for only distributing these letters is $1.00/letter. _____ x $1.00/letter = _____ total Plus, an administrative fee of $200.00. *If a special meeting of the Development Authority is requested, there may be additional fees in accordance with the Town's fee bylaw.*		

Town of Milk River

Box 270, Milk River, AB T0K 1M0

DEVELOPMENT PERMIT

Application No. _____ **Permit No.** _____

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

This permit, respecting development involving: _____

_____

(as further described in Application No. _____) is hereby issued to _____

with: ❑ no conditions

❑ the following conditions:

No development authorized by the issue of this permit shall commence:

(a) until the appeal period has expired, or
(b) if an appeal is made, until the appeal is decided upon.

After the appeal period, if no appeal is made, you are hereby authorized to proceed with the development specified, provided that any stated conditions are complied with, the development is in accordance with the application and plans as approved, and that a building permit is obtained if construction is involved, as applicable. If an appeal is made on this permit to the Subdivision and Development Appeal Board, this permit shall be null and void. Anyone commencing development before this permit becomes valid does so at his or her own risk.

This permit is issued on _____ , and becomes valid on _____ .

Date the Written Decision was Given: _____ **Signed:** _____
Development Officer – Town of Milk River

SEE IMPORTANT INFORMATION ON REVERSE

TERMS APPLICABLE TO DEVELOPMENT PERMIT

CONDITIONS OF DECISION

The decision on this application applies only to the use and development described in the decision. A separate application is required for the extension or amendment of a development permit, or any other development (e.g. signs) not included in this application.

APPEAL

The Municipal Government Act provides that any person affected by the issue of a development permit may appeal to the Subdivision and Development Appeal Board by serving written notice to the secretary of the Subdivision and Development Appeal Board within 21 days after the date the written decision was given.

PERMIT EXPIRY

A development permit expires 12 months from the date of its issue if the development or use authorized by the permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with administrative procedures of the Land Use Bylaw.

PERMIT AUTHORITY

A development permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw of the municipality or any applicable provincial or federal legislation affecting such development.

OTHER PERMITS AND LICENCES

A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, a permit issued by a Public Health Inspector, or a business licence. These and other separate permits or licences may be required by municipal, provincial or federal authorities.

Town of Milk River

Box 270, Milk River, AB T0K 1M0

AGREEMENT FOR TIME EXTENSION

Date of Application:	_____	*Development Permit Application No.*	
Date Received:	_____		

I/We _____

being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Application No.: _____

For: _____

Located on (legal description): _____

_____

Do hereby agree to a time extension of: _____ days, until

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the *Municipal Government Act*.

Date: _____

_____
Signature of Registered Owner/Person Acting on behalf of

_____
Signature of Witness

Date: _____

_____
Signature of Designated Officer – Town of Milk River

_____
Signature of Witness

APPENDIX C

TELECOMMUNICATIONS PROTOCOL

APPENDIX C

TELECOMMUNICATION, RADIOCOMMUNICATION AND BROADCAST ANTENNA SYSTEMS AND SUPPORTING STRUCTURES (ANTENNA SYSTEMS) SITING PROTOCOL

1. PURPOSE

This Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems and supporting structures (antenna systems) in the Town of Milk River. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies the Town of Milk River's preferred development and design standards.

2. APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the *Radiocommunication Act*. Innovation, Science and Economic Development Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions and preferences to the proponent of an antenna system and Innovation, Science and Economic Development Canada.

The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system and supporting structures within the Town of Milk River which is not excluded from the consultation requirements established by Innovation, Science and Economic Development Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the Town of Milk River to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in section 5 of this Appendix.

(a) Antenna Systems Siting Protocol Exclusion List:

i. Innovation, Science and Economic Development Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Innovation, Science and Economic Development Canada's publication, *Radiocommunication and Broadcast Antenna Systems CPC-2-0-03* lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are excluded from the Town of Milk River Land Use Bylaw, Appendix C, Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures Siting Protocol (nevertheless proponents of excluded towers and encouraged to contact the Town of Milk River to discuss the proposal and identify

any potential issues and concerns to the development and design standards in section 5 of this Appendix), which currently include:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- antennas on buildings, water towers, lamp posts, etc., provided that the height above ground level of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, as is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level (this exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners).

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Town of Milk River or Innovation, Science and Economic Development Canada for guidance.

3. MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

(a) The Town of Milk River's Municipal Planning Commission (MPC) shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the Town of Milk River which are not excluded under section 2 of this Appendix.

(b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in section 5 of this Appendix, applicable policies of the Town of Milk River Municipal Development Plan, and consideration of comment received during the public consultation process (section 7 of this Appendix) and any other matter deemed relevant by the MPC:

i. when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the MPC documenting its decision and any conditions;

ii. when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the MPC describing the reasons for the decision.

(c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Town of Milk River Land Use Bylaw.

4. MUNICIPAL REVIEW PROCESSING PERIOD

(a) Except as provided in subsection (b), the Municipal Planning Commission will issue a decision of either concurrence or non-concurrence within 90 days of receiving a complete application package.

(b) The 90 day processing time period may be extended by the proponent or the Town of Milk River, through mutual consent.

5. DEVELOPMENT AND DESIGN STANDARDS

Co-utilization of existing antenna systems is the preferred option within the Town of Milk River. However, if co-utilization is not possible, the Town of Milk River requests that the following development and design standards be adhered to:

(a) Public Roadway Setbacks

i. An antenna system (including any support structures) proposed within town should be placed no closer than 7.62 m (25 ft) from the property line abutting the public road. A lesser setback may be considered at the discretion of the MPC on a site-specific basis.

(b) Lighting and Signage

i. Proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

ii. The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

(c) Lot Size and Aesthetic Impact

i. Consideration will be given to the lot size and aesthetic impact to the community as part of the siting of an antenna system (including any support structures).

6. APPLICATION SUBMITTAL REQUIREMENTS

(a) Proponents are encouraged to contact the Town of Milk River in advance of making their submission to obtain information about the Town's Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

(b) The following application package shall be submitted to the Town of Milk River for consideration of a proposed antenna system:

i. a completed Telecommunication Antenna Siting Protocol application, including site plan;

ii. the prescribed fee, as set in the Town of Milk River schedule of fees;

iii. a description of the proposed antenna system's purpose, location, type and height of the proposed antenna system and any supporting structures;

iv. the proposed lighting and aeronautical identification markings for the antenna and any supporting structures and safety measures to control public access;

v. documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal, an attestation of why existing infrastructure cannot be uses and future sharing possibilities for the proposed tower;

vi. information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act*.

vi. any other additional information or material the Development Officer determines to be necessary and appropriate to properly evaluate the proposed submission.

(c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures**.** For such proposals, the following shall be submitted in addition to the requirements of 6(b):

i. a completed development permit application;

ii. the prescribed fee, as set in the Town of Milk River Schedule of development Fees.

7. NOTIFICATION AND PUBLIC CONSULTATION PROCESS

(a) Upon receipt of an application package, the Development Officer shall review the application for completeness and, if deemed complete, will:

i. schedule a date for a public development hearing to be held by the Municipal Planning Commission, at which the proposal will be reviewed and comment received regarding the proposal;

ii. notify the proponent and/or representative of the antenna system of the development hearing date;

iii. notify by mail persons likely to be affected by the proposal of the development hearing date, including:

a. landowners within 500 m (1,640 ft) of the proposed antenna system;

b. any review agencies deemed affected, as determined by the Development Officer or Municipal Planning Commission;

c. any other persons deemed affected, as determined by the Development Officer or Municipal Planning Commission.

d. The notifications must be sent 14 days prior to the public meeting date.

(b) The proponent or a representative of the antenna system(s) proposal should attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

APPENDIX D

SUBDIVISION AND DEVELOPMENT AUTHORITY / MUNICIPAL PLANNING COMMISSION BYLAW

BY-LAW NO. 803

A BY-LAW OF THE TOWN OF MILK RIVER IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY;

WHEREAS, pursuant to Section 623 of the Municipal Government Act, Chapter M-26.1, 1994 as amended, a Council must by by-law provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

AND WHEREAS, pursuant to Section 624 of the Municipal Government Act a Council must by by-law provide for a development authority to exercise development powers and duties on behalf of the municipality;

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

1. **THAT** this By-Law shall be cited the Town of Milk River Subdivision and Development Authority By-Law.

2. **DEFINITIONS:**

   (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.

   (b) **Municipality** means the Town of Milk River in the Province of Alberta.

   (c) **Council** means the Municipal Council of the Town of Milk River.

   (d) **Subdivision and Development Authority** means the person or persons appointed, by By-Law to exercise only such powers and perform duties as are specified:
   (i) in the Act; or
   (ii) in the Town of Milk River Land Use By-Law; or
   (iii) in this By-Law; or
   (iv) by resolution of Council

   (e) **Designated Officer** means a person or persons authorized to act as the designated officer for the municipality as established by By-Law.

   (f) **Members** means the members of the Subdivision and Development Authority.

   (g) **Secretary** means the person or persons appointed by Council to act as secretary of the Subdivision and Development Authority.

   (h) **Authorized persons** means a person or organization authorized by the council to act as secretary of the Subdivision and Development Authority.

   (i) **All other terms used in this by-law shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

3. For the purpose of this by-law, the Subdivision and Development Authority for the municipality shall be the Municipal Planning Commission, except in such instances whereby the designated officer may be the Development Authority in accordance with the land use by-law.

4. The Subdivision and Development Authority shall be composed of five persons comprised of two elected officials and three adult residents of the Town of Milk River.

5. Appointments to the Subdivision and Development Authority shall be made by resolution of Council.

6. Appointments to the Subdivision and Development Authority shall be made for a term of one year.

7. When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his term, council shall appoint another person for the unexpired portion of the term within 60 days of receiving notice of the vacancy.

8. The members of the Subdivision and Development Authority shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year from the date of election.

9. Each member of the Subdivision and Development Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Town of Milk River.

10. The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision and Development Authority, but shall not vote on any matter before the Subdivision and Development Authority.

11. The Subdivision and Development Authority shall hold regularly scheduled meetings a date to be determined by the Subdivision and Development Authority. Regularly scheduled meetings may be cancelled if no applications for development or subdivision are to be dealt with. It may also hold special meetings at any time at the call of the chairman.

12. Three members of the Subdivision and Development Authority shall constitute a quorum.

13. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Authority.

14. The Subdivision and Development Authority may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.

15. The Subdivision and Development Authority may make rules to govern its hearings.

16. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.

17. The secretary of the Subdivision and Development Authority shall attend all meetings of the Subdivision and Development Authority and shall keep the following records with respect thereto:

    (a) the minutes of all meetings:
    (b) all applications;
    (c) records of all notices of meetings and of persons to whom they were sent;
    (d) copies of all written representations to the Subdivision and Development Authority;
    (e) notes as to each representation;
    (f) the names and addresses of those making representations at the meeting;
    (g) the decision of the Subdivision and Development Authority;
    (h) the reasons for the decision of the Subdivision and Development Authority;
    (i) the vote of the members of the Subdivision and Development Authority on the decision
    (j) records of all notices of decision and of persons to whom they were sent;
    (k) all notices, decisions, and orders made on appeal from the decision of the Subdivision and Development Authority;
    (l) such other matters as the Subdivision and Development Authority may direct.

18. The Council of the Town of Milk River hereby delegates the following

subdivision powers, duties or functions to the Subdivision and Development Authority and or Planner and or Development Officer for the Town of Milk River:

(a) the providing of advice to applicants for subdivision approval;
(b) the processing of applications for subdivision
(c) the collecting of all pertinent subdivision approval fees;
(d) the requirements for notification of applicants, pertinent agencies, government departments and adjacent land owners;
(e) the preparation of draft resolutions for consideration by the Subdivision Authority;
(f) the appearance at meetings of the Subdivision Authority as requested to do so from time to time;
(g) the compilation and documentation of all pertinent comments of those persons and local authorities to which the notice of application was given;
(h) the conduction of a site inspection (where feasible to do so) at the location of the proposed application for subdivision approval;
(i) the finalization and required endorsement of plans of survey or other instruments for registration purposes of Land Titles Office;
(j) the conveyance of notification of final subdivision approval to the registered owner and/or the authorized agent;
(k) the maintenance of a control registry and corresponding archival information relating to the application for subdivision approval on behalf of the municipality;
(l) the providing of all pertinent information for consideration at a hearing of the appropriate subdivision appeal board;
(m) the appearance, for the purpose of providing pertinent information, at a hearing of a subdivision appeal board;
(n) the performance of any other duties or functions as requested, by resolution of council.

THAT By-Law No. 698 hereby be repealed upon final reading of this By-Law.

THAT this By-Law shall come into full force and effect upon the third and final reading thereof.

READ a first, second and by unanimous consent of the Councillors present, a third and final time this 14th day of November A.D., 1995.

MAYOR - D. CAMERON McKAY

C.A.O. - LAVINIA HENDERSON

APPENDIX E

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

BY-LAW NO. 884

A BY-LAW OF THE TOWN OF MILK RIVER IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD PURSUANT TO THE MUNICIPAL GOVERNMENT ACT.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000 Chapter M-26, as amended, a municipality must adopt a by-law to establish a Municipal Subdivision and Development Appeal Board;

AND WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision Authority or the Development Authority in accordance with the provincial land use policies, the subdivision and development regulations, the local land use by-law and statutory plans;

AND WHEREAS, a municipality may enter into an agreement with one or more municipalities to establish an Intermunicipal Subdivision and Development Appeal Board.

NOW THEREFORE, the Municipal Councils of the Town of Milk River and the Village of Coutts and Village of Warner in the Province of Alberta do enact as follows:

1. SHORT TITLE:

This Agreement may be cited as the Intermunicipal Subdivision and Development Appeal Board Establishment By-Law.

2. PURPOSE:

(1) The purpose of this By-Law is to establish an Intermunicipal Subdivision and Development Appeal Board, in accordance with the Municipal Government Act.

(2) This By-Law comes into force on the 1st day of January, 2003.

3. DEFINITIONS:

In this By-Law:

(1) **'Act'** means the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto.

(2) **'Appellant'** means the person or agency who has served written notice of an appeal on a secretary of the Intermunicipal Subdivision and Development Appeal Board from a decision, order or development permit issued by a Subdivision or Development Authority of one of the parties to the Agreement.

(3) **'Board'** means the Intermunicipal Subdivision and Development Appeal Board established by the parties to the Agreement pursuant to the Act.

(4) **'Council'** means the Council of one of the parties to the Agreement.

(5) **'Development Application'** means an application made in accordance with a Land Use By-Law for the purpose of obtaining a Development Permit.

(6) **'Development Authority'** means a person or persons appointed by a Council to exercise control over the issuance of Development Permits pursuant to a Land Use By-Law.

(7) **'Development Permit'** means a document authorizing a development issued pursuant to a Land Use By-Law.

(8) **'Land Use By-Law'** means a Land Use By-law adopted by one of the parties to the Agreement pursuant to the Municipal Government Act.

(9) **'Member'** means a member of the Board duly appointed pursuant to this Agreement.

(10) **'Municipality'** means the Town of Milk River, the Village of Coutts and the Village of Warner.

(11) **'Municipal Planning Commission'** means a municipal planning commission established by Council pursuant to the Act.

(12) **'Secretary'** means a person appointed by a Council to act as secretary of the Board.

(13) **'Subdivision Authority'** means the person or persons appointed by a Council to exercise subdivision powers and duties on behalf of a municipality.

(14) **'Statutory Plan'** means:

(a) An Intermunicipal Development Plan or a Municipal Development Plan
(b) An Area Structure Plan
(c) An Area Redevelopment Plan

4. **ESTABLISHMENT OF BOARD**

(1) The Intermunicipal Subdivision and Development Appeal Board is hereby established.

(2) The Board shall be composed of not more than six persons who are members of Council. The composition of the Board shall be as follows:

Town of Milk River	2 members
Village of Warner	2 member
Village of Coutts	2 member

They shall be appointed by resolution of the Council for a specified period not to exceed three years.

(3) A retiring member of the Board may be reappointed for successive terms of office by the Council.

(4) No person who is appointed to a Development Authority, or Subdivision Authority shall be appointed to the Board.

(5) Where a member of a Council is appointed as a member of the Board, their appointment shall terminate upon them ceasing to be a member of the Council.

(6) A person who is a member of the Board who ceases to be a member of the Council and who is otherwise eligible to be appointed to the Board may be reappointed as a member of the Board, upon their appointment terminating pursuant to Subsection (5).

(7) In the event that a vacancy occurs on the Board, the respective Council shall fill the vacancy within sixty (60) days.

(8) The Board shall not be disbanded, nor a member of it discharged without just cause.

(9) The members of the Board shall be entitled to such remuneration, travelling and living expenses as may be fixed from time to time by a Council and the remuneration, travelling and living expenses shall be paid by the municipality from which the appeal originated.

5. OFFICES OF THE BOARD

(1) Prior to each hearing, the members of the Board shall elect one of the members to act as Chairman.

(2) Each municipality by resolution shall appoint a secretary who shall be an employee of the municipality. The secretary shall attend meetings and hearings of the Board concerning the municipality but shall not vote on any matters before the Board.

(3) An order, decision, approval, notice or other thing made, given or issued by the Board shall be signed by the Chairman, or a person authorized to do so.

6. QUORUM

(1) Five members shall constitute a quorum for the making of all decisions and performing any actions required or permitted to be done by the Board provided at all times that members from the municipality in which the action is being considered shall not constitute a majority.

(2) Only those members present at the entire meeting of the Board shall have a vote on any matter before it.

(3) Only one member from the Municipality in which the action is being considered may attend.

7. MEETINGS

(1) The meetings shall be held in the municipality from which the appeal originated.

(2) The Board shall hold its meetings openly and no person shall be excluded therefrom except for improper conduct.

(3) The Chairman or presiding officer at any meeting may cause to be expelled and excluded any person whom creates any disturbances or acts improperly during the meeting.

(4) The Chairman shall maintain order and preserve decorum of the meeting, including determining which Board member or member of the public has the right to speak and shall rule when a motion or comment is out of order.

(5) If, for any reason, the Board feels that more information is required prior to making its decision, the Board may recess the meeting to a specified date, time and place.

8. DECISIONS

(1) The Board may make rules as are necessary for the conduct of its meetings and its business that are consistent with this By-Law and the Act.

(2) The Board may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings.

(3) The Board may deliberate and render a decision on an appeal in a meeting which may be held in private, and the Board may exclude any person or persons therefrom.

(4) A decision of the majority of the members present at a duly constituted meeting shall be deemed the decision of the whole Board.

(5) All members present shall vote on every matter placed before the Board unless;

(a) the member is excused by motion of the Board from voting, or
(b) the member is disqualified from voting by reasons of a pecuniary or conflict of interest.

(10) Any motion upon which there is an equality of votes, the decision shall be deemed to be decided in the negative.

(11) The Board must hold an appeal hearing within thirty (30) days of receipt of a notice of appeal.

(12) The Board shall give its decision upon an appeal in writing together with reasons within fifteen (15) days of the conclusion of the hearing.

(13) The decision of a duly constituted Board is final and binding on all parties and persons and is only subject to appeal to the Court of Appeal on a question of law or jurisdiction.

9. SUBDIVISION APPEALS

(1) The Decision of a Subdivision Authority may be appealed by:

(a) the applicant for the approval,
(b) a government department which is entitled to a referral pursuant to the Subdivision and Development Regulation,
(c) a school authority with respect to the allocation, location, or amount of school reserve.

(2) An appeal my be commenced by filing a notice of appeal with a Secretary of the Board with fourteen (14) days of receipt of the written decision of the Subdivision Authority (deemed to be five (5) days from the date that the decision is mailed.)

(3) The Secretary shall give at least five (5) days notice in writing of the public hearing to:

(a) the applicant,
(b) the Subdivision Authority that made the decision,

(c) an adjacent municipality if the land that is the subject of the application is adjacent to the boundaries of another municipality.
(d) any school authority to whom the application was referred,
(e) an adjacent owner who was given notice of the application,
(f) every government department that was given a copy of the initial application.

(4) The Board is not required to hear from any person other than those to whom notice was given.

(5) In determining an appeal the board;

(a) must have regard for any statutory plan,
(b) must conform with the uses of land referred to in the Land Use By-Law,
(c) must be consistent with the provincial land use policies,
(d) must have regard to but is not bound by the Subdivision and Development Regulations,
(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own,
(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to the Act, the Subdivision and Development Regulation or the By-Law.

10. DEVELOPMENT APPEALS

(1) An applicant for a Development Permit may appeal to the Board where;

(a) the Development Authority
(i) refuses or fails to issue a Development Permit, or
(ii) issues a Development Permit subject to conditions, or
(iii) issues an Order under the Act.

(b) no decision on a Development Application is made within forty (40) days of receipt of the completed application.

(2) Any person affected by an order, decision or development permit made or issued by the Development Authority other than a person having a right of appeal under Sub-section (1) may appeal to the Board in accordance with the Act and this By-Law.

(a) Each municipality by resolution may establish a fee for filing an appeal under this section. The Board may direct that the fee be returned to the appellants.

(3) An appeal shall be commenced by serving written notice of the appeal with reasons to a Secretary of the Board within fourteen (14) days after:

(a) in the case of an appeal made by a person referred to in Sub-section (1) (a), the date on which:
(i) the applicant is notified of the order, decision or the issuance of the development permit of the development permit (deemed to be five (5) days from the date that the decision is mailed), or
(ii) if no decision is made with respect to the application for a development permit, the forty (40) day period referred to in Sub-section 1 (b).

(b) in the case of an appeal referred to in Sub-section (2), the date on which the notice of the approval of the development permit is published in a newspaper circulating in the municipality.

(4) Notwithstanding Sub-section 10 (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use By-Law were relaxed, varied or misinterpreted.

(5) The Secretary shall give at least five (5) days notice in writing of the public hearing to:

(a) the applicant,
(b) the appellant,
(c) the Development Authority,
(d) the Planning Advisor,
(e) to those owners required to be notified under the land use by-law and any other persons the Board considers affected.

(6) In determining an Appeal, the Board:

(a) shall comply with any statutory plan and subject to Sub-section (c), any Land Use By-Law in effect,
(b) may confirm, revoke or vary the order, decision or development permit or make or substitute an order, decision of its own,
(c) may make an order or decision or issue or confirm the issue of a Development Permit approval notwithstanding that the proposed development does not comply with the Land Use By-Law or land use regulations if, in its opinion:

(i) the proposal will not:
(A) unduly interfere with the amenities or the neighbourhood, or
(B) materially interfere with or affect the use, enjoyment or value of the neighbouring properties,

(ii) and the proposed development conforms with the use prescribed for that land or building in the Land Use By-Law.

11. DUTIES OF THE SECRETARY

(1) A Secretary of the Board shall:

(a) perform such functions as may be necessary to assist the Board to fulfil its duties under the Act, and this By-Law.
(b) shall attend meetings of the Board concerning matters which affect their municipality and keep records with respect thereto:
(i) the minutes of all meetings and hearings,
(ii) all applications for appeal,
(iii) records of all notices of hearings and the persons to whom they were sent,
(iv) copies of all written representation to the Board,
(v) notes as to each representation,
(vi) the names and addresses of those making representation to the Board,
(vii) the decisions of the Board,
(viii) the reasons for the decision of the Board,
(ix)

(x) the records of all notices of decisions and to whom they were sent,

(xi) all notices, decisions and orders made on appeal from the decisions of the Board.

(2) A Secretary shall also;

(a) notify all members of the Board of the arrangements for holding each hearing and other meetings,

(b) file reports of all decisions of the Board with the Council of each municipality that is a party to the agreement,

(c) make available for public inspection all relevant documents and materials respecting appeals and all appeal decisions.

(3) A Council may establish a fee for copies of materials pertaining to Sub-section (2) (c).

This By-Law shall come into full force and effect on the first day of January, A.D., 2003.

READ a fist and second time this 12 day of November A.D., 2002.

MAYOR – TERRY MICHAELIS

CAO – LAVINIA HENDERSON

READ a third and final time this 8 day of September, 2003.

MAYOR – TERRY MICHAELIS

CAO – LAVINIA HENDERSON

APPENDIX F

MUNICIPAL GOVERNMENT ACT EXCERPTS
(Non-conforming buildings and uses and stop orders)

APPENDIX F

MUNICIPAL GOVERNMENT ACT EXCERPTS
(Non-conforming buildings and uses and stop orders)

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) 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 to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) 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) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

Stop order

645(1) Despite 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 act under subsection (2).

(2) If subsection (1) applies, 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 in 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 this 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.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

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

(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.

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