VILLAGE OF COUTTS

LAND USE BYLAW NO. 523

May 2011

(Consolidated to Bylaw No. 588, August 2022)



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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VILLAGE OF COUTTS
IN THE PROVINCE OF ALBERTA
BYLAW NO. 523

BEING a bylaw of the Village of Coutts, in the Province of Alberta, to adopt a Land Use Bylaw pursuant to section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, and provide for its consideration at a public hearing;

AND WHEREAS, the Council of the Village of Coutts has determined the existing Land Use Bylaw is dated and wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and procedures regarding the use and development of land within the Village;
- incorporating new development standards for uses within the Village;
- incorporating a new land use district for Federal Land within the Village;
- amending the existing Land Use Districts Map to reflect land use designations; and
- complying with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS, the Council of the Village of Coutts wishes to foster orderly growth and development in the Town;

AND WHEREAS, a public hearing was conducted in accordance with section 692 of the Act;

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 Village of Coutts duly assembled does hereby enact the following:

1. Bylaw No. 349 being the former Land Use Bylaw, and any amendment thereto is hereby rescinded.
2. Bylaw No. 523 and shall come into effect upon third and final reading thereof.
3. Bylaw No. 523 is hereby adopted.

READ a **first** time this 11 day of April, 2011.

Mayor – Thomas Butler *Chief Administrative Officer – Lori Rolfe*

READ a **second** time this 9 day of May, 2011.

Mayor – Thomas Butler *Chief Administrative Officer – Lori Rolfe*

READ a **third** time and finally PASSED this 9 day of May, 2011.

Mayor – Thomas Butler *Chief Administrative Officer – Lori Rolfe*

Village of Coutts Land Use Bylaw No. 523 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
528	"General Industrial – I" to "General Commercial – C"	Lots 2-6, Block 10, Plan 8311500	3-Oct-2011
530	"Residential – R" to "General Commercial – C"	Lot 6, Block 6, Plan 36EG	11-Jun-2012
533	Various text amendments to re-classify certain automotive uses in the "General Commercial – C" district, include enhanced development standards in the "General Commercial – C" and General Industrial – I" land use districts, and allow for limited outdoor storage in the "Agricultural – A" land use district		15-Oct-2012
562	Various text amendments to include a retail cannabis store as a discretionary use in the "General Commercial – C" district and a cannabis production facility as a discretionary use in the "General Industrial – I" district, and include accompanying use specific regulations		13-Nov-2018
564	Various text amendments to clarify the role of the approval authorities, update administrative processes and timelines for determining complete applications and issuing notification for development and subdivision, update appeal timelines, clarify development agreement standards, and update and enhance other administrative requirements for clarity and ease of use		11-Dec-2018
Updated Appendix B – Forms June 2021			
588	"General Commercial – C" to "Residential – R"	Plan 36EG, Block 5, The East Half of Lot 6 and that Portion of Lot 7 which Lies to the West of the Easterly 25 feet Throughout the Said Lot 7 Plan 36EG, Block 5, Lot 5 and the West half of Lot 6 Plan 204BD, Block 2, Lot 7 Plan 204BD, Block 2, Lot 8 Plan 204BD, Block 2, Lot 9 Plan 204BD, Block 2, Lot 10 Plan 204BD, Block 2, The East Half of Lot 15 and All of Lot 16 Plan 204BD, Block 2, Lot 17 Plan 204BD, Block 1, Lot 10 Plan 204BD, Block 1, Lot 11	9-Aug-2022

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PART 1:

Bylaw Administration

VILLAGE OF COUTTS
LAND USE BYLAW NO. 523

PART 1: Bylaw Administration

DEVELOPMENT AUTHORITY AND PROVISIONS

1. TITLE

This bylaw may be cited as the "Village of Coutts Land Use Bylaw".

2. DATE OF COMMENCEMENT

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

3. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 349, and amendments, being the current Land Use Bylaw of the Village of Coutts is repealed upon third and final reading of this bylaw.

4. AMENDMENT OF BYLAW

The Council may amend this bylaw at any time in accordance with the procedures detailed in section 692 of the *Municipal Government Act (MGA)*.

5. DEFINITIONS

Refer to Part 10.

6. DEVELOPMENT AUTHORITY

(1) The Development Authority is established by separate bylaw pursuant to the *MGA* and for the purposes of the Village of Coutts Land Use Bylaw, is the Development Officer and the Municipal Planning Commission.

(2) The Development Authority may perform only such powers and duties as are specified:

(a) in the Village of Coutts Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*; or

(d) where applicable, by resolution of Council.

7. SUBDIVISION AUTHORITY

(1) The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Village of Coutts Subdivision and Development Authority/Municipal Planning Commission Bylaw, and shall perform such powers and duties as are specified:

(a) in the Village of Coutts Subdivision and Development Authority/Municipal Planning Commission 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 section 7(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.

8. DEVELOPMENT OFFICER

(1) The office of "Development Officer" is established.

(2) In accordance with section 210(5) of the *MGA*, the chief administrative officer shall carry out the responsibilities of Development Officer unless Council appoints a person(s) to the office of Development Officer for the purposes of this bylaw.

(3) The Council may, by resolution, appoint a person(s) to the office of Development Officer.

(4) The Development Officer is authorized to act as a Designated Officer pursuant to the *MGA* for the purposes of this bylaw.

(5) The Municipal Planning Commission is additionally authorized to act as Designated Officer, in accordance with the *MGA* and this bylaw.

9. RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

(1) The Development Officer shall:

(a) receive and process all applications for development permits and determine whether a development permit application is complete in accordance with section 27 (Determination of Complete Development Application);

(b) maintain for the inspection of the public during office hours, a copy of this bylaw and amendments thereto and ensure that copies are available to the public at a reasonable charge;

(c) establish and maintain a register in which shall be recorded the applications made for development permits and the decision made on applications and contain any such other information as the Municipal Planning Commission considers necessary;

(d) refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision-making authority has not been assigned to the Development Officer;

(e) may refer any development application to the Municipal Planning Commission for a decision or any other planning or development matter to the Municipal Planning Commission for review, comment or advice;

(f) notify adjacent landowners in accordance with this bylaw and circulate any development permit application to other municipal staff, other agencies and/or the County of Warner for written comment, as he/she deems necessary;

(g) issue the written notice of decision/development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(h) process and decide upon applications for signs in accordance with Part 7;

(i) process and decide upon applications for demolition or removal of structures except for those being processed in conjunction with a discretionary use; and

(j) shall perform such other powers and duties as are specified in this bylaw, the Village of Coutts Municipal Planning Commission and Subdivision and Development Authority Bylaw, the *MGA* or by resolution of Council.

10. MUNICIPAL PLANNING COMMISSION (MPC)

(1) The Municipal Planning Commission may perform only such powers and duties as are specified:

(a) in the *MGA*;

(b) in the Village of Coutts Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(c) in this bylaw; or

(d) by resolution of Council.

11. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The Subdivision and Development Appeal Board is established by separate bylaw pursuant to the *MGA* and may exercise such powers and duties as are specified in the *MGA*, the Subdivision and Development Authority/Municipal Planning Commission Bylaw and this bylaw.

12. FORMS, NOTICES AND FEES

(1) For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, 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 of the purpose for which they are designed, authorized and issued.

(2) Application fees, forms and notices are included in Appendices A and B.

(3) Refund or adjustment of prescribed fees requires the approval of Council.

(4) Whenever an application is received for a development or use not listed in the fee schedule, the amount of the fee shall be determined by the Development Officer or the Municipal Planning Commission and shall be consistent with those fees listed in the schedule.

13. APPENDICES

Appendices A through D attached hereto are for information purposes only and do not form part of this bylaw.

14. METRIC STANDARDS

The metric standards in this bylaw are applicable. Imperial standards are provided only for convenience.

15. CONTRAVENTION OF BYLAW

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.

LAND USE DISTRICTS AND DEVELOPMENT IN GENERAL

16. 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; and/or

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

are described in Part 2.

(3) A land use 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 Municipal Planning Commission.

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

17. 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) A person who develops land or a building in the municipality is also responsible for ascertaining, obtaining, and complying with the requirements of any federal, provincial or other municipal legislation.

18. NON-CONFORMING USES AND BUILDINGS

(1) If a development permit has been issued on or before the day on which this bylaw or a land use amendment bylaw comes into force 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 six 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 shall 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 nonconforming 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; or

(b) for the routine maintenance of the building, if the Development Authority considers it necessary.

(6) If a non-conforming building is damaged or destroyed by more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this 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.

19. NON-CONFORMING VARIANCES

The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5) (c) of the *MGA*.

20. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

At the discretion of the Development Authority, development may be permitted on a lot that does not conform to the minimum requirements for length, width, or area for the applicable district specified in Part 2, as follows:

(a) the Development Officer is authorized to decide upon a development application for a permitted use on a non-conforming sized lot;

(b) the Municipal Planning Commission is authorized to decide upon all other development applications on a non-conforming sized lotl

21. DWELLING UNITS ON A PARCEL

No person shall construct or locate or cause to be constructed or located more than one dwelling on a parcel except as provided for in the land use district for which the application was made (e.g. townhouse/rowhouse, multi-unit).

22. 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 Development Officer or the Municipal Planning Commission as applicable may refuse to approve a subdivision or issue a development permit if, in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(a) does not have safe legal and physical access to a maintained road in accordance with municipal requirements or those of Alberta Transportation as applicable;

(b) has a high water table or soil conditions which makes the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the Regional Plan, Subdivision and Development Regulation or any other applicable Statutory Plans or approved Conceptual Design Scheme;

(f) is situated over an active or abandoned coal mine or oil or gas well or pipeline or does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

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

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

(i) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Village of Coutts Land Use Bylaw;

(j) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site;

(k) is subject to flooding, subsidence, or erosion.

(2) Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from approving a lot for subdivision or issuing a development permit if the Officer or the Commission 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.

23. DEVELOPMENT AGREEMENTS

(1) The Development Officer or the 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 *MGA*, to do any of 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 the 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 *MGA*.

(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 *MGA*.

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

DEVELOPMENT PERMITS

24. DEVELOPMENT PERMITS – REQUIRED

Except as provided in section 25 (Development Permits – Not Required), no person shall commence development unless he/she has been issued a development permit in respect of the proposed development.

25. DEVELOPMENT PERMITS – NOT REQUIRED

(1) No development permit is required for any development that is specifically exempted by the Lieutenant Governor in Council, pursuant to section 618(4) of the *MGA*.

(2) No development permit is required for the following:

(a) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation, and do not conflict with the Village of Coutts Unsightly Premises Bylaw or other similar bylaw;

(b) 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 any development permit granted;

(c) the completion of a building that did not require a development permit under the previous land use bylaw which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect;

(d) the erection of gates, fences, walls, hedges or other means of enclosure which are:

(i) not more than 0.9 metre (3 ft.) in height in front yards and all yard spaces on corner lots lying between the dwelling and the public roadway (as illustrated in Figure 1.0);

(ii) not more than 1.8 metres (6 ft.) in all other yards;

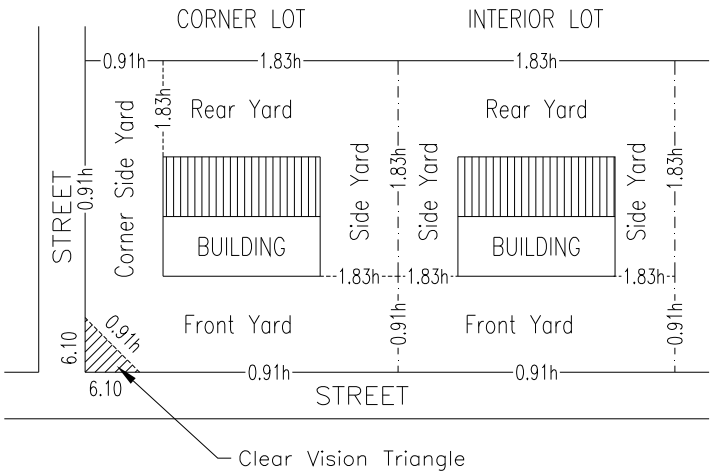


Figure 1.0

(e) the temporary erection or construction of buildings, works, plant or machinery needed in connection with operations for which a development permit and a building permit have been issued;

(f) 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 publicly owned or controlled;

(g) exempted signs in Part 7;

(h) the erection or placement of the first accessory building of less than 9.3 m^2 (100 ft^2) in area on a lot providing that it otherwise complies with this bylaw;

(i) uncovered patios;

(j) decks not attached to a building that do not exceed 1.2 metres (4 ft.) in height, provided they meet minimum setback requirement for accessory buildings;

(k) any residential hard surfaced or gravel driveways, parking pads not supporting a garage or carport, and/or paving stones, to a maximum of 25 percent of the lots surface area that was not required as part of the original development permit;

(l) satellite dishes less than 1.5 metres (5 ft.) in diameter provided installation meets all requirements within the Land Use District pertaining to the development;

(m) temporary portable swimming pools;

(n) temporary shipping containers pursuant to Part 8.

(3) Although the previous listed items may eliminate the necessity of a Development Permit, the applicant is still responsible for obtaining any required Building Permit and/or adhering to any other applicable legislation, safety codes or municipal bylaw.

(4) If there is doubt as to whether a development permit is exempted from requiring a development permit, the matter shall be referred to the Municipal Planning Commission for a determination.

26. APPLICATION REQUIREMENTS

(1) An application for a development permit must be made to the Development Officer by submitting to him/her the following, which must be of a quality to properly evaluate the application:

(a) a completed development permit application;

(b) the application fee prescribed in accordance with the Village's fee schedule; and

(c) any other information as may be required by the Development Officer.

(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 written consent of the owner, by any other person. The Development Officer may request a current title documenting ownership.

27. DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

(1) The Development Officer shall, within 20 days after receipt of an application for a development permit submitted section 26 (Application Requirements), 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 section 27(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 section 27(1) within the time required under section 27(1) or 27(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 indicating the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required in section 26. A submittal deadline for the outstanding documents and information shall be set out in the notice 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.

(7) If the Development Officer determines that the documents and information submitted under section 27(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 documents and information under section 27(6) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under section 27(6), the Development Officer shall return the application 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 section 27(5) or 27(7), the Development Officer or Municipal Planning Commission, as applicable, 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.

28. DEVELOPMENT PERMITS – PERMITTED USE

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

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

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

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

(a) requirement to enter into a development agreement, including requirements for oversize improvements;

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

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding subsistence, erosion and sanitary sewerage servicing;

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

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any statutory plan adopted by the Village of Coutts;

(f) easements and encroachment agreements;

(g) public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) 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;

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

(j) time periods stipulating completion of development;

(k) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(l) landscaping plan;

(m) drainage plan;

(n) final site grading;

(o) access requirements;

(p) a surveyor's sketch, Real Property Report, or plan from an engineer illustrating improvements;

(q) phasing of development;

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

(s) preparation of an environmental impact assessment or similar reports;

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

(u) posting of the municipal address.

29. DEVELOPMENT PERMITS – DISCRETIONARY USE

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

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

(b) notify or cause to be notified persons likely to be affected in accordance with section 33.

(2) After consideration of any response to the notifications of persons likely to be affected, including the County of Warner, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

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

(b) refuse to issue a development permit, stating the reasons.

(3) The Municipal Planning Commission may place any of the conditions stipulated in section 28(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.

30. APPLICATIONS REQUESTING VARIANCES OF BYLAW PROVISIONS

(1) Upon receipt of a complete application for a development permit that does not comply with this bylaw but in respect of which the Development Authority is requested to exercise discretion under section 30(2), the Development Officer shall:

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

(b) notify persons likely to be affected including adjacent municipalities, government departments and any other referral agency in accordance with section 33.

(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 Development Authority the proposed development would not:

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

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

and the proposed development conforms to the use prescribed for that land or building under Part 2.

31. SIMILAR USE APPLICATIONS

(1) 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 other uses of land and buildings permitted by the bylaw in the land use district in which such use is proposed, the Development Officer shall, at the request of the applicant:

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

(b) notify or cause to notify the affected persons pursuant to section 33.

(2) Upon referral of the application by the Development Officer, the Municipal Planning Commission:

(a) 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;

(b) 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 as a discretionary use and a development permit may be issued with or without conditions after consideration of any responses to the notifications of persons likely to be affected by the development;

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

32. TEMPORARY USE APPLICATIONS

(1) The Municipal Planning Commission may issue a temporary development permit for a period not to exceed one year for uses that are determined to be temporary in nature provided the use is listed as a permitted, discretionary or deemed similar use within the district for which an application is made.

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

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

(3) A use deemed temporary in nature shall be processed in accordance with the corresponding section 28-31. Notification of persons likely to be affected, including the County of Warner, government departments and referral agencies shall be in accordance with section 33.

33. NOTIFICATION OF PERSONS LIKELY TO BE AFFECTED

(1) Where notification of persons likely to be affected is required under sections 29, 30, 31 and 32, the Development Officer shall, at least seven days before the meeting of the Municipal Planning Commission:

(a) mail (postal service or electronic mail) or hand deliver written notice of the application to:

(i) the owners of land likely to be affected by the issuance of a development permit;

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

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

(b) cause similar notice to be published in a newspaper circulating in the municipality where the application is located; or

(c) cause a similar notice to be posted in a conspicuous place on the property; or

(d) any combination of the above.

(2) In all cases, notification shall:

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

(b) state the place and time where the Municipal Planning Commission will meet to consider the application; and

(c) state the process for receipt of written or oral submission on the application.

34. NOTICE OF DECISION FOR DEVELOPMENT PERMITS

(1) Upon issuance of a decision on a development application, the Development Officer shall:

(a) mail a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) posting a copy of the decision in a prominent place in the Village Office for at least 21 days or publishing a notice of the decision on the official municipal website;

(ii) mailing (postal service or electronic mail) a copy of the notice of decision to those originally notified of the development permit application and any other persons, departments and agencies likely to be affected; or

(iii) publishing a notice of the decision in a newspaper circulated within the municipality.

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

(3) For the purposes of section 34(2), the "date on which the decision was given" means:

(a) the date the decision is posted on the property for which the application has been made; or

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

whichever occurs later.

35. PERMIT DEEMED REFUSED

(1) In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, 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 after the acknowledgement of a complete application in accordance with section 27 unless the applicant has entered into an agreement with the Development Officer to extend the 40-day period.

(2) The 40-day time period referred to in section 35(1) may be extended by an agreement in writing between the applicant and the Development Authority.

(3) Section 35(1) does not apply in the case of a development application deemed to be refused under section 27(8).

36. RE-APPLICATION

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal by the Subdivision and Development Appeal Board, another application for a development permit on the same lot for the same or similar use may not be submitted for at least six months after the date of refusal.

(2) If an application was refused solely because it did not comply with this bylaw or was refused as an incomplete application under section 27, the Development Officer may accept another application on the same parcel for the same or similar use may be accepted before the time period referred to in section 36(1) provided the application has been modified to comply with this bylaw.

37. 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 34(2).

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

(3) Any development prior to the dates determined under section 37(1) and (2) is at the risk of the applicant, developer or landowner.

38. PERMIT VALIDITY

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

(2) If a development has not commenced within the time period specified in section 38(1), the validity of a development permit, at the applicant's request, may be extended for up to six additional months by:

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

(b) by 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.

(3) A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy or occupancy. This provision does not apply to a home occupation permit, which is non-transferrable.

(4) When any use has been discontinued for a period of 18 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.

39. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

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

(a) the application for the development permit contained a serious misrepresentation; or

(b) facts concerning the application or the development were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or

(c) a development permit was issued in error;

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

the Development Officer or 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 21 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 or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

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

(c) reinstate the development permit and impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

APPEAL PROCESS

40. APPEAL PROCEDURE

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

(2) Despite section 40(1), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this bylaw are relaxed, varied or misinterpreted.

(3) An appeal by an applicant shall be commenced by filing a notice of the appeal containing specific reasons, and any applicable fee, with the Clerk of the Subdivision and Development Appeal Board within 21 days after:

(a) the date on which the written decision was given; or

(b) expiration of the 40-day period for a decision to be made and any extension of that period, in accordance with section 35 have expired; or

(c) the date on which the stop order is made under section 645 of the *MGA*.

ENFORCEMENT

41. NOTICE OF VIOLATION

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

(2) Such notice shall state the following:

(i) nature of the violation;

(ii) corrective measures required for compliance; and

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

42. STOP ORDER

(1) The Development Authority is authorized to issue an order under section 645 of the *MGA* if a development, land use or use of a building is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.

(2) A person who receives notice pursuant to section 42(1) may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

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

(4) The Village may register a caveat under the *Land Titles Act* in respect of an order referred to in section 42(1) against the certificate of title for the land that is the subject of an order.

(5) If a caveat is registered under section 42(4), the Village must discharge the caveat when the order has been complied with,

(6) If compliance with a stop order is not voluntarily effected, the Village 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 *MGA*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

BYLAW AMENDMENT PROCESS

43. AMENDMENTS TO THE LAND USE BYLAW

(1) Any person or the Village may initiate amendments to this bylaw by making an application to the Development Officer.

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

(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) Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

(6) The application shall be processed in compliance with the requirements of section 692 of the *MGA*, including the processes for notice of public hearings and the conduct of meetings.

(7) 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.

44. 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 design scheme, if deemed necessary by the Development Officer or Municipal Planning Commission;

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

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

(f) any other information deemed necessary by the Development Officer or Municipal Planning Commission 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 from Agricultural 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 Municipal Planning Commission.

45. REDESIGNATION CRITERIA

(1) When redesignating land from one land use district to another, considerations may include:

(a) compliance with applicable standards and provisions of the Land Use Bylaw;

(b) consistency with any adopted statutory plans;

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

(e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.), to serve the subject property and any potential impacts to levels of service to existing development;

(f) potential impacts on public roads;

(g) setback distances contained in the Subdivision and Development Regulation;

(h) supply of suitably designated land;

(i) public comment and any applicable review agency comments; and

(j) any other matters deemed pertinent by Council.

SUBDIVISION APPLICATION RULES AND PROCEDURES

46. 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.

47. 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 47(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 47(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 – Uses and Regulations

PART 2: Land Use Districts – Uses and Regulations

1. The municipality is divided into those districts shown on the Land Use Districts Map of this Part.

2. Each district shown on the map referred to shall be known by the following identifying names and symbols:

RESIDENTIAL	– R
GENERAL COMMERCIAL	– C
GENERAL INDUSTRIAL	– I
RAILWAY	– Ry
PUBLIC AND INSTITUTIONAL	– P
AGRICULTURAL	– A
FEDERAL LANDS	– F

3. Land Use Districts Map (see following page)

RESIDENTIAL – R

1. INTENT: To encourage and ensure variety in residential development in an attractive, orderly and efficient manner.

Permitted Uses

Dwellings:
- Single detached
- Manufactured home, new
- Modular
- Ready-to-move

First accessory building/structure or use
Home occupation A
Shipping container, temporary

Discretionary Uses

Additional accessory buildings/structures and uses
Day care centre
Dwellings:
- Duplex
- Lodging or boarding house
- Manufactured home, used
- Moved-in
- Multi-unit
- Semi-detached
- Townhouse/Row

Home occupation B
Institutional
Manufactured home park
Park and playground
Shipping container, permanent
Utility

Prohibited Uses

Travel trailers, motor homes or other recreational vehicles used as a dwelling

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Single detached	15	49	36	118	540	5812
Duplex	24	79	36	118	864	9300
Multi-unit dwellings	30	98	36	118	1080	11625
Townhouse/Row						
- end units	12	39	36	118	432	4650
- interior units	7	23	36	118	540	5812
All other uses	As required by the Development Authority					

(a) Modular, manufactured, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional single-detached dwellings by the Development Authority and subject to the same lot size requirements for single detached.

3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
Single detached	7.5	25	1.5	5	4.5	15	7	23
Duplex	7.5	25	3	10	4.5	15	7	23
Multi-unit dwellings	7.5	25	4	13	6	20	7	23
Townhouse/Row	7.5	25	3	10	4.5	15	7	23
All other uses	As required by the Development Authority							

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Corner Side means the lot line on a corner lot that has road frontage but is not the lot line from which primary access to the building is gained or is as determined by the Development Authority (see Figure 2.0).

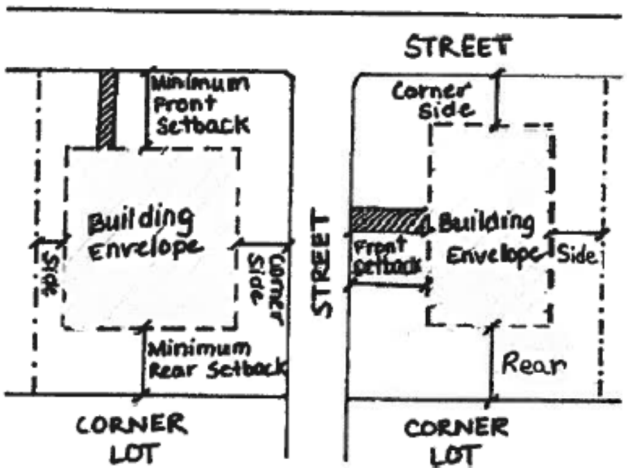


Figure 2.0

(c) Modular, manufactured, ready-to-move and moved-in detached dwellings developed and sited in a like manner shall be treated as conventional single-detached dwellings by the Development Authority and subject to the same setback requirements for single detached.

(d) The side setback provision does not limit the building of a semi-detached or townhouse/rowhouse dwelling where each dwelling is on a separate lot.

(e) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MINIMUM SETBACK REQUIRMENTS – ACCESSORY BUILDINGS, STRUCTURES AND USES

(a) Accessory buildings 9.3 m^2 (100 ft^2) or greater shall be at least 7.5 metres (25 ft.) from a front property line and 1.2 metres (4 ft.) from a side lot or rear lot line.

(b) A carport is permitted in a side yard but shall be at least 7.5 metres (25 ft.) from a front property line and 1.2 metres (4 ft.) from a side lot line.

(c) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(d) Accessory buildings less than 9.3 m^2 (100 ft^2) are not subject to a rear or side yard setback provided:

(i) the building is not located in the front yard;

(ii) drainage from the building does not encroach on the neighbouring property;

(iii) buildings with eaves are constructed such that the eaves are at least 0.6 metres (2 ft.) from a rear or side property line.

5. MAXIMUM SITE COVERAGE

Principal building – 35%

Accessory building – 10% (combined total of all accessory buildings)

6. MINIMUM FLOOR AREA

Single-detached dwelling	– 74 m^2 (800 ft^2) ground floor
Modular, manufactured, ready-to-move and moved-in	– 74 m^2 (800 ft^2) ground floor
Duplex dwellings	– As required by the Development Authority
Multi-family dwellings	– As required by the Development Authority
All other uses	– As required by the Development Authority

7. MAXIMUM BUILDING HEIGHT

Principal building – 10.1 metres (33 ft.)

Accessory building – 4.9 metres (16 ft.)

8. MANUFACTURED, MODULAR AND READY-TO-MOVE HOMES

(1) ELIGIBILITY

(a) Manufactured Homes

(i) New factory built units – CSA certified built to Alberta Building Code Standards.

(ii) Used factory built units – in a good state of repair as deemed suitable by the Municipal Planning Commission.

(b) Modular, Ready to Move Homes

(i) New factory built units that have not been previously occupied and are CSA certified and built to the Alberta Building Code Standards.

(2) APPLICATION

In addition to the standard development application requirements, the following shall be submitted with a development permit application for a manufactured, modular or ready-to-move home:

(a) colour photographs of the exterior from all sides of the dwelling;

(b) a report from a building inspector or qualified engineer establishing the condition of the dwelling when a used manufactured home is proposed;

(c) building plans illustrating the exterior design, floor plan, elevation and foundation type of the dwelling when a modular or ready-to-move home is proposed.

(3) **STANDARDS**

(a) **Manufactured homes** are subject to the following additional standards:

(i) All single-wide manufactured homes shall be skirted in compatible materials and satisfactorily enclosed to the satisfaction of the Development Authority.

(ii) All double-wide units shall be placed on concrete block foundations or other foundation deemed acceptable to the Development Authority capable of supporting the maximum anticipated load in conformity with the provincial building requirements.

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

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

(v) To ensure compatibility of housing types, the variation of roof lines between manufactured homes and existing homes may be regulated.

(vi) All manufactured home additions shall be of a design and finish that complement the unit.

(vii) The wheels, hitches and other running gear shall be removed from a manufactured home immediately after the placement of the home.

(viii) The quality of the completed home shall be at least equal to the quality of the other homes in the area.

(ix) The minimum roof pitch shall not be less than a 4/12 pitch unless approved otherwise by the Municipal Planning Commission.

(b) **Modular and ready-to-move homes** are subject to the following additional standards:

(i) The dwelling shall be securely fastened and placed on a basement or other permanent foundation deemed acceptable to the Development Authority.

(ii) The quality of the completed home shall be at least equal to the quality of the other homes in the area.

(iii) The minimum roof pitch shall not be less than a 4/12 pitch unless approved otherwise by the Municipal Planning Commission.

(c) **Conditions of Approval**

(i) The Development Officer or Municipal Planning Commission may impose conditions regulating exterior finish of the dwelling including foundations, skirting and roof pitch to ensure compatibility with existing dwellings within the area.

(ii) The Development Officer or Municipal Planning Commission may require a bond or irrevocable letter of credit to ensure the conditions of the development permit are met.

(iii) Any other conditions as permitted under the Land Use Bylaw.

8. **STANDARDS OF DEVELOPMENT** – See Part 3

9. **OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Part 4

10. **MOVED-IN BUILDINGS** – See Part 5

11. **HOME OCCUPATIONS** – See Part 6

12. **SIGN REGULATIONS** – See Part 7

13. **SHIPPING CONTAINER REGULATIONS** – See Part 8

GENERAL COMMERCIAL – C

1. INTENT: To encourage and maintain the development of a wide variety of commercial uses and uses related to international trade and border services.

Permitted Uses

Business support services
Financial institution
Government service
Hotel/motel
Medical and dental office
Office
Personal service
Restaurant
Retail store
Shipping container, temporary

Discretionary Uses

Accessory buildings/structures and uses
Additions, maintenance and replacement of existing dwellings*
Automotive sales and service
Bus depot
Commercial recreation
Day care centre
Drive-in/Drive-through restaurant
Farm machinery/industrial machinery sales
Funeral home
Garden centre
Institutional
License premises
Mini storage
Parking facilities
Residential accommodation in conjunction with an approved commercial use
Retail cannabis store
Service station/gas bar
Shipping container, permanent
Trades and contractors
Truck transportation dispatch/depot
Utility
Veterinary clinic
Warehousing
Workshops

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

* Existing dwellings that were legally in existence on the adoption of this Land Use Bylaw.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All Uses	7.5	25	17.6	58	132	1421

3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL AND ACCESSORY BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	1.5	5	As required by the Development Officer or MPC					

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 80% (combined total of all buildings/structures)

5. MAXIMUM BUILDING HEIGHT

All uses – As required by the Development Authority

6. OUTDOOR DISPLAY AND SALES

The Development Officer or MPC may impose conditions related to screening, buffering or landscaping on an application that includes outdoor display and or sales.

7. STANDARDS OF DEVELOPMENT

(a) See Part 3.

(b) Supplementary Standards of Development – To promote compatibility between commercial and residential uses and mitigate potential impacts, the Development Authority may, in addition to the standards of development in Part 3, place conditions on a permitted or discretionary use application which is proposed adjacent to a residential land use or land that is designated Residential – R regulating the following:

(i) hours of operation;

(ii) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical equipment;

(iii) orientation, screening and shielding of buildings (principal and accessory);

(iv) location of parking areas and driveways;

(v) location, height, lighting, and architectural style of signage;

(vi) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.

8. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4

9. MOVED-IN BUILDINGS – See Part 5

10. SIGN REGULATIONS – See Part 7

11. SHIPPING CONTAINER REGULATIONS – See Part 8

12. RETAIL CANNABIS STORE – See Part 9

GENERAL INDUSTRIAL – I

1. INTENT: To encourage the efficient development of industrial areas and ensure that industrial development is compatible with other land uses.

Permitted Uses

Accessory buildings/structures and uses
Light industry
Mini storage
Shipping container, temporary
Truck transportation dispatch/depot
Trades and contractors
Veterinary clinics
Workshops

Discretionary Uses

Auto body repair and paint shops
Automotive sales and service
Auto wreckage and salvage yard
Bulk fuel storage and sales
Bulk fertilizer storage and sales
Business support services
Cannabis production facility
Car/truck wash
Farm machinery/industrial machinery sales
Garden centre
Government Service
Heavy manufacturing and industrial processes
Kennels
Lumber yard/building supplies
Outdoor storage
Residential accommodation in conjunction with an approved industrial use
Recycling facility
Retail uses ancillary to industrial or warehousing use
Service station/gas bar
Warehousing
Shipping container, permanent
Utility

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All Uses	30	98	30	98	900	9688

3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	7.5	25	3.0	10	4.5	15	7.5	25

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MINIMUM SETBACK REQUIREMENTS – ACCESSORY BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	7.5	25	3.0	10	4.5	15	3.0	10

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 80% (combined total of all buildings/structures)

6. MAXIMUM BUILDING HEIGHT

All uses – As required by the Development Authority

7. OUTDOOR STORAGE

(a) No outdoor storage shall be permitted in the required front yard setback of 7.5 metres (25 ft.) nor in the required corner lot side yard setback 4.5 metres (15 ft.).

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

(c) The Development Authority may impose additional screening requirements.

8. ENVIRONMENTAL CONSIDERATION

No offensive noise, vibration, smoke, dust, odor, heat or glare produces by the use shall extend beyond the property lines where the use is located.

9. STANDARDS OF DEVELOPMENT

(a) See Part 3.

(b) Supplementary Standards of Development – To promote compatibility between industrial and residential uses and mitigate potential impacts, the Development Authority may, in addition to the standards of development in Part 3, place conditions on a permitted or discretionary use application which is proposed adjacent to a residential land use or land that is designated Residential – R regulating the following:

(i) hours of operation;

(ii) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical equipment;

(iii) orientation, screening and shielding of buildings (principal and accessory);

(iv) location of parking areas and driveways;

(v) location, height, lighting, and architectural style of signage;

(vi) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.

10. **OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Part 4

11. **MOVED-IN BUILDINGS** – See Part 5

12. **SIGN REGULATIONS** – See Part 7

13. **SHIPPING CONTAINER REGULATIONS** – See Part 8

14. **CANNABIS PRODUCTION FACILITY** – See Part 9

RAILWAY – Ry

1. INTENT: To ensure development on railway lands is compatible with other land uses.

Permitted Uses	Discretionary Uses
Railway	Accessory buildings/structures and uses
Shipping container, temporary	Bulk fertilizer storage and sales
	Bulk fuel storage and sales
	Grain elevator
	Other industrial uses requiring a rail spur
	Shipping container, permanent
	Utility

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
All Uses	30	98	30	98	900	9688

3. MINIMUM SETBACK REQUIREMENTS– PRINCIPAL AND ACCESSORY BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	7.5	25	3.0	10	4.5	15	7.5	25

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 75% (combined total of all buildings/structures)

5. MAXIMUM BUILDING HEIGHT

All uses – As required by the Development Authority

6. OUTDOOR STORAGE

(a) No outdoor storage shall be permitted in the required front yard setback of 7.5 metres (25 ft.) nor in the required corner lot side yard setback 4.5 metres (15 ft.).

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

(c) The Development Authority may impose additional screening requirements.

7. STANDARDS OF DEVELOPMENT – See Part 3

8. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4

9. MOVED-IN BUILDINGS – See Part 5

10. SIGN REGULATIONS – See Part 7

11. SHIPPING CONTAINER REGULATIONS – See Part 8

PUBLIC AND INSTITUTIONAL – P

1. INTENT: To maintain or enhance the quality of institutional, public and semi-public uses and ensure they are compatible with each other and with adjoining land uses.

Permitted Uses	Discretionary Uses
Accessory buildings/structures and uses	Cemetery
Government service	Clubs and organizations
Hospital	Commercial recreation
Medical and dental office	Day care centers
Park and playground	Dormitory
Place of worship	Funeral home
Recreation and sports fields	Public indoor recreational facilities
School	Seniors housing
Shipping container, temporary	Shipping container, permanent
	Utility

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

2. MINIMUM LOT SIZE

All uses – As required by the Development Authority

3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	7.5	25	3.0	10	4.5	15	7.5	25

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MINIMUM SETBACK REQUIREMENTS – ACCESSORY BUILDINGS, STRUCTURES AND USES

Use	Front		Side		Corner Side		Rear	
	m	ft	m	ft	m	ft	m	ft
All Uses	7.5	25	3.0	10	4.5	15	3.0	10

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

5. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 50% (combined total of all buildings/structures)

6. MAXIMUM BUILDING HEIGHT

All uses – As required by the Development Authority

7. STANDARDS OF DEVELOPMENT – See Part 3

8. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4

9. MOVED-IN BUILDINGS – See Part 5

10. SIGN REGULATIONS – See Part 7

11. SHIPPING CONTAINER REGULATIONS – See Part 8

AGRICULTURAL – A

1. INTENT: To ensure orderly development of fringe areas that may be suitable for more intensive urban development in the future.

Permitted Uses	Discretionary Uses
Cultivation and grazing of land	Accessory buildings/structures and uses
Shipping container, temporary	Additions, maintenance, and replacement of existing dwellings*
	Home occupations A and B
	Institutional
	Outdoor storage
	Park and playground
	Recreation and sports fields
	Utility

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

* Existing dwellings that were legally in existence on the adoption of this Land Use Bylaw.

2. MINIMUM LOT SIZE

All uses – 4.0 hectares (10 acres)

3. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL AND ACCESSORY BUILDINGS, STRUCTURES AND USES

All uses – As required by the Development Authority

(a) Also refer to Part 3, sections 2 and 8 for clear vision triangle requirements and setbacks from easements.

(b) Structures that are attached to a principal building are subject to the principal setbacks, excepting the permitted projections in Part 3, section 9.

4. MAXIMUM BUILDING HEIGHT

All uses – As required by the Development Authority

5. CONCEPTUAL DESIGN SCHEME

For discretionary uses, the Development Authority may require an applicant to submit a conceptual design scheme demonstrating that the proposed use will be compatible with future development of the area.

6. STANDARDS OF DEVELOPMENT

(a) See Part 3.

(b) Use specific standards – Outdoor storage:

The Development Authority may limit the intensity and scale of an outdoor storage use and place conditions on a development permit regulating:

(i) the maximum number, volume and type of goods, materials, equipment, or vehicles that may be stored on the property;

(ii) the location of the outdoor storage;

(iii) screening and shielding of the outdoor storage;

(iv) any other matters deemed necessary by the Development Authority to mitigate potential impacts and ensure the intent of the district is maintained.

7. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4

8. MOVED-IN BUILDINGS – See Part 5

9. HOME OCCUPATIONS – See Part 6

10. SIGN REGULATIONS – See Part 7

11. SHIPPING CONTAINER REGULATIONS – See Part 8

FEDERAL LANDS – F

1. INTENT: To provide for federal undertakings and facilities associated with international border crossing.

Permitted Uses

All Federal Government buildings, structures and uses exempted from obtaining a development permit

Discretionary Uses

All other Federal Government buildings, structures and uses associated with the international border crossing

Prohibited Uses

Any other use which is not listed as either a permitted or discretionary use, or deemed similar to a permitted or discretionary use in accordance with Part 1, section 16.

2. MINIMUM LOT SIZE AND MINIMUM SETBACK REQUIREMENTS

Permitted uses – Not applicable
Discretionary uses – As required by the Municipal Planning Commission

3. STANDARDS OF DEVELOPMENT

Permitted uses – Not applicable - but should have regard to Part 3
Discretionary uses – As required by the Municipal Planning Commission

4. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

Permitted uses – Not applicable - but should have regard to Part 4
Discretionary uses – As required by the Municipal Planning Commission

5. SIGN REGULATIONS

Permitted uses – Not applicable - but should have regard to Part 7
Discretionary uses – As required by the Municipal Planning Commission

PART 3:

Standards of Development

PART 3: Standards of Development

1. QUALITY OF DEVELOPMENT

The Development Authority may impose conditions on development approvals which serve to improve the quality of any proposal development within any land use district.

2. STREET CORNER VISIBILITY

(a) 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, between 0.9 metre (3 ft.) and 3.0 metres (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 Figures 3.0 and 3.1)

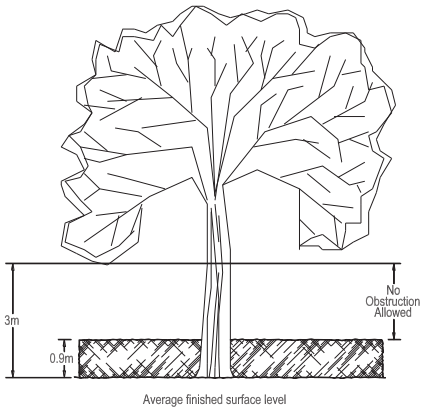


Figure 3.0

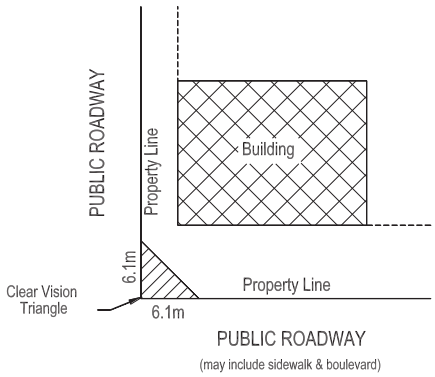


Figure 3.1

3. ROAD ACCESS

All new development must have access to a public road to the satisfaction of the Development Authority.

4. DRIVEWAYS

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

(b) Only one driveway per lot should be permitted for single detached residential development.

(c) Driveways shall be a minimum of 3.0 metres (10 ft.) and a maximum of 7.3 metres (24 ft.) in width, unless otherwise approved by the Municipal Planning Commission on the basis of merit.

5. RETAINING WALLS, GRADING AND DRAINAGE

The Development Authority may require:

(a) the construction of a retaining wall, including submittal of a certified engineered design as a condition of development if significant differences in grade exist or will exist between the lot to be developed and adjacent parcels;

(b) the provision of engineered grading and drainage plans for the development;

(c) special grading and/or paving to prevent drainage problems with neighbouring lots as a condition of a development permit.

6. FENCES

(a) No fence, wall, hedge or any combination thereof shall extend more than 0.9 metres (3 ft.) above the ground in any front yard area or corner side yard as illustrated in Figure 3.2 without a development permit approved by the Municipal Planning Commission.

(b) Fences in rear and side yards shall be limited to 1.8 metres (6 ft.) in height.

(c) Where a permit is required, the Municipal Planning Commission may regulate the types of materials and colours used for a fence.

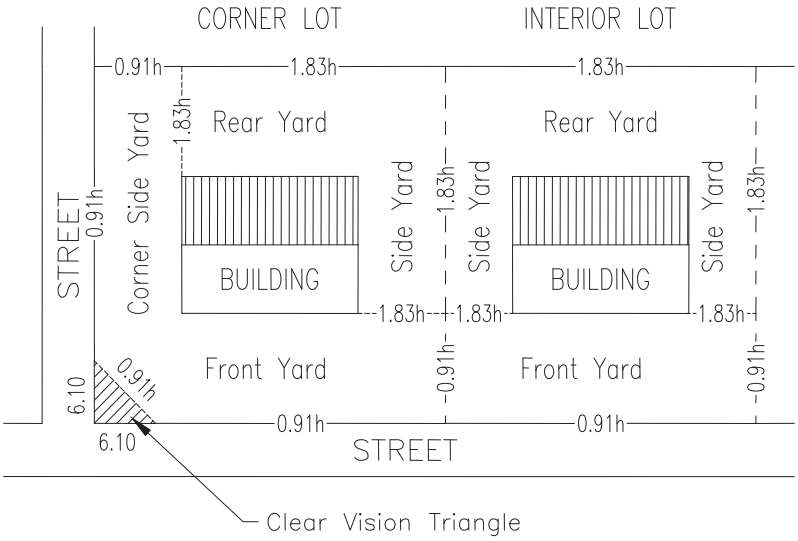


Figure 3.2

7. BUILDING SETBACKS

(a) The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.

(b) The Municipal Planning Commission may require varied building setbacks in new residential areas if, in their opinion, the variation in setbacks will enhance the development of that area.

(c) The Municipal Planning Commission may require increased building setbacks (other than those listed in (a) and (b) above) if, in their opinion, such setbacks would:

(i) help avoid land use conflict;

(ii) enhance the appearance of the area.

8. EASEMENTS

All buildings shall be located a minimum of 3.0 metres (10 ft.) from an easement unless otherwise permitted.

9. PERMITTED PROJECTIONS INTO SETBACKS

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

(i) unenclosed steps or unenclosed fire escapes;

(ii) at the discretion of the Development Officer, a wheelchair ramp;

(iii) fences or walls in accordance with section 6 of this Part;

(vi) driveways, curbs, sidewalks and parking lots;

(v) landscaping, fish ponds, ornaments, flagpoles (less than 4.6 metres (15 ft.) in height), or other similar landscaping features; and

(vi) signs, in accordance with Part 7.

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

(i) eaves, belt courses, bay windows, cornices, sills, chimneys or other similar architectural features;

(ii) a deck, balcony, porch, veranda, 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.

10. LANDSCAPING STANDARDS AND SCREENING

(a) The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

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

(i) trees, shrubs, lawn, flowers;

(ii) feature rocks, bark chips, field stone;

(iii) berming, terracing;

(iv) other innovative landscaping features as approved by the Development Authority.

(c) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

(d) Where any parcel or part of a parcel adjacent to a road 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. (see Figure 3.3)

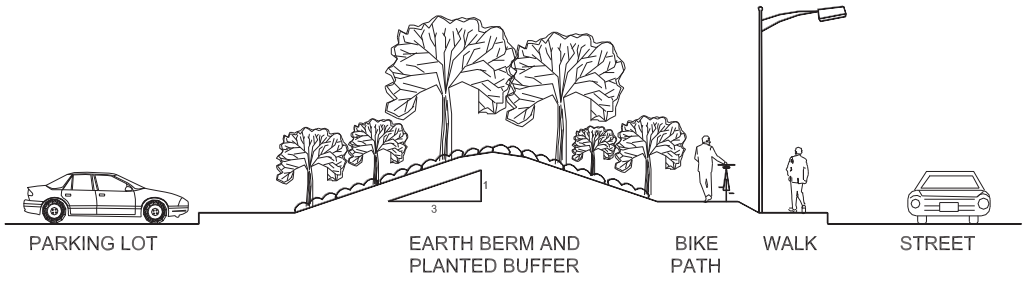


Figure 3.3

(e) Parking lots shall be landscaped and/or screened as required by the Development Authority.

(f) Uses involving outdoor storage shall be screened to the satisfaction of the Development Authority.

11. EXTERIOR BUILDING FINISHES

The Development Authority may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments;

(b) proposed additions or ancillary structures with existing buildings on the same lot.

12. EXPOSED FOUNDATIONS

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.

13. DECKS AND AMENITY SPACES

(a) A development permit is required for the construction of a deck if it will be attached to a principal building or does not meet the exemption in subsection (a).

(b) Decks not attached to a building that do not exceed 0.6 metres (2 ft.) in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

(c) For the purposes of calculating site coverage requirements, where a structure is attached to the principal building by an open or closed roof structure, it shall be deemed part of the principal building and subject to principal building requirements.

14. SITE LIGHTING

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.

15. REFUSE COLLECTION AND STORAGE

(a) Refuse and garbage shall be kept in a suitably sized enclosure for each use within each land use district.

(b) Refuse and garbage storage areas in areas zoned C, I, Ry, P and F shall be effectively screened from public view until such time as collection and disposal is possible.

16. SERVICING

All development shall be required to connect to both the municipal water supply and sewerage system where the municipal services are, in the opinion of the Development Authority, reasonably available. In the Agricultural District, other provisions may apply for water where an Area Structure Plan has been adopted or a conceptual design scheme approved.

17. DEMOLITION

No person shall commence or cause to be commenced the removal, relocation, or demolition of any building or structure, or portion thereof, unless a development permit and any applicable approvals under Safety Codes for removal, relocation or demolition have first been obtained.

PART 4:

Off-Street Parking and Loading Area Requirements

PART 4: Off-Street Parking and Loading Area Requirements

1. OFF-STREET PARKING AREA REQUIREMENTS

General Requirements:

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

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

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

(d) Off-street parking may be located in the front yard.

(e) All parking spaces provided shall be on the same lot as the building or use, except that the Municipal Planning Commission may permit parking spaces to be on a lot within 150 metres (492 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.

2. REQUIRED PARKING SPACES

(a) The following minimum number of spaces shall be provided as follows:

Use	No. of Parking Spaces Required
Dwellings:	
Single detached, modular, moved-in, ready-to-move and manufactured	2 per dwelling unit
Duplex	2 per dwelling unit
Multi-family dwellings	2 per dwelling unit
Licensed premises	1 per 2 seating spaces
Retail stores and personal service shops	1 per 55.7 m^2 (600 ft^2) of gross floor area
Banks and offices	1 per employee with a minimum of 4
Places of worship	1 per each 4 seating places
Service stations	1 per employee and 2 per service bay
Motels	1 per guest room
Restaurants and cafes	1 per 4 seating spaces and 1 per employee
Industrial and heavy commercial uses	1 per 65.0 m^2 (700 ft^2) of gross floor area or 1 per 3 employees, whichever is greater with a minimum of 2 spaces
Utilities	As required by the Development Authority
All other uses	As required by the Development Authority

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

3. LOADING AREA REQUIREMENTS

(a) There shall be a minimum of one off-street loading area per building in the C, Ry and I land use districts.

(b) The Development Authority may require that off-street loading areas be provided in land use districts other than C, Ry and I if deemed necessary.

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

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

(e) The Municipal Planning Commission 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.

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

PART 5:

Moved-In Building Standards

PART 5: Moved-In Building Standards

The following requirements apply to all moved-in buildings:

1. The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

2. The building, when completed, should meet or exceed Alberta Uniform Building Standards.

3. The building should comply with all provincial and municipal health and fire regulations.

4. The quality of the completed building shall be equal to or better than the quality of the other buildings in the area. Upgrading standards shall be established by the Municipal Planning Commission and form part of the conditions of the development permit, as deemed necessary.

5. A report from a building inspector or engineer regarding the structure, plumbing and electrical and recent colour photographs of all exterior sides shall be filed before an application is considered.

6. 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.

7. The Development Authority may require a bond to a maximum value of the assessed value or irrevocable letter of credit, to ensure the conditions of the development permit are met.

8. Return of the posted bond or irrevocable letter of credit is contingent on the Development Officer verifying the completion of all the conditions of this part and the development permit.

PART 6:

Home Occupations

PART 6: Home Occupations

1. Intent

The intent of this schedule is to provide regulations respecting home occupations in accordance with the following objectives:

(a) to protect residential areas and districts from incompatible non-residential land uses;

(b) to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts;

(c) to facilitate, where appropriate, the establishment of suitable home occupations as a means to foster small-scale business, while ensuring such businesses are relocated to suitable commercial or industrial districts when they become incompatible with a residential area or become unsuitable as a home occupation.

2. Home occupations may be approved under 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 does not involve:

(i) outdoor storage and/or display of goods;

(ii) non-resident employees; and/or

(iii) customer/client visits to the residence.

(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) the use of a principal and/or accessory building;

(ii) outdoor storage and/or display of goods within the residence or accessory building;

(iii) one non-resident employee; and/or

(iv) customer visits.

Note: Bed and breakfast operations and day homes providing care and supervision for periods of less than 24 consecutive hours to not more than seven children are classified as a Home Occupation B.

3. GENERAL STANDARDS

The following standards apply to Home Occupations A and B:

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

(b) No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.

(c) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

(d) No commercial vehicle of a capacity greater than 681 kg (¾ ton) shall be parked or maintained on a public road right-of-way or lane.

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

(f) No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area.

(g) All permits issued for home occupations shall be subject to the conditions 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.

(h) Home occupations shall not include:

(i) activities that use or store hazardous materials;

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

(iii) any use declared by resolution of Council to be undesirable as a home occupation.

(i) Only one home occupation shall be permitted per dwelling.

(j) Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size. Signage advertising a Home Occupation B shall be as approved by the Municipal Planning Commission.

(k) 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.

4. HOME OCCUPATION B STANDARDS

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

(a) A maximum of one non-resident employee is allowed. For the purposes of this provision, a non-resident employee is someone who does not live at the home.

(b) Outdoor storage shall be screened from adjacent properties and the public view.

(c) Customer and employee parking, in addition to the parking requirements for residential use, may be required.

(d) The number of customer visits and hours of operation may be limited by the Municipal Planning Commission to minimize impacts on surrounding residential uses.

(e) The home occupation shall not be permitted if, in the opinion of the Municipal Planning Commission, the use would be more appropriately located within a commercial or industrial district.

PART 7:

Sign Regulations

PART 7: Sign Regulations

1. ADMINISTRATIVE

1. No one shall erect or place a sign without having first obtained a development permit from the Development Authority in accordance with the provisions of this bylaw.

2. All development permit applications for a sign shall:

   (a) be submitted to the Development Officer;

   (b) include a description of the proposal and a plan drawn to a suitable scale and photographs, if available, illustrating:

   - the location of all existing and proposed signs;
   - the size, height and other dimensions of the proposed sign, including any supporting structures;
   - the location of the property boundaries of the parcel upon which the proposed sign is to be located;
   - the message content of the proposed sign face, the finish proposed, and the type of illumination, if any; and
   - if a sign is to be attached to a building, the details regarding the extent of the projection.

3. The Development Officer is authorized to process and decide upon all sign applications, except where specified otherwise in this Part.

4. Permits approved by the Development Officer shall be processed as a permitted use and subject to the notification requirements in Part 1, section 33 of this Bylaw.

5. Permits approved by the Municipal Planning Commission shall be processed as a discretionary use and subject to the notification requirements in Part 1, section 33 of this bylaw.

6. Notice of decision for development permits issued under this Part shall be in accordance with Part 1, section 34 of this bylaw.

2. SIGN STANDARDS

1. Lawn, fascia and freestanding signs may be permitted in all non-residential land use districts subject to the following limitations:

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

   (b) no sign shall be in excess of 1.8 m^2 (20 ft^2) in area, but the areas of the two permitted signs may be combined and the total area shall not exceed 1.8 m^2 (20 ft^2) – each sign may be double-faced;

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

   (d) no advertisement or sign shall be attached to fences, poles or trees or allowed to stand in a public place or on public property;

   (e) the maximum height of any freestanding sign shall be 6.1 metres (20 ft.);

   (f) the maximum height of any lawn sign shall be 1.2 metres (4 ft.);

(g) the location of any sign shall be such that it does not become a visual obstruction to traffic or interfere with any authorized traffic control device.

2. Lawn signs may be permitted in a residential land use district at the discretion of the Municipal Planning Commission.

3. Canopy signs may be permitted in all non-residential districts 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 metres (8 ft.) above the ground or sidewalk grade.

   (b) No part of the canopy shall project more than 1.2 metres (4 ft.) over public property, or come within 0.6 metre (2 ft.) of the curb or edge of a roadway. Approval of a canopy sign overhanging public land is conditional upon the owners and/or occupiers of the premises upon which said sign is located entering into an encroachment and hold harmless agreement with the Village.

   (c) No part of the canopy shall project more than 45.7 centimetres (18 in.) 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 metres (2 ft.).

4. Directional and informational signs may be permitted in any land use district at the discretion of the Development Officer.

5. Portable signs may be permitted in all non-residential districts at the discretion of the Municipal Planning Commission.

6. Banding signs, mural signs or other sign types may be permitted in any land use district at the discretion of the Municipal Planning Commission.

7. Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size. Signage advertising a Home Occupation B shall be as approved by the Municipal Planning Commission.

8. Variances may be considered by the Municipal Planning Commission in exceptional circumstances if warranted by the merits of each case.

9. All signs shall be maintained in a safe and tidy manner to the satisfaction of the Development Authority.

10. A sign permit is not required for the following types of signs:

   (a) residency identification signs, which are 0.2 metre (2 sq. ft) or less in area;

   (b) signs approved in conjunction with a development permit;

   (c) construction signs, provided such signs are removed within 14 days of the completion of construction;

   (d) memorial signs;

   (e) political posters, provided all such signs are removed within 14 days after the completion of the relevant election or plebiscite;

   (f) 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;

(g) 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;

(h) any traffic or directional and informational signs erected by the Village of Coutts and any notices posted on the bulletin board;

(i) any community service bulletin board approved by the Village of Coutts and any notices posted on the bulletin board;

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

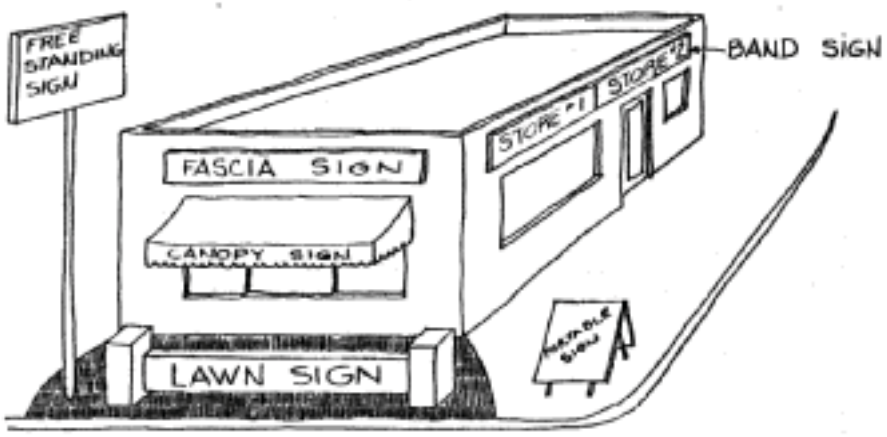
(k) any window sign appearing posted on the interior of the premises in the C, Ry, I and F districts no greater than 0.4 m^2 (4 ft^2) in area.

(l) signs on public buildings;

(m) on-premises directional and informational signs no greater than 0.2 m^2 (2 ft^2) in area;

(n) maintenance, repair or replacement of copy on a legally established sign;

provided all such signage is maintained to the satisfaction of the Development Authority.



SIGN TYPES

PART 8:

Shipping Container Regulations

PART 8: Shipping Container Regulations

SHIPPING CONTAINER REGULATIONS

1. General Standards

(a) Shipping containers shall only be allowed in the land use districts where listed as a permitted or discretionary use in Part 2, Land Use District Regulations. Shipping containers are prohibited in all other districts, except as provided in section 2(a) of this Part.

(b) An application for a development permit for a proposed shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee, unless otherwise specified in section 2 of this Part. At least two recent colour photographs of the container(s) (one end view and one side view) must accompany the application.

(c) There shall be a primary use on the property where the shipping container is proposed, except as provided in section 2(a) of this Part.

(d) The front, rear and side setback requirements shall be regulated by the Development Authority as per the accessory building requirements in the applicable land use district.

(e) The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

(f) Where multiple shipping containers are permitted on a lot they shall be stacked no more than two containers high.

(g) The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted to the satisfaction of the Development Authority.

(h) The Development Authority may require as a condition of approval that any shipping container be screened from view or landscaped to make it aesthetically pleasing.

(i) The exterior of all shipping containers must be kept clean and regularly painted.

(j) Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit (except for temporary shipping containers which may display the company owner's logo or trademark).

(k) The Development Authority may regulate the time period for which a development permit is valid through the issuance of a temporary permit. The validity of a temporary permit shall not exceed one year.

(l) The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing compliance with the conditions of the permit.

2. Temporary Shipping Containers

A shipping container may be placed temporarily on a construction site for the period of construction only in any land use district without obtaining a development permit 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;

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit is required for additional shipping containers on a construction site);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company owner's logo or trademark;

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

(f) the shipping container shall be placed a minimum of 3 metres (10 ft.) from the front property line and 1.5 metres (5 ft.) from the side property line. On corner lots, placement of the container shall also comply with the corner lot restrictions in Part 3, section 2.

PART 9:

Retail Cannabis Store Regulations and Cannabis Production Facility Regulations

PART 9: Retail Cannabis Store Regulations and Cannabis Production Facility Regulations

1. RETAIL CANNABIS STORE REGULATIONS

1. A retail cannabis store may only be considered for approval on land designated General Commercial located at least 615 m (2018 ft) from the International Border and at least 75 m (247 ft) from land designated Residential.

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

   (a) the boundary of a parcel of land on which a provincial health care facility is located, including any associated grounds;

   (b) the boundary of a parcel of land containing a school (public or private), including any associated school grounds;

   (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*.

3. A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 150 m (492 ft) of another retail cannabis store (measured to the exterior wall).

4. All parking and loading area requirements shall be provided in accordance with Part 4: Off-Street Parking and Loading Area Requirements. The "Retail stores and personal service shops" category in section 2, Part 4, shall be used to calculate off-street parking space requirements for a retail cannabis store.

5. All retail cannabis stores shall be subject to the condition that the applicant is responsible for obtaining all applicable approvals from the Alberta Gaming and Liquor Commission with a copy of such approvals submitted to the Village prior to operation of a retail cannabis store.

6 The applicant proposing a retail cannabis store shall submit the following additional information with the development permit application:

   (a) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the *Alberta Gaming, Liquor and Cannabis Regulation;* and

   (b) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names.

2. CANNABIS PRODUCTION FACILITY REGULATIONS

1. 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.

2. 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.

3. A cannabis production facility shall not be approved within 300 m (984 ft) of:

   (a) a residential land use district, measured from the building containing the use to the nearest property line of a parcel designated Residential;

   (b) the boundary of a parcel of land containing a school (public or private), including any associated school grounds; 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*;

   unless the Development Authority is satisfied that adequate measures and high operational standards will be undertaken and maintained to minimize nuisance, hazard or noxious effect on vicinity land uses.

4. 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.

5. 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.

6. All parking and loading area requirements shall be provided in accordance with Part 4: Off-Street Parking and Loading Area Requirements. "All other uses" category section 2, Part 4, shall be used to calculate off-street parking space requirements for a cannabis production facility.

7. A public utility and waste management plan shall be submitted with the development permit 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.

PART 10:

Definitions

PART 10: Definitions

A

Accessory building/structure, means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation (see Figure 10.0). A principal structure or use must be legally established or approved on the lot before an accessory structure can be approved.

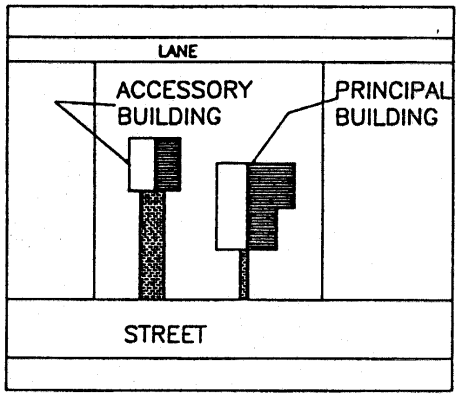


Figure 10.0

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

Applicant means the registered owner of the land or his/her representative or agent certified as such.

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

Attached garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Auto body repair and paint shop means a facility for the painting, repair or sanding of motor vehicle bodies and chassis but does not include facilities for the sale of gas or lubricating oil, or an automotive repair service. Auto detailing may be included as a use.

Automotive service means a facility for the repair and servicing of motor vehicles including, but not limited to, mufflers, oil changes, transmissions, engine replacement services and glass repair. Such facilities do not include the sale of gas.

Automotive sales means a development used for the retail sale, lease, and/or rental of new or used automobiles and/or recreation vehicles.

Auto wreckage and salvage means a facility for the dismantling of motor vehicles and sale of parts to the general public. Such a facility may include a central office and work area.

B

Balcony means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

Basement means the lowest storey of a building, partly or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling. (see Figure 10.1)

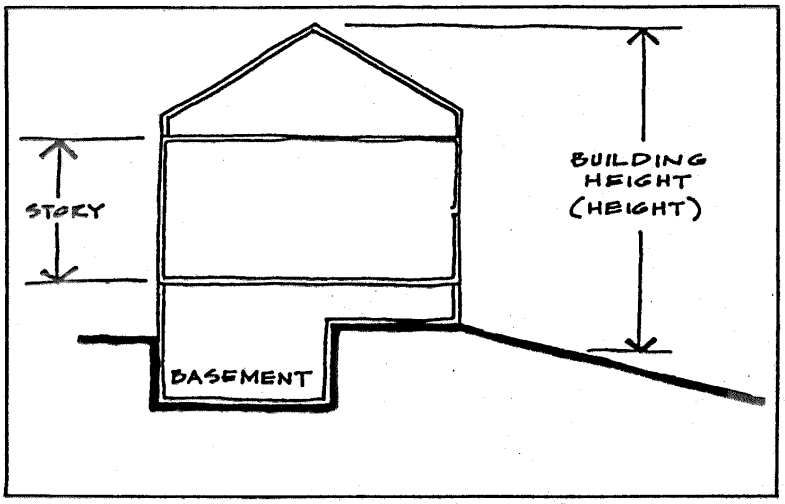


Figure 10.1

Bed and breakfast means a home occupation which provides short-term accommodation to the travelling public, tourists or members of the general public with or without meals.

Berm means a dyke-like form used to separate incompatible areas or uses, or constructed to protect the site or district from vehicular road or other noise.

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

Building has the same meaning as in the *Municipal Government Act*.

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

Building inspector means the person or persons appointed by the municipality to be the chief building inspector(s) in and for the Village of Coutts.

Bulk fertilizer storage and sales means an establishment where fertilizer goods are received and stored for the purpose of distribution and sales.

Bulk fuel storage and sales means an establishment where fuel is received and stored for the purpose of distribution and sales.

Bus depot means any premises for the transient housing or parking of motor-driven buses, and the loading and unloading of passengers.

Business support services means services provided to businesses such as clerical, secretarial, employment, telephone answering, photocopying, reproduction processes and similar uses.

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.*

Car/truck wash *means the use of a structure or area providing for the cleaning of motor vehicles including truck washes.*

Carport means a partially-enclosed structure intended for the shelter of one or more motor vehicles. (see Figure 10.2)

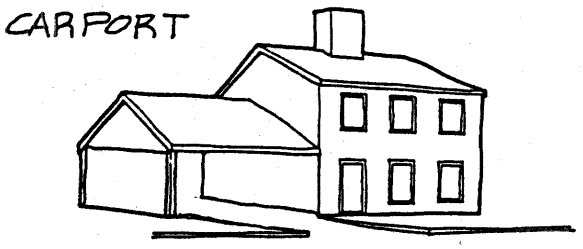


Figure 10.2

Cemetery means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Change of use means the conversion of land or building or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each Land Use District.

Clear vision triangle means a triangular area on a corner lot formed by an imaginary line starting at the point of intersection of the two street property lines and extending 6.1 metres (20 ft.) from their point of intersection.

Clubs and organizations means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. Clubs and fraternal organizations may include rooms for eating, drinking and assembly.

Commercial recreation means a facility or building that is not operated by a public body that is used for recreational activities. This use includes commercial campgrounds.

Corner lot means a lot located at the intersection or junction of two or more streets (not including lanes).

Corner side means the lot line on a corner lot that has road frontage but is not the lot line from which primary access or development to the building is gained, or is the frontage as determined by the Development Authority to be the corner side (see Figure 10.3) See Setback.

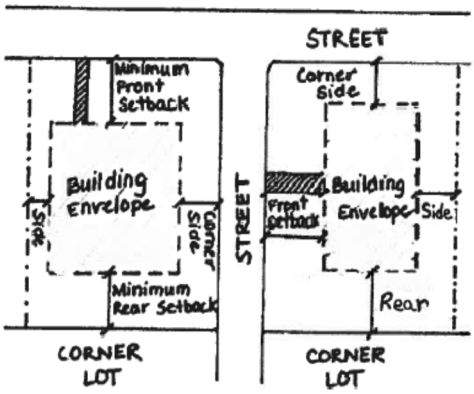


Figure 10.3

Council means the Council of the Village of Coutts in the Province of Alberta.

Cultivation and grazing of land means the agricultural process of growing plants (crops) on arable lands and allowing the animals to (graze) feed on the grasses.

D

Day care centres means a building or portion thereof used for the provision of care, maintenance and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day care centres, nurseries and after-school or baby-sitting programs which meet the conditions of this definition.

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

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

Designated Officer means a person 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 Municipal Planning Commission and Subdivision and Development Authority Bylaw.

Development in accordance with the *Municipal Government Act* means:

(a) an excavation or stockpile and the creation 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.

Development agreement means a contractual agreement completed between the municipality and an applicant for a Development Permit or Subdivision Approval which specifies the public roadways, utilities and other services to be provided by the Permit holder as a condition of Development approval or subdivision approval, in accordance the *Municipal Government Act*.

Development Authority means the Municipal Planning Commission or the Development Officer as provided for within this bylaw.

Development Officer means a person 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 pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

Discretionary use – see Use, discretionary.

District means a land use district as set out in Part 2 of this bylaw and indicated on the Land Use Districts Map.

Drive-in/Drive-through restaurant means an establishment where food is prepared and served on the premises for sale to the public and includes car attendant and/or drive-through, pick up service.

Dwelling means a building or part thereof designed for permanent human habitation which is intended to be used as a residence for one or more individuals and includes provisions for cooking, sleeping and sanitary facilities. Travel trailers, motor homes, tents or other similar recreational vehicles do not constitute a dwelling.

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

Manufactured home means a dwelling built at an off-site manufacturing facility in conformance with CSA standards. The unit is typically constructed with an integrated frame for placement on a permanent surface foundation in conformance with CSA-2240.10.1 standards and designed in one or two sections for transport whether on its wheels or a transport trailer. The unit arrives at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for incidental operations such as placement on an acceptable foundation, removal of any hitches and/or wheels, skirting, etc

Double-wide means a manufactured home consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site.

Single-wide means a manufactured home designed to stand alone as a single dwelling unit.

Modular means a previously unoccupied dwelling built at an off-site manufacturing facility in modules or sections in conformance with CSA standards. The dwelling is transported by transport trailer in sections and delivered to the site where it is intended for occupancy and assembled over a basement foundation (or other foundation approved by the Municipal Planning Commission). A modular is not constructed with an integrated longitudinal frame.

Moved-in means a conventional, previously occupied, site-built building which is physically removed from one site, transported and re-established on another site for use as a residence, but does not include modular dwellings, manufactured homes, or ready-to-move dwellings.

Multi-unit means a building other than a townhouse/rowhouse dwelling containing three or more separate dwelling units. (see Figure 10.4)

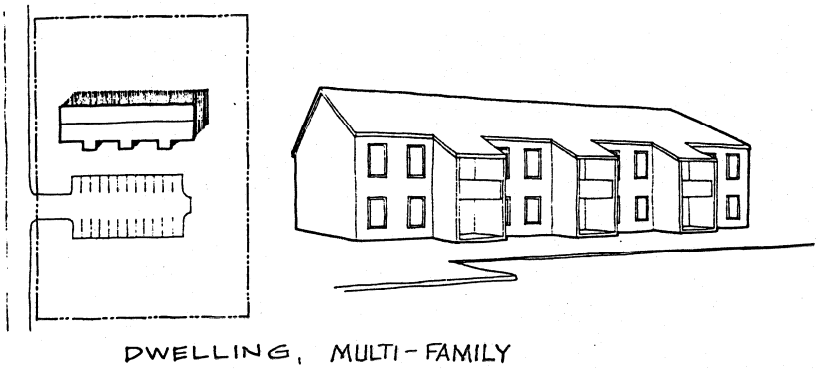


Figure 10.4

Ready-to-move (RTM) means a previously unoccupied dwelling that would normally be built on the site intended for occupancy, but for various reasons it is built on a construction site, plant or building yard. It is then transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a basement foundation (or other foundation approved by the Municipal Planning Commission). For the purposes of this bylaw ready-to-move dwelling does not include manufactured homes, moved-in dwellings, or modular dwellings.

Semi-detached means a building containing two separate dwelling units connected by a common wall but legally subdivided by a property line. (see Figure 10.5)

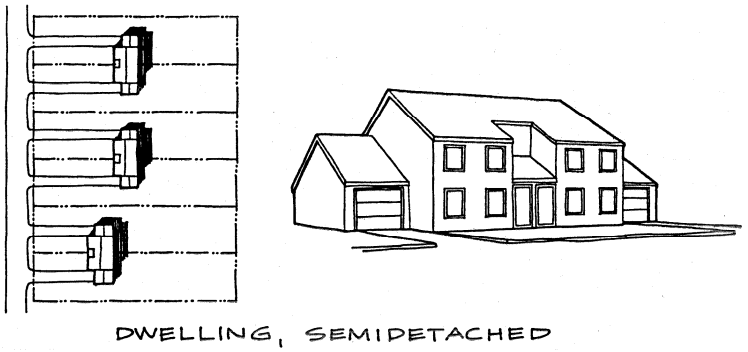


Figure 10.5

Single-detached means a building constructed on the lot intended for occupancy containing a single dwelling which is not attached to any other dwelling by any means. For the purposes of this bylaw single detached dwelling does not include manufactured homes, modular dwellings, moved-in dwellings, or ready-to-move dwellings. (see Figure 10.6)

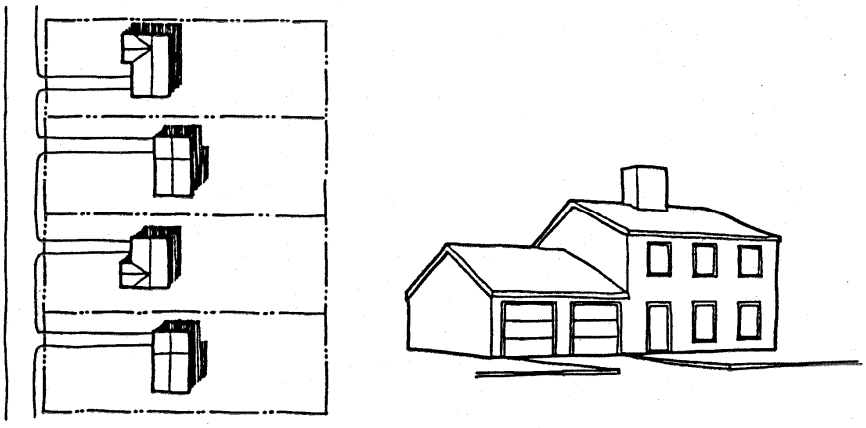


Figure 10.6

Townhouse/row means a 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 Figure 10.7)

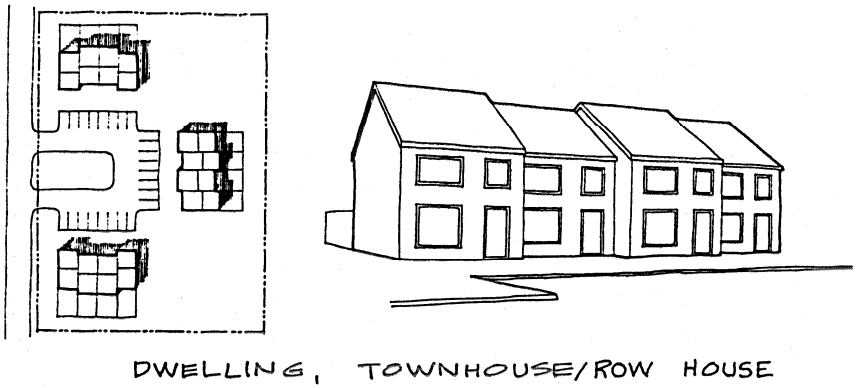


Figure 10.7

E

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

F

Farm machinery/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements and/or vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining, or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Fence means a structure usually made of wood, rails, bricks or wire used as an enclosure, to mark parcel boundaries or for screening purposes about all or part of a lot.

Financial institution means a development or use primarily for providing the service of banking or lending money, such as a bank, savings 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 basements, attached garages and open porches.

Front yard 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 building.

Foundation means the supporting base structure of a building.

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

G

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

Garden centre means a development designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. Retail uses accessory to the use and on-site, in-ground growing of plants or trees may be allowed.

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

Grade means the average elevation of the finished ground or street surface.

Grain elevator means a facility for the collection, grading, sorting, storage, and transshipment of grains.

H

Heavy manufacturing and industrial processes means a development for manufacturing, assembling or fabricating activities on a large scale, where there may be external effects from the activity such as smoke, noise or odour or other similar nuisances.

Holiday trailer means a trailer intended to provide accommodation for vacation use, usually designed to be towed behind passenger vehicles.

Home occupation means any 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 which does not change the character thereof. See Part 6 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”.

Hotel/motel means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms that may contain bar/kitchen facilities. The building may also contain accessory commercial or other uses, such as parking facilities, restaurant or dining room, room service or public convention facilities.

Hospital means a building providing medical treatment on both an in-patient and an out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities.

I

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Interior lot means a lot situated between two lots or a lane and having frontage on not more than one street.

K

Kennel means a facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic.

L

Lane means a public roadway, not exceeding 9.1 metres (30 ft.) in width which provides a secondary means of access to a lot.

Licensed premises means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises or for sale for consumption off premises.

Light industry means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that 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 site or lot upon which it is situated.

Lodging house – see "Boarding house".

Lot in accordance with the *Municipal Government Act* means:

(a) a quarter section;

(b) a river lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;

(c) a settlement lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a land titles office;

(d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or

(e) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to a plan of subdivision.

Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

Lot, corner means a lot located at the intersection or junction of two or more streets. (see Figure 10.8)

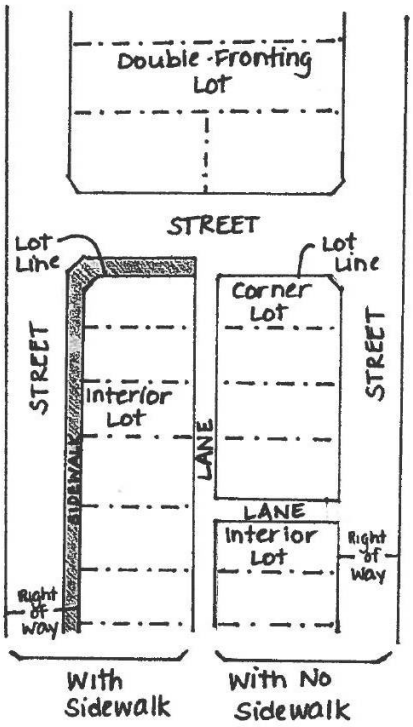


Figure 10.8

Lot, double fronting means a lot which abuts two parallel or approximately parallel streets.

Lot, interior means a lot situated between two lots or a lane and having frontage on not more than one street.

Lot area means the total area contained within the lot lines of a lot.

Lot line means the legally defined boundary of any lot. The term property line shall have the same meaning. (see Figure 10.9)

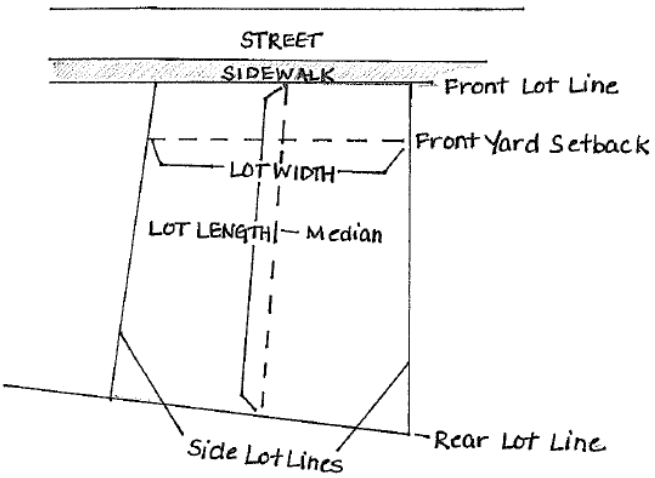


Figure 10.9

Lot length means the distance between the front and rear lot lines measured along the median between the side property boundaries. (see Figure 10.9)

Lot width means the measurement between the side lot lines measured at the front setback line. (see Figure 10.9)

Lumber yard/building supplies means a commercial retail store where lumber, building materials, hardware and household accessories and other related goods are stored, offered or kept for sale and may include outdoor storage.

M

Medical and dental office means development providing medical, health, or dental care on an outpatient basis. Dispensaries are considered a retail store for the purposes of this bylaw.

Mini storage means a development which includes a series of enclosed storage bays or lockers, and may include outside storage sites for recreation vehicles, all of which are intended for rental or lease to the general public.

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

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

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to the *Municipal Government Act*.

Municipal and school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to the *Municipal Government Act*.

Municipality means the Village of Coutts in the Province of Alberta.

N

Non-conforming building, in accordance with 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 of the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

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

Nuisance means any use, prevailing condition or activity which adversely affects the use or enjoyment of property or endangers personal health or safety.

O

Office means development primarily for the provision of professional, managerial or consulting services; the administrative needs of businesses, trades, contractors and other organizations; and service-related businesses such as travel agents and insurance brokers. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor storage means the use of land for the open air storage of goods, materials, equipment, or vehicles. Outdoor storage excludes the dismantling, processing and/or repair of goods, materials, equipment or vehicles, which are prohibited.

Owner means the Crown or the person(s) registered under the *Land Titles Act* as the owner(s) of the fee simple estate in the land.

P

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

Park and playground means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, outdoor courts, landscaped areas and associated public washrooms and may include equipment for play purposes usually for children and any associated structures and uses.

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

Permitted use – see Use, permitted.

Personal service means a development used for the provision of services related to personal care and appearance or the cleaning and repair of personal effects and may include the retail sale of associated products. Typical uses include but are not limited to beauty salons, barber shops, health spas, tailors and dressmakers, dry cleaners, laundromats and shoe repair shops but excludes household equipment repair establishments, the provision of medical or health services, and a retail cannabis store.

Planning advisor means the person or organization retained by the Village of Coutts to provide planning-related advice and services.

Place of worship means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, mosques and other similar uses and may include such accessory uses as offices for administration of the place of worship, a child care facility and space for social recreational and community activities.

Porch means a roofed structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area. A porch shall be included in site coverage calculations.

Principal building or use means the building or use of land or buildings that constitutes the dominant structure or activity on the lot.

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

Public indoor recreational facility means an indoor facility or building for a rink, gymnasium, sports field or any other use that is owned and/or administered by any level of government.

Public roadway means any land shown as a road on a registered plan of survey and includes the right-of-way which is design or intended for vehicular use by the public for any or all of the following: a local road, collector road, arterial road, service road, street, avenue; or a road, street or highway pursuant to the *Public Highways Development Act*.

R

Real property report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

Recreation and sports fields means development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include golf courses, driving ranges, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, Scout/Guide camps, religious outdoor retreat camps and parks, outdoor swimming pools, bowling greens, riding stables and fitness trails. This may include public or private (for-profit) development and may include eating and retails sales ancillary to the use for recreation or sports.

Recycling facility means development used for the buying, collection, sorting and temporary storage of bottles, cans, newspapers, and similar household goods for reuse where most of the storage is contained within an enclosed building but may include limited outdoor storage.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential accommodation in conjunction with an approved commercial use means a residential unit that is part of a commercial building so that the dwelling unit is a supplementary use to that principal use. Typical uses include residential units on the second storey above a main floor commercial use.

Residential accommodation in conjunction with an approved industrial use means a residential unit that is part of a commercial building so that the dwelling unit is a supplementary use to that principal use. Typical uses include residential units on the second storey above a main floor industrial use.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public and may include supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and other uses similar in character and nature to any one of these.

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

S

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

Screening means a fence, wall, berm, hedge, landscaping, or other similar features used to visually separate areas or functions.

Seniors housing means development, including lodges, which is used as a residence for elderly individuals sponsored or administered by a public agency, or non-profit organization.

Service station/gas bar means any lot or building used 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 property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot and is measured at a right angle to the lot line. (see Figure 10.10)

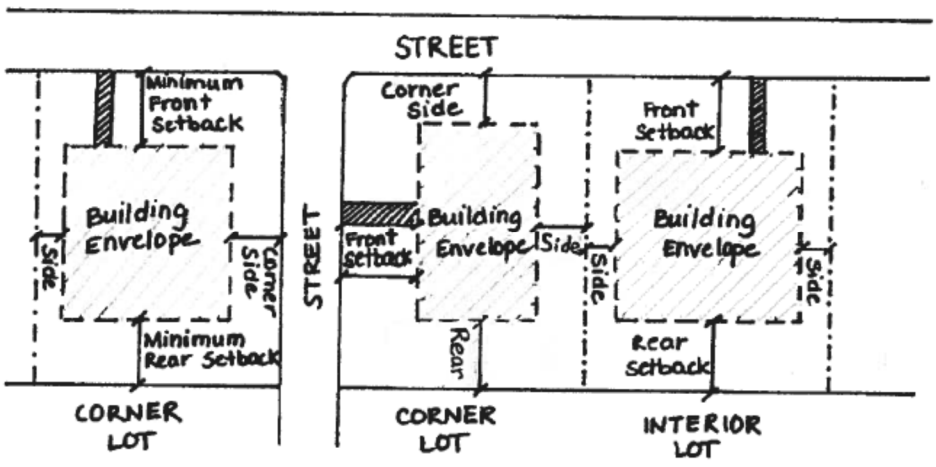


Figure 10.10

Shipping container means any container that was used, could be used, resembles, or is designed for the transport of goods by means of rail, truck or by sea. These containers are rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight, a shipping container shall be considered a building and subject to the standards and requirements of the Land Use Bylaw.

Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

Sign, band means a fascia sign which is used to advertise multiple tenants or group of stores, in a uniform manner.

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

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

Sign, fascia means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3m (1 ft) from the building.

Sign, free-standing means a sign supported by a freestanding column(s) or structures placed in or on the ground and not attached to any building or other structure.

Sign, identification means a sign providing the nature, logo, trademark, or other identifying symbol, or combination of the name, address, and 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 provide a service, direction or courtesy information intended to assist the public/patrons in locating services such as hours of operation, list of businesses, service windows, etc.

Sign, portable means a sign that is not permanently attached to a building, structure or the ground and is transportable from one location to another.

Site – see Lot and Parcel.

Site coverage means the percentage of the lot area which is covered by all buildings and structures on the lot.

Site coverage, principal means the percentage of the 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, verandas, covered balconies, covered decks, and porches.

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

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

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 top of any floor and the top of the floor next above, or of the ceiling if there is no floor above it.

Street means a public thoroughfare affording the primary means of access to abutting parcels. It does not include lanes.

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, and signs.

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

Subdivision and Development Appeal Board means the board 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*.

Subdivision Authority means the body established by bylaw to act as the Subdivision Authority in accordance with section 623 of the *Municipal Government Act*.

T

Temporary Development means a use and/or structure maintained for a designated time period as specified in a temporary development permit and ceased after that time.

Townhouse – see Dwelling, townhouse/rowhouse.

Truck transportation dispatch/depot means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

Trades and contractors means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services and the storage, accessory sale of goods normally associated with such contractor services.

U

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

Use, discretionary means the one or more uses of land or buildings in a land use district from which a development permit may be approved at the discretion of the Development Authority or Subdivision and Development Appeal Board with or without conditions.

Use, non-conforming, in accordance with the MGA**,** 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.

Use, permitted means those uses as prescribed in Part 2 of this bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority if the proposed development conforms to this bylaw.

Use, principal means the main purpose or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

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

Utility means any one or more of the following:

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

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (facilities for the collection, treatment, movement of disposal of sanitary sewage);

(d) storm sewage drainage facilities;

(e) telecommunications systems;

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

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

(h) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Veranda means an unenclosed, roofed structure adjoining a principal building or built as a structural part of it. A veranda shall be included in site coverage calculations.

Variance means a relaxation of the numerical standard(s) required of a development as established in the Land Use Bylaw. A variance cannot be granted for use.

W

Waiver means a relaxation of the numerical standard(s) required of a development as established in the Land Use Bylaw. A waiver cannot be granted for use.

Warehousing means the use of a building or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component.

Workshop 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 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 cabinetmaking, woodworking, pottery, ceramic, jewelry, sculpture and artist studios.

Y

Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot.

Yard, corner side means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building is oriented or is the yard which is designated the corner side yard by the Development Authority.

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. On a corner lot, it is the yard associated with the front lot line.

Yard, rear means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building.

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.

All other words and expressions, not otherwise defined, have the same meaning as in the MGA.

APPENDIX A

Land Use Bylaw Fee Schedule

APPENDIX A
Land Use Bylaw Fee Schedule (April 2011)

Fee Schedule	Permitted Uses	Discretionary Use or Use Requesting Waiver Greater than 10%
Residential:		
Dwellings	$25	$75
Additions	$25	$75
Accessory Buildings 100 ft^2 or greater	$25	$75
Home Occupations	$25	$75
Commercial:		
Change of Use	$25	$75
Commercial buildings less than 465 m^2 (5,000 ft^2)	$30	$80
Commercial buildings 465 m^2 (5,000 ft^2) or greater	$50	$100
Industrial:		
Change of Use	$25	$75
Single-tenancy buildings or complexes	$30	$80
Multi-tenancy buildings or complexes	$50	$100
Public/Institutional:		
All uses	$25	$75
Sign Permit:	$15	$65
Letter of Compliance:	$25	
Demolition Permit:	$25	
Recirculation Fee:	50% of the original application fee	
Land Use Bylaw Amendments:	$100	
Other Statutory Plans and Amendments To:	$100	
Request to convene a special meeting of the Municipal Planning Commission:	$25	
Appeal to the Subdivision and Development Appeal Board (portion of fee refundable upon successful appeal)**:**	$100	

Additional fees will be required for building permits and inspections.

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 Designated Officer or the Municipal Planning Commission and shall be consistent with those fees listed herein.

Fees are set by Council through separate bylaw and may be adjusted from time to time.

APPENDIX B

Forms

VILLAGE OF COUTTS
DEVELOPMENT PERMIT APPLICATION

OFFICE USE ONLY		
Date Received: _____	*Development Permit Application No.*	
Date Deemed Complete: _____	*Fee Paid*	

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a development permit has been issued by the Development Authority, and the appeal period has expired. If a decision has not been made within 40 days of the date the application is deemed complete, and no extension agreement has been entered into, you have the right to 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: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO"

Name of Owner: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Applicant's interest in the property: ❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Please list existing buildings, structures and uses of the land _____

_____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new dwelling
  - The dwelling is a:
    - ❑ Single-detached dwelling
    - ❑ Duplex/semi-detached
    - ❑ Multi-unit
    - ❑ Other _____
- ❑ Construct a new building
  - The building is for:
    - ❑ Commercial use
    - ❑ Industrial Use
    - ❑ Public/Institutional Use
- ❑ Alter/renovate the existing dwelling/building
  - The renovation is a(n):
    - ❑ Addition
    - ❑ Deck(s)
    - ❑ Other _____
- ❑ Construct an accessory building
  - The accessory building is a:
    - ❑ Garage (detached)
    - ❑ Shed/workshop
    - ❑ Other _____
- ❑ Move in building
- ❑ Demolish existing building (attach completed ***Building Removal Form***)
- ❑ 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	❑ m² ❑ sq. ft	❑ m² ❑ sq. ft	
Building Size	❑ m² ❑ sq. ft	❑ m² ❑ sq. ft	
Height of Building	❑ m ❑ ft	❑ m ❑ ft	
Proposed Setbacks from Property Lines			
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	
Estimated Cost of Development	$		

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 ft² (47 m²), 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 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.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Applicant Signature _____ Date _____

Registered Owner Signature (If not the same as applicant) _____ Date _____

TERMS

1. Subject to the provisions of Land Use Bylaw No. 523 of the Village of Coutts, the term "development" includes any change in the use, or intensity of use, of buildings or land.

2. The Development Officer may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused and the applicant may exercise the right of appeal in accordance with the Land Use Bylaw.

6. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the Alberta Safety Codes. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

VILLAGE OF COUTTS
DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or a sketch on the following page)
  - ❑ Legal Description and Municipal Address of Subject Property
  - ❑ Scale, North Arrow & Land Use District
  - ❑ Adjacent roadways & lanes
  - ❑ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a solid line ———)
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a dashed line - - - - - -)
  - ❑ The proposed distances from the front, side, and rear property lines
  - ❑ Location of Lot Access, Existing Sidewalk(s) and Curbs
  - ❑ Location of Fire Hydrant, Street Light, Power/Telephone/Cable Pedestal(s) (if located within property frontage)
  - ❑ Location of any Registered Utility Right of Ways or easements
  - ❑ Number of off-street parking spaces both on and off street
  - ❑ Landscaping plan (commercial, industrial and public/institutional only)
  - ❑ Lighting plan (commercial, industrial and public/institutional only)

- ❑ **Copy of Building Plans.** Plans shall be to scale 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

- ❑ **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 Village of Coutts.**

SKETCH OF PROPOSED DEVELOPMENT

Where development involves **BUILDING** and not just a change in use, please provide a sketch of the proposed development. Be sure to include any existing structure(s) (indicate using a **solid line**) and the proposed addition(s) or new building(s) (indicated using a **dashed line**). Include the information required for a site plan.



VILLAGE OF COUTTS
HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

OFFICE USE ONLY		
Date Received: _____	*Development Permit Application No.*	
Date Deemed Complete: _____	*Fee Paid*	

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a development permit has been issued by the Development Authority, and the appeal period has expired. If a decision has not been made within 40 days of the date the application is deemed complete, and no extension agreement has been entered into, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO"

Name of Owner: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Applicant's interest in the property: ❑ Agent ❑ Contractor ❑ Tenant ❑ Other _____

PROPERTY INFORMATION

Municipal Address of Home Occupation: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

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?

❑ Less than 1 per day ❑ 1-5 per day ❑ More than 5 per day

❑ **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 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) Will there be any employees that are not residents of the dwelling? ❑ Yes ❑ No

If YES:

How many employees will come to the residence? _____

Will more than 1 employee come to the residence at a time? ❑ Yes ❑ No

(8) 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

(9) Will any vehicles/machinery/tools be used to operate the business? Please list.

_____

(10) Will there be any flammable or hazardous materials on the premises as a result of the business?

❑ Yes (list materials & quantities) _____

❑ No

(11) Will any goods be displayed at the residence? ❑ Yes ❑ No

(12) Will there be a sign for the business? ❑ Yes ❑ No

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.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

_____ _____

Applicant Signature Date

_____ _____

Registered Owner Signature (If not the same as applicant) Date

VILLAGE OF COUTTS
HOME OCCUPATION DEVELOPMENT PERMIT APPLICATION

GENERAL STANDARDS

The following general standards apply for home occupations. This is not necessarily an exhaustive list and the Development Authority may impose additional conditions if it deems them necessary.

- ❑ **General Standards.**
  - ❑ The business operator must be a full-time resident of the home.
  - ❑ No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.
  - ❑ Only one home occupation shall be permitted per dwelling.
  - ❑ The use shall not generate more traffic (pedestrian or vehicular) or vehicular parking than normal within the district.
  - ❑ No commercial vehicle greater than 681 kg/ ¾ ton shall be parked or maintained on a public road right-of-way or lane.
  - ❑ No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
  - ❑ The use cannot cause an increased demand on any one or more utilities such that the combined total consumption exceeds normal demand for residents in the area.
  - ❑ A sign (maximum 0.4 m^2/4 sq.ft) may be located in the structure window advertising the home occupation for Home Occupation A. Signage advertising a Home Occupation B shall be approved by the Municipal Planning Commission.
  - ❑ All permits issued for home occupations shall be subject to the conditions 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 of the amenities of the neighbourhood.
  - ❑ Home Occupations shall not include:
    - i) activities that use or store hazardous materials
    - ii) any use that would, in the opinion of the Municipal Planning Commission, materially interfere with or affect the use or enjoyment of neighbouring properties;
    - iii) any use declared by resolution of Council to be undesirable as a home occupation.
  - ❑ 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.

VILLAGE OF COUTTS
BUILDING REMOVAL FORM

DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED

Municipal Address _____

Legal Description Lot(s): _____ Block: _____ Plan: _____

Description of Building/Structure(s) _____

_____

Type of Work ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Building Size _____ ❑ m^2 ❑ sq. ft

Height of Building _____ ❑ m ❑ ft # of stories _____

DEMOLITION PLAN

Timeframe Expected start date: _____ Expected completion date: _____

Method of Demolition ❑ Manual (no heavy equipment) ❑ Using heavy equipment ❑ Other - please explain _____

Dump Site Location _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.

Name of Contractor responsible for removal/demolition _____

APPLICANT IS RESPONSIBLE FOR:

❑ **Disconnection of all services** including (if applicable):

Signature from agency verifying services disconnected (or attach letter):

- ❑ Electrical power _____
- ❑ Natural gas _____
- ❑ Oil lines _____
- ❑ Telephone cables _____
- ❑ Communications cables (includes cable tv) _____
- ❑ Water lines _____
- ❑ Storm & sanitary sewer _____
- ❑ Septic _____

- ❑ **On-site consultation with Public Works Director**. The applicant shall schedule a consultation with the Public Works Director a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property.

- ❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:

  - ❑ **Copy of grading plans** if property will be vacant after removal or demolition
  - ❑ **Complete development application for new development** where building is being replaced

- ❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

- ❑ **Application Fee and any applicable deposit or security required payable to the Village of Coutts.**

**NOTE: A building permit is also required before proceeding with demolition.

SIGNATURE:

IMPORTANT: *This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

Applicant Signature _____ Date _____

Owner Signature _____ Date _____
(If not the same as applicant)

VILLAGE OF COUTTS
APPLICATION FOR A LAND USE BYLAW AMENDMENT

OFFICE USE ONLY		
Date Received: _____	*Land Use Amendment Application No.*	
Date Deemed Complete: _____	*Fee Paid*	

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.

IMPORTANT NOTE: Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO"

Name of Owner: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

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): _____

Part 1, sections 43-45 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 from Agricultural 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 Municipal Planning Commission.

The Development Officer or Municipal Planning Commission may also require a:

- geotechnical report;
- evaluation of surface drainage;
- and any other information deemed necessary.

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.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Applicant Signature _____ Date _____

Owner Signature _____ Date _____
(If not the same as applicant)

VILLAGE OF COUTTS
DEVELOPMENT PERMIT – SIGN APPLICATION

OFFICE USE ONLY		
Date Received: _____	*Development Permit Application No.*	
Date Deemed Complete: _____	*Fee Paid*	

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision approving the development has been issued by the Development Authority, and the appeal period has expired. If a decision has not been made within 40 days of the date the application is deemed complete, and no extension agreement has been entered into, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO"

Name of Owner: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Applicant's interest in the property:
- ❑ Owner of Business
- ❑ Owner of Land Where Sign is Proposed
- ❑ Designated Agent

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

SIGN TYPE:

- ❑ Wall (fascia)
- ❑ Freestanding
- ❑ Lawn
- ❑ Window
- ❑ Other_____

SIGN CHARACTERISTICS:

- ❑ Directional/Informational
- ❑ Illumination

Describe appearance_____

_____

				Office Use
Length of Sign:		❑ m^2	❑ sq. ft	
Height of Sign:		❑ m^2	❑ sq. ft	
Sign Face Area (length x height):		❑ m	❑ ft	
Top of Sign Height:				
from Grade:		❑ m	❑ ft	
from Roof:		❑ m	❑ ft	

If the sign is only for **temporary** use:
How many days is the sign proposed to be displayed for? _____ days

SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ❑ Location of all existing and proposed sign(s)
- ❑ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ❑ 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.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

_____ _____

Applicant Signature Date

_____ _____

Registered Owner Signature Date
(If not the same as applicant)

VILLAGE OF COUTTS

DEVELOPMENT PERMIT - SIGN APPLICATION

SKETCH OF PROPOSED SIGN(S)

Please provide a sketch of the proposed signs. Be sure to include the location of the sign compared to the building, the location of any existing sign(s), the location of the sign and buildings on the subject property with distances from property lines, and the dimensions of the sign, including support structures.



APPENDIX C

Subdivision and Development Authority/ Municipal Planning Commission Bylaw No. 524

VILLAGE OF COUTTS
IN THE PROVINCE OF ALBERTA

SUBDIVISION AND DEVELOPMENT AUTHORITY/MUNICIPAL PLANNING COMMISSION BYLAW NO. 524

BEING a bylaw of the Village of Coutts in the Province of Alberta, to establish a municipal Subdivision and Development Authority and Municipal Planning Commission;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority and a municipal Development Authority;

AND WHEREAS, the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS, the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended permits the municipality to adopt a bylaw to establish a Municipal Planning Commission to act as the municipal Subdivision Authority and Development Authority;

AND WHEREAS, this bylaw may be cited as the Village of Coutts Subdivision and Development Authority/Municipal Planning Commission Bylaw;

NOW THEREFORE, the Council of the Village of Coutts in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:
   (a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
   (b) **Municipality** means the Village of Coutts in the Province of Alberta.
   (c) **Council** means the Municipal Council of the Village of Coutts.
   (d) **Subdivision and Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
      (i) in the Act; or
      (ii) in the Village of Coutts Land Use Bylaw; or
      (iii) in this bylaw; 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 bylaw.
   (f) **Development officer** means a person or persons authorized to act as the development officer for the municipality as established by the Village of Coutts Land Use Bylaw.
   (g) **Members** means the members of the Subdivision and Development Authority.
   (h) **Municipal Planning Commission** means the person or persons appointed to exercise and perform the Development Authority and Subdivision Authority powers and duties on behalf of the municipality as are specified:
      (i) in the Act; or
      (ii) in the Village of Coutts Land Use Bylaw; or

(iii) in this bylaw; or
(iv) by resolution of council.

(i) **Secretary** means the person or persons appointed by council to act as secretary of the Subdivision and Development Authority.

(j) **Authorized persons** means a person, organization, services commission, or intermunicipal service agency authorized by the council to which the municipality may delegate any of its Subdivision Authority and/or Development Authority powers, duties or functions.

(k) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

2. This bylaw hereby establishes a Subdivision and Development Authority and Municipal Planning Commission in accordance with the Act.

3. For the purpose of this bylaw, the Subdivision and Development Authority for the municipality shall be the Municipal Planning Commission, except in such instances whereby the Development Officer may be the Development Authority in accordance with the land use bylaw. The Development Officer and the Municipal Planning Commission are authorized to act as Designated Officer for the purposes of the land use bylaw.

4. The Municipal Planning Commission shall be comprised of three (3) persons, one (1) of whom shall be an elected member of Council and two (2) of whom shall be appointed by Council from the citizens of the Village at large. Council may appoint one (1) alternate member to the Municipal Planning Commission from the elected members of Council and as many alternate members as deemed appropriate by Council from the citizens at large.

5. Appointments to the Municipal Planning Commission shall be made by resolution of Council.

6. Appointments to the Municipal Planning Commission shall be made for a term of one (1) year.

7. When a person ceases to be a member of the Municipal Planning Commission before the expiration of his/her term, Council shall, by resolution, appoint another person for the unexpired portion of that term.

8. Should an elected official not remain as a member of Council then he/she ceases to be a member of the Municipal Planning Commission. Council, shall, by resolution, appoint another elected official for the unexpired portion of that term.

9. After the organizational meeting of Council each year, the members of the Municipal Planning Commission shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year.

10. Each member of the Municipal Planning Commission 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 Village of Coutts.

11. Council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Municipal Planning Commission, but shall not vote on any matter before the Municipal Planning Commission.

12. The Municipal Planning Commission shall hold meetings only as required on a date to be determined by the Municipal Planning Commission, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.

13. Two (2) members of the Municipal Planning Commission shall constitute a quorum.

14. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.

15. The Municipal Planning Commission may make rules to govern its meetings.

16. Members of the Municipal Planning Commission shall not be members of the Subdivision and Development Appeal Board.

17. The secretary shall attend all meetings of the Municipal Planning Commission 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 or persons to whom they were sent;
    (d) copies of all written representations to the Municipal Planning Commission;
    (e) notes as to each representation;
    (f) the names and addresses of those making representations at the meeting;
    (g) the decision of the Municipal Planning Commission;
    (h) the reasons for the decision of the Municipal Planning Commission;
    (i) the vote of the members of the Municipal Planning Commission 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 Municipal Planning Commission may direct.

18. The Subdivision and Development Authority may make orders, decisions, development permits, and approvals, and may issue notices with or without conditions.

19. The municipality may by bylaw delegate any of its subdivision authority or development authority powers, duties or function to an authorized person or a regional services commission.

20. This bylaw shall come into effect upon third and final reading thereof.

21. Bylaw No. 413, being a bylaw of the Village of Coutts in the province of Alberta to establish a municipal Development Authority and Bylaw No. 415, being a bylaw of the Village of Coutts in the province of Alberta to establish a municipal Subdivision Authority, and amendments thereto are hereby rescinded.

READ a **first** time this 11 day of April, 2011.

Mayor – Thomas Butler | *Chief Administrative Officer – Lori Rolfe*

READ a **second** time this 11 day of April, 2011.

Mayor – Thomas Butler | *Chief Administrative Officer – Lori Rolfe*

READ a **third** time and finally PASSED this 11 day of April, 2011.

Mayor – Thomas Butler | *Chief Administrative Officer – Lori Rolfe*

APPENDIX D

Subdivision and Development Appeal Board Bylaw No. 473

BY-LAW NO. 473

A BY-LAW OF THE VILLAGE OF COUTTS 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 Chair, 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.

(6) Any motion upon which there is an equality of votes, the decision shall be deemed to be decided in the negative.

(7) The Board must hold an appeal hearing within thirty (30) days of receipt of a notice of appeal.

(8) The Board shall give its decision upon an appeal in writing together with reasons within fifteen (15) days of the conclusion of the hearing.

(9) 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) the records of all notices of decisions and to whom they were sent,
(x) 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 first and second time this 14th day of January A.D., 2003.

MAYOR

CAO

READ a third and final time this 11th day of February A.D. , 2003.

MAYOR

CAO