LAND USE BYLAW NO. 608

December 2017

Consolidated to Bylaw 687, April 2026



Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

VILLAGE OF LOMOND
IN THE PROVINCE OF ALBERTA

BYLAW NO. 608

BEING a bylaw of the Village of Lomond 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 Lomond 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 municipality;
- incorporating new development standards for uses within the Village;
- amending the existing Land Use District Map to reflect land use redesignations and new districts; and
- complying with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

AND WHEREAS the purpose of proposed Bylaw No. 608 is to foster orderly growth and development within the Village;

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

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

1. Bylaw No. 553, being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 608 shall come into effect upon third and final reading thereof.
3. Bylaw No. 608 is hereby adopted.

READ a **first** time this 21st day of November, 2017.

Mayor – *Chief Administrative Officer*

READ a **second** time this 19th day of December, 2017.

Mayor – *Chief Administrative Officer*

READ a **third** time and finally PASSED this 19th day of December, 2017.

Mayor – *Chief Administrative Officer*

Village of Lomond Land Use Bylaw No. 608 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
651	Amend Schedule 2 to add a definition for "Cryptocurrency Mining Operation" and list the use as prohibited. Amend Schedule 6 to update criteria for accessory buildings and structures and add criteria for residential fences.		21-Jun-2022
Update Appendix B- Forms			14-May-2024
Update Appendix A – Fees			28-Jan-2026
687	Commercial – C to Residential – R	A portion of NE ¼ 14-16-20-W4M	28-Aor-2026

TABLE OF CONTENTS

ADMINISTRATION

GENERAL

Section 1	Title	Administration | 1
Section 2	Purpose	Administration | 1
Section 3	Effective Date	Administration | 2
Section 4	Repeal of Former Bylaw	Administration | 2
Section 5	Severability	Administration | 2
Section 6	Compliance with the Land Use Bylaw	Administration | 2
Section 7	Compliance with Other Legislation	Administration | 2
Section 8	Rules of Interpretation	Administration | 2
Section 9	Measurements and Standards	Administration | 2
Section 10	Forms, Fees and Notices	Administration | 3
Section 11	Appendices	Administration | 3

APPROVING AUTHORITIES

Section 12	Development Authority	Administration | 3
Section 13	Development Officer – Powers and Duties	Administration | 4
Section 14	Municipal Planning Commission	Administration | 5
Section 15	Council	Administration | 5
Section 16	Subdivision and Development Appeal Board (SDAB)	Administration | 5

DEVELOPMENT IN GENERAL

Section 17	Land Use Districts	Administration | 5
Section 18	Suitability of Sites	Administration | 6
Section 19	Number of Dwelling Units on a Parcel	Administration | 6
Section 20	Non-Conforming Buildings and Uses	Administration | 7
Section 21	Development on Non-Conforming Sized Lots	Administration | 7
Section 22	Non-Conforming Variances	Administration | 7
Section 23	Development Agreements	Administration | 7

DEVELOPMENT PERMIT RULES AND PROCEDURES

Section 24	Development Permit – When Required	Administration | 8
Section 25	Development Not Requiring a Development Permit	Administration | 8
Section 26	Development Permit Application	Administration | 8
Section 27	Incomplete Applications	Administration | 9
Section 28	Permitted Use Applications	Administration | 9
Section 29	Discretionary Use Applications	Administration | 10
Section 30	Similar Use	Administration | 11
Section 31	Temporary Use	Administration | 12
Section 32	Applications Requesting Variance of Bylaw Provisions	Administration | 12
Section 33	Notification of Adjacent Landowners and Persons Likely Affected	Administration | 12
Section 34	Notice of Decision	Administration | 13
Section 35	Commencement of Development	Administration | 14
Section 36	Development Permit Validity	Administration | 14
Section 37	Transferability of Development Permit	Administration | 15
Section 38	Occupancy Permits	Administration | 15
Section 39	Failure to Make a Decision – Deemed Refusal	Administration | 15
Section 40	Reapplication for a Development Permit	Administration | 15
Section 41	Suspension or Cancellation of a Permit	Administration | 15
Section 42	Development Appeals	Administration | 16

ENFORCEMENT

Section 43	Notice of Violation	Administration | 16
Section 44	Stop Orders	Administration | 16
Section 45	Enforcement of Stop Orders	Administration | 17
Section 46	Penalties and Right of Entry	Administration | 17

AMENDMENTS

Section 47	Section Amendments to the Land Use Bylaw	Administration | 17
Section 48	Land Use Redesignation Application Requirements	Administration | 18
Section 49	Redesignation Criteria	Administration | 19

SUBDIVISION

Section 50	Application and Decision	Administration | 20
Section 51	Lot Design	Administration | 21

ADMINISTRATION DEFINITIONS

Section 52 Definitions ..... Administration | 22

Schedule 1 LAND USE DISTRICTS

Section 1 Division of Municipality ..... Schedule 1 | 1

Section 2 Intent of Land Use Districts ..... Schedule 1 | 1

Schedule 2 USE REGULATION

Section 1 Use Categories and Specific Uses ..... Schedule 2 | 1

Section 2 Use Table ..... Schedule 2 | 2

Section 3 Prohibited Uses ..... Schedule 2 | 5

Section 3 Land Use Definitions ..... Schedule 2 | 5

Schedule 3 DIMENSION STANDARDS AND SETBACKS

Section 1 Dimension Standards and Minimum Setbacks ..... Schedule 3 | 1

Section 2 Minimum Lot Size ..... Schedule 3 | 1

Section 3 Minimum Setbacks ..... Schedule 3 | 3

Section 4 Minimum Floor Area, Site Coverage and Building Height ..... Schedule 3 | 6

Schedule 4 DEVELOPMENT NOT REQUIRING A PERMIT

Section 1 Development Not Requiring A Permit ..... Schedule 4 | 1

Schedule 5 GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Section 1 Statutory Plans ..... Schedule 5 | 1

Section 2 Approval of Access ..... Schedule 5 | 1

Section 3 Demolition or Removal of Buildings or Structures ..... Schedule 5 | 1

Section 4 Design and Orientation of Buildings, Structures and Signs ..... Schedule 5 | 2

Section 5 Development of Lands Subject to Subsidence, Undermining or Flooding ..... Schedule 5 | 2

Section 6 Grading and Stormwater Management ..... Schedule 5 | 2

Section 7 Off-street Parking and Loading Requirements ..... Schedule 5 | 3

Section 8 Off-street Parking Design Standards ..... Schedule 5 | 6

Section 9 Site Lighting ..... Schedule 5 | 7

Section 10 Refuse Collection and Storage ..... Schedule 5 | 7

Section 11 Servicing ..... Schedule 5 | 7

Section 12 Alternative Energy Sources ..... Schedule 5 | 7
Section 13 Satellite Dishes and Radio or Television Antenna ..... Schedule 5| 10
Section 14 Shipping Containers ..... Schedule 5| 11

Schedule 6 RESIDENTIAL STANDARDS OF DEVELOPMENT

Section 1 Accessory Buildings and Structures ..... Schedule 6 | 1
Section 2 Easements ..... Schedule 6 | 1
Section 3 Corner Visibility ..... Schedule 6 | 1
Section 4 Driveways, Off-street Parking Requirements and Design Standards ..... Schedule 6 | 3
Section 5 Fences ..... Schedule 6 | 3
Section 6 Decks ..... Schedule 6 | 4
Section 7 Retaining Walls, Grading and Drainage ..... Schedule 6 | 5
Section 8 Exterior Building Finishes ..... Schedule 6 | 5
Section 9 Exposed Foundations ..... Schedule 6 | 5
Section 10 Private Swimming Pools ..... Schedule 6 | 5
Section 11 Home Occupations ..... Schedule 6 | 6
Section 12 Secondary Suites / Garden Suites ..... Schedule 6 | 7
Section 13 Manufactured Homes ..... Schedule 6 | 8
Section 14 Modular and Ready-to-Move (RTM) Homes ..... Schedule 6 | 9
Section 15 Moved-in Buildings and Moved-in Dwellings ..... Schedule 6 | 10
Section 16 Manufactured Home Community ..... Schedule 6 | 11
Section 17 Temporary Housing During Residential Construction ..... Schedule 6 | 13

Schedule 7 COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

Section 1 Easements ..... Schedule 7 | 1
Section 2 Corner Visibility ..... Schedule 7 | 1
Section 3 Landscaping and Screening ..... Schedule 7 | 1
Section 4 Fencing ..... Schedule 7 | 2
Section 5 Off-street Parking Requirements and Design Standards ..... Schedule 7 | 2
Section 6 Outdoor Display and Storage ..... Schedule 7 | 3
Section 7 Mitigation of Impacts from Noise, Odours, Vibration, and Air Quality ..... Schedule 7 | 3
Section 8 Accessory Buildings ..... Schedule 7 | 3
Section 9 Moved-in Buildings ..... Schedule 7 | 3
Section 10 Surveillance Suites ..... Schedule 7 | 4
Section 11 Gas Bars, Service Stations and Bulk Fuel Stations ..... Schedule 7 | 4

Schedule 8 SIGN REGULATIONS

Section 1 Signs Permitted by Land Use District ..... Schedule 8 | 1
Section 2 Prohibited Signs ..... Schedule 8 | 1
Section 3 General Standards and Regulations for All Signs ..... Schedule 8 | 2
Section 4 Signs Not Requiring a Permit ..... Schedule 8 | 3
Section 5 Sign Permit Application Requirements ..... Schedule 8 | 5
Section 6 Display Styles and Illumination ..... Schedule 8 | 5
Section 7 Temporary Signs ..... Schedule 8 | 6
Section 8 Freestanding Signs ..... Schedule 8 | 7
Section 9 Fascia Signs ..... Schedule 8 | 7
Section 10 Projecting Signs ..... Schedule 8 | 8
Section 11 Other Signs ..... Schedule 8 | 10
Section 12 Sign Definitions ..... Schedule 8 | 10

Schedule 9 TELECOMMUNICATION ANTENNA SITING PROTOCOL

Section 1 Municipal Approval ..... Schedule 9 | 1
Section 2 Information Requirements ..... Schedule 9 | 1
Section 3 Notification and Public Consultation Process ..... Schedule 9 | 2

Appendix A FEES

Appendix B FORMS AND NOTICES

Residential Development Permit Application
Residential Secondary Suite Permit Application
Non-Residential Development Permit Application
Development Permit
Sign Application Development Permit
Home Occupation Development Permit Application
Demolition Form
Application for a Land Use Bylaw Amendment
Agreement for Time Extension
Telecommunication Siting Protocol Application & Checklist
Voluntary Waiver of Claims

Appendix C SUBDIVISION AND DEVELOPMENT AUTHORITY / MUNICIPAL PLANNING COMMISSION BYLAW NO. 596.

IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 608

BYLAW NO. 608 OF THE VILLAGE OF LOMOND IS FOR THE PURPOSE OF ADOPTING THE VILLAGE OF LOMOND LAND USE BYLAW IN ACCORDANCE WITH SECTION 692 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26, AS AMENDED (MGA).

AND WHEREAS the existing Land Use Bylaw No. 553 has been in effect since the year 1999;

AND WHEREAS Council wishes to update the Land Use Bylaw to reflect changes that have occurred and more effectively implement land use controls, address new development guidelines for certain types of uses, and foster orderly growth and development in the Village;

NOW THEREFORE, the Council of the Village of Lomond, duly assembled, hereby enacts the following:

ADMINISTRATION

GENERAL

SECTION 1 TITLE

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

SECTION 2 PURPOSE

2.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which notice of the issuance of a development permit is to be given; and

(e) implement the Village of Lomond Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 3 EFFECTIVE DATE

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

SECTION 4 REPEAL OF FORMER BYLAW

4.1 Village of Lomond Land Use Bylaw No. 553 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

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

SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW

6.1 No development, other than those designated in Schedule 4 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Village unless a development application has been approved and a development permit has been issued.

6.2 Notwithstanding subsection 6.1, while a development permit may not be required pursuant to Schedule 4, development shall comply with all regulations of this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

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

SECTION 8 RULES OF INTERPRETATION

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

8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

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

8.4 All references to engineering requirements shall be prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

SECTION 9 MEASURMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 FORMS, FEES AND NOTICES

10.1 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. A copy of the fees are included in Appendix A.

10.2 Application forms and notices are included in Appendix B.

10.3 Refund of application fees requires approval of the Village Council.

10.4 In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or Municipal Planning Commission and shall be consistent with those fees listed in the schedule for similar developments.

10.5 If development is commenced without a valid development permit an additional fee, in the amount prescribed under the fee schedule, shall be payable upon application for the development permit.

SECTION 11 APPENDICES

11.1 Appendix A and B attached hereto are for information purposes only and may be amended if deemed necessary as they do not form part of the Village of Lomond Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

12.1 The Development Authority is established in accordance with Village of Lomond Bylaw No. 596.

12.2 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission;

(b) Chief Administrative Officer; or

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

12.3 The Development Officer is an authorized person in accordance with section 624 of the *MGA*.

12.4 The Development Authority shall perform such powers and duties as are specified:

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

(b) in this bylaw;

(c) in the *MGA*;

(d) where applicable, by resolution of Council.

SECTION 13 DEVELOPMENT OFFICER – POWERS AND DUTIES

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

13.2 The Development Officer:

(a) shall receive and process all applications for development permits;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

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

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this land use bylaw;

(ii) permitted uses that request one variance of a measurable standard not to exceed 10 percent;

(iii) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

(iv) landscaping;

(v) fences, walls or other types of enclosures; and

(vi) demolition;

(e) shall refer to the Municipal Planning Commission all development permit applications for which decision making authority has not been assigned to the Development Officer;

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

(g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 34 of this bylaw;

(h) shall receive, review, and refer any applications to amend this bylaw to Council;

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

(j) may receive, consider and decide the outcome regarding requests for time extensions for Development Permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(k) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(l) shall perform any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 14 MUNICIPAL PLANNING COMMISSION

14.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the *MGA*, the Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.

14.2 The Municipal Planning Commission shall be responsible for:

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

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

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

(d) considering and deciding upon applications for subdivision approval;

(e) processing condominium certificates; and

(f) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 15 COUNCIL

15.1 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

SECTION 16 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

16.1 The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the *MGA*, and may exercise such powers and duties as are specified in this bylaw, the *MGA* and the Subdivision and Development Appeal Board Bylaw.

DEVELOPMENT IN GENERAL

SECTION 17 LAND USE DISTRICTS

17.1 The Village of Lomond is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.

17.2 The one or more uses of land or buildings that are:

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

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

are described in Schedule 2 – Use Table 2.2.1.

17.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 30 (Similar Use).

17.4 A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.

SECTION 18 SUITABILITY OF SITES

18.1 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 Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or 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 the land use bylaw, other municipal requirements or those of Alberta Transportation if within 300.0 m (984 ft.) of a provincial highway or 800.0 m (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the 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 Provincial Land Use Policies, Regional Plan, Subdivision and Development Regulations or any other applicable Statutory Plans;

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

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

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

(i) does not have adequate water and sewer provisions or surface drainage;

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

(k) would prevent or interfere with the natural and economical extension of a nearby developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline or a road system;

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

(m) the proposed building or use is deemed to be incompatible with the adjacent existing development.

18.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit if the Development Officer or Municipal Planning 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 and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 19 NUMBER OF DWELLING UNITS ON A PARCEL

19.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. accessory dwelling, duplex dwellings, multi-unit dwellings, manufactured home park, secondary suite, as permitted in the applicable land use district).

SECTION 20 NON-CONFORMING BUILDINGS AND USES

20.1 A non-conforming building or use may only be continued in accordance with the conditions detailed in section 634 of the *MGA*.

SECTION 21 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

21.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Municipal Planning Commission.

21.2 The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

SECTION 22 NON-CONFORMING VARIANCES

22.1 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*.

SECTION 23 DEVELOPMENT AGREEMENTS

23.1 The Development Authority 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 or all of the following:

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

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

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

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

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

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

23.2 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)(b) of the *MGA*.

23.3 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*.

23.4 A 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.

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

23.6 As a condition of subdivision approval, all development agreements must be registered concurrently by caveat onto individual lots being created.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 24 DEVELOPMENT PERMIT – WHEN REQUIRED

24.1 Except as otherwise provided for in Schedule 4 (Development Not Requiring a Development Permit), all development shall be required to obtain a development permit.

24.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 25 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

25.1 This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

25.2 This subsection does not negate the requirement of obtaining a business license where required.

25.3 Developments not requiring a municipal permit are listed in Schedule 4.

25.4 Signs not requiring a municipal permit are listed in Schedule 8, Section 4.

25.5 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

SECTION 26 DEVELOPMENT PERMIT APPLICATION

26.1 An application for a development permit shall be made to the Development Officer by submitting:

(a) a completed development permit application, signed by the registered owner or authorized by the owner pursuant to subsection 26.2;

(b) the prescribed fee, as set by Council;

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

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

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

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

(iii) where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings;

(iv) copy of the property title;

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

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

26.2 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

SECTION 27 INCOMPLETE APPLICATIONS

27.1 The Development Officer or the Municipal Planning Commission may refuse to accept a development permit application where the information required by subsection 26.2 (Development Permit Application) is incomplete or where, in its opinion, the quality of the material supplied is inadequate to properly evaluate the application.

SECTION 28 PERMITTED USE APPLICATIONS

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

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

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

28.2 Upon receipt of a completed application for a permitted use that requests a limited variance not to exceed 10 percent of one measurable standard of this bylaw, the Development Officer:

(a) may grant the limited variance not to exceed 10 percent of one measurable standard of this bylaw and approve the development permit with or without conditions if in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application involving a request for a limited variance not to exceed 10 percent of one measurable standard of this bylaw to the Municipal Planning Commission for a decision;

(c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

28.3 Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 32 (Applications Requesting Variance of Bylaw Provisions).

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

(a) requirement for applicant to enter into a development agreement;

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

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

(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 other statutory plan adopted by the Village of Lomond;

(f) require easements and/or encroachment agreements;

(g) provision of 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 or the Municipal Planning Commission;

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

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

SECTION 29 DISCRETIONARY USE APPLICATIONS

29.1 Upon receipt of a completed application for a development permit for a discretionary use or a permitted use that requests more than one variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision pursuant to Section 32 (Applications Requesting Variance of Bylaw Provisions);

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).

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

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

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

29.3 The Municipal Planning Commission may place any of the conditions stipulated in subsection 28.4 (Permitted Use Applications) 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.

SECTION 30 SIMILAR USE

30.1 Upon receipt of an 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 structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

30.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to subsection 34.2.

30.3 Where a use has been classified similar to a permitted use and requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

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

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).

30.4 Where a use has been classified similar to a discretionary use the Development Officer shall:

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

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).

30.5 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

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

SECTION 31 TEMPORARY USE

31.1 Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.

31.2 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, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

31.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 29 to 32 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including County of Vulcan, government departments and referral agencies shall be in accordance with Section 33 of this bylaw.

SECTION 32 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

32.1 Upon receipt of an application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under subsection 32.3, the Development Officer shall:

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

(b) notify adjacent landowners and other persons likely to be affected, including County of Vulcan, government departments and any other referral agency in accordance with Section 33.

32.2 The Development Officer is authorized to exercise discretion for a permitted use where a limited variance to one applicable measurable standard not to exceed 10 percent is requested, in accordance with subsection 28.2.

32.3 The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion of the Municipal Planning Commission, 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;

(c) and the proposed development conforms with the use prescribed for that land or building within Schedule 2 – Use Regulation.

SECTION 33 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

33.1 Where notification of adjacent landowners and other persons likely to be affected is required under Sections 29 to 32, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least 10 days before the meeting of the Municipal Planning Commission to:

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

(ii) County of Vulcan 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; and

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

(b) hand deliver written notice of the application at least 5 days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection 33.1(a); or

(c) publish a notice of the application in a newspaper circulating in the municipality or the Village newsletter at least 10 days before the meeting of the Municipal Planning Commission; or

(d) post a notice of the application in a conspicuous place on the property at least 5 days before the meeting of the Municipal Planning Commission; or

any combination of the above.

33.2 In all cases, notification shall:

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

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

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

SECTION 34 NOTICE OF DECISION

34.1 Upon the decision on a development application for a permitted use that complies with the land use bylaw, the Development Officer shall:

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

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

34.2 Upon the decision pertaining to all other development permit applications, the Development Officer shall:

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

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

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

SECTION 35 COMMENCEMENT OF DEVELOPMENT

35.1 Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

Permitted Uses:

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

(b) where the notice of decision is published in the newspaper, development shall not commence until at least 14 days from the date of publication;

Discretionary Uses or Applications for Waivers:

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

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

35.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

35.3 Any development occurring prior to the dates determined under subsections 35.1 and 35.2 is at the risk of the applicant.

SECTION 36 DEVELOPMENT PERMIT VALIDITY

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

36.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection 36.3, except for a permit for a temporary use which shall not be extended.

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

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

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

36.4 When any use has been discontinued for a period of 12 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *MGA*.

SECTION 37 TRANSFERABILITY OF DEVELOPMENT PERMIT

37.1 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-transferable.

SECTION 38 OCCUPANCY PERMITS

38.1 The Development Officer or the Municipal Planning Commission may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

SECTION 39 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

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

SECTION 40 REAPPLICATION FOR A DEVELOPMENT PERMIT

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

40.2 If an application was refused solely because it did not comply with the standards of this bylaw, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection 40.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 41 SUSPENSION OR CANCELLATION OF A PERMIT

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

(a) the application contained a misrepresentation;

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

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

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

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

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

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

41.4 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 the 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 may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SECTION 42 DEVELOPMENT APPEALS

42.1 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 Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

42.2 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

ENFORCEMENT

SECTION 43 NOTICE OF VIOLATION

43.1 Where the Development Officer or 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 to the person responsible for the contravention.

43.2 Such notice shall state the following:

(a) nature of the violation;

(b) corrective measures required to comply; and

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

SECTION 44 STOP ORDERS

44.1 As set forth in the *MGA*, 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.

44.2 A person who receives notice pursuant to subsection 44.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

SECTION 45 ENFORCEMENT OF STOP ORDERS

45.1 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 or an order of a subdivision and development appeal board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

45.2 The Village may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection 44.1 against the certificate of title for the land that is the subject of an order.

45.3 If a caveat is registered under subsection 45.2, the Village must discharge the caveat when the order has been complied with.

45.4 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.

SECTION 46 PENALTIES AND RIGHT OF ENTRY

46.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *MGA* 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.

46.2 In accordance with section 542 of the *MGA*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

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

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

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

AMENDMENTS

SECTION 47 AMENDMENTS TO THE LAND USE BYLAW

47.1 Any person or the Village may initiate amendments to the Village of Lomond Land Use Bylaw by submitting an application to the Development Officer.

47.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.

47.3 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.

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

47.5 The Development Officer shall forward an application to Council for consideration when satisfied that sufficient information has been provided with the application.

47.6 Public hearing and notification requirements shall be in accordance with section 692 of the *MGA*.

47.7 Where an application for an amendment to the Village of Lomond Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.

47.8 Where an application has been significantly changed, Village Council may accept an application prior to the end of the 12-month period specified in subsection 47.7.

SECTION 48 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

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

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

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

(ii) consistency with the 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, floodplain, steep slopes, 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;

(vi) any potential impacts on public roads; and

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

(d) conceptual lot design, if applicable;

(e) a geotechnical report addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood plain analysis,

if deemed necessary by the Development Officer, or Council;

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

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

48.2 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when:

(a) redesignating land from Urban Reserve – UR to another district;

(b) redesignating annexed land to a district other than Urban Reserve – UR, except where an approved Area Structure Plan or Conceptual Design Scheme defines land use designation(s) for the proposed development area, or unless determined otherwise by Council.

48.3 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

(a) industrial development;

(b) large-scale commercial development;

(c) manufactured home park;

(d) multi-lot residential development resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure; or

(e) as required by Council.

SECTION 49 REDESIGNATION CRITERIA

49.1 When redesignating land from one land use district to another, Council considerations shall include the following:

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

(b) consistency with the Municipal Development Plan and any other 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 and future developments;

(f) cumulative impact to the Village;

(g) potential impacts on public roads;

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

(i) supply of suitably designated land;

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

(k) any other matters deemed pertinent.

SUBDIVISION

SECTION 50 APPLICATIONS AND DECISION

50.1 All applications for subdivision approval shall be evaluated by the Village in accordance with the following criteria:

(a) compliance with statutory plans, bylaws, and regulations;

(b) adequacy of road access;

(c) provision of municipal services and utilities, including a storm water drainage plan;

(d) compatibility with adjacent land uses;

(e) accessibility to emergency services;

(f) site suitability in terms of minimum dimensional standards for lots and all other criterion in this bylaw as specified in the applicable land use district in Schedule 2.

(g) any other matters the Village may consider necessary.

50.2 For the purpose of infill development, an application which proposes to subdivide an accessory structure onto a separate lot may be considered by the Subdivision Authority where:

(a) the proposed lots meet the provisions of Schedule 3 (Dimension Standards and Setbacks);

(b) the existing and proposed buildings meet the provisions of Schedule 3 (Dimension Standards and Setbacks) based on the lot proposed layout;

(c) the access of each lot is provided from a public roadway not a lane or laneway;

(d) all lots are serviceable to the satisfaction of the municipality.

50.3 At the time of subdivision and as a condition of approval, 10 percent of the lands to be subdivided shall be dedicated as municipal and/or school reserve in accordance with the provisions of the *MGA*. The Village may take municipal and/or school reserve in one or a combination of the following methods:

(a) land;

(b) land similar in quality to the land being proposed to be subdivided;

(c) money in lieu; or

(d) deferral to the balance of the subject property.

50.4 Money-in-lieu of municipal reserve shall be placed in a special reserve fund, administered by the Village, to be used for recreation area and facility construction and improvement.

50.5 The Village will coordinate the location of new schools and the allocation of school reserves in the Municipality with the local school divisions.

50.6 In residential areas, the Village may allocate municipal and/or school reserve for the purpose of developing parks, playgrounds, trail systems, recreation facilities, schools and similar uses.

50.7 In commercial or industrial areas, the Village may allocate municipal reserve for the purpose of providing a buffer between incompatible land uses or to augment the parks and trails system.

50.8 In addition to Municipal Reserve, land that is deemed to be protected may be left. in its natural state and allocated as environmental reserve or environmental reserve easement in accordance with the provisions of the *MGA*.

SECTION 51 LOT DESIGN

51.1 Through lots or double frontage lots, shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

51.2 Flag lots are prohibited in the single-family and multi-family development categories. Flag lots or parcels may be permitted in lots exceeding half an acre under the following conditions:

(a) the flag lot directly accesses a local or residential street;

(b) the aggregate width of the pole, or poles for two adjacent flag lots, is a minimum of 12.1 m (40 ft.) in width with minimum pole width 6.1 m (20 ft.).

51.3 All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.

51.4 The lot line common to the street right of way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

51.5 No lot or parcel shall be created which does not meet the minimum standards of the applicable land use district, except pursuant to an area structure plan which provides for the perpetual maintenance of such remnants.

51.6 The length and width of blocks shall be sufficient to accommodate two tiers of lots with minimum standards specified by the applicable zoning district and this chapter, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the subdivision authority shall consider the following factors:

(a) Adequate Building Sites Required: Provisions of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features;

(b) Minimum Lot Sizes Established: Minimum Land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(c) Safe Access Required: Block layout shall enable development to meet all Village engineering requirements for convenient access, circulation, control and safety of street traffic.

51.7 At the time of subdivision, all corner lots and interior laneway corner lots shall dedicate clear vision triangles as right-of-way.

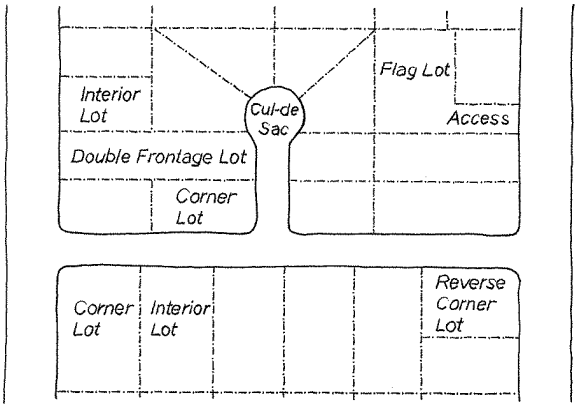


Figure 51.1

ADMINISTRATION DEFINITIONS

SECTION 52 ADMINISTRATION DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

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

ALTER or ALTERATION means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

AMENITY AREA means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

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

AREA REDEVELOPMENT PLAN means a statutory plan, prepared in accordance with Sections 634 and 635 of the MGA for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

AREA STRUCTURE PLAN means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (MGA, section 633) and that may be adopted by a Council by bylaw.

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 portion of a building or structure, which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

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

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

BUILDING has the meaning defined in the *MGA* and includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

BUILDING ENVELOPE means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific zoning district have been considered.

BUILDING GRADE (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

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

BUILDING INSPECTOR means the person or persons hired to be the chief building inspector or building inspectors in and for the Village of Lomond.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer (Building Inspector) pursuant to provincial legislation authorizing commencement of construction.

BUILDING SETBACK means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the zoning district, the minimum setback will vary.

BUILDING WIDTH, MINIMUM means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere and other similar architectural features.

BYLAW means the Land Use Bylaw of the Village of Lomond.

C

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

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.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

CONCEPTUAL DESIGN SCHEME means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

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

CONDOMINIUM PLAN means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22, as amended*.

CORNER VISIBILITY OR CLEAR VISION TRIANGLES means a triangular area on a corner lot that is comprised of two sides which are measured from the intersection corner for a distance specified in this bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

COUNCIL means Council of the Village of Lomond.

D

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

DEVELOPER means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

DEVELOPMENT in accordance with the *MGA* means:

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

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

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

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

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision approval which specifies the roadways, walkways, public utilities, and other services to be provided by the applicant as a condition of a development permit or subdivision approval, in accordance with the *MGA*.

DEVELOPMENT AUTHORITY means the body established by Bylaw to act as the Development Authority in accordance with Sections 623(b) or (c) and 624 of the *MGA*.

DEVELOPMENT OFFICER means a person(s) authorized by Council to act as a development authority pursuant to section 624 of the *MGA* and in accordance with the Municipal Planning Commission Bylaw.

DEVELOPMENT PERMIT means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

DISCRETIONARY USE means the use of land or building(s) provided for in the land use bylaw for which a development permit may be issued, following receipt by the Development Officer of a competed application with appropriate details and fees.

DISTRICT – see LAND USE DISTRICT

E

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

EAVE means the overhang or extension of a roof line beyond the vertical wall of a building.

EXCAVATION means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

F

FLOOD ELEVATION, 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

FLOOD RISK AREA means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the Village and may include both flood fringe and floodway.

FLOOR AREA means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

FLOOR AREA RATIO means the net floor area divided by the gross lot area.

FOUNDATION means the supporting base structure of a building.

G

GEOTECHNICAL REPORT means a comprehensive site analysis and report prepared by a qualified and registered professional with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

GRADE, LANDSCAPED (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure. For buildings see BUILDING GRADE.

L

LANDOWNER – see REGISTERED OWNER

LANDSCAPING means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

LAND USE DISTRICT means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings. All land use districts referred to in this bylaw are shown on the Land Use District Map found in Schedule 1 to this bylaw.

LANE or LANEWAY means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LOT means a lot as defined in the *MGA* and shall include a bare land condominium unit.

M

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MASS WASTING means a general term describing a variety of processes, including but not limited to slumping, sloughing, fall and flow, by which earth materials are moved by gravity.

MUNICIPAL DEVELOPMENT PLAN means a Statutory Plan, formerly known as a General Municipal Plan, adopted by Bylaw in accordance with section 632 of the *MGA*.

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

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the *MGA*.

MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) means the committee established, by bylaw, to act as the municipal appeal body for subdivision and development applications.

MUNICIPAL PLANNING COMMISSION (MPC) means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *MGA* and Development Authority pursuant to section 624 of the *MGA*, and in accordance with the Municipal Planning Commission Bylaw.

N

NON-COMPLIANCE means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING means a building:

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

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

NON-CONFORMING USE 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.

NON-SERVICED means in respect to a lot or parcel that neither a municipal water system nor a municipal sewage system services it.

O

NUISANCE means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

OCCUPANCY PERMIT means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

OFF-SITE LEVY means the rate established by the municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

OFF-STREET LOADING SPACE means an open area, not exceeding 9.1 m (30 ft.) in width, located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

OFF-STREET PARKING means a lot or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

OFF-STREET PARKING SPACE means an off-street area available for the parking of one motor vehicle. Every off-street parking space shall be accessible from a street, lane or other public roadway.

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

P

PARCEL means an area of land described in a Certificate of Title either directly or by reference to a plan and registered with the Alberta Land Titles Office.

PARTIALLY SERVICED LOT means a lot that is provided water or sewer serviced by either:

(a) a municipal water line or a municipal sewer line; or

(b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

PERMITTED USE means the use of land or building(s) which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

PRINCIPAL BUILDING means a building which:

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

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

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

PRINCIPAL USE means the main purpose, in the opinion of the Development Officer or Municipal Planning Commission, for which a lot is used.

PROHIBITED USE means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

PUBLIC ROADWAY means a right-of-way maintained by the Village and is open to the public for the purpose of vehicular traffic.

PUBLIC OPEN SPACE means land, which is not in private ownership and is open to use by the public.

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.

REGISTERED OWNER means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land, and any assignee f the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

ROAD – see PUBLIC ROADWAY

S

SAFETY CODES means a code, regulations, standard, or body of rules regulating thing such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1, as amended.*

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

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 below.

SIMILAR USE 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 the Development Officer or Municipal Planning Commission 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.

SITE means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

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

STOP ORDER means an order issued by the Development Officer or Municipal Planning Commission pursuant to section 645 of the *MGA*.

STOREY means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it, but does not include a basement.

STREET means a thoroughfare which is used or intended to be used for passage or travel of motor vehicles and includes the sidewalks and land on each side of and contiguous to the prepared surface of the thoroughfare. 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, billboards and poster panels.

SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *MGA*.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *MGA*.

SUBDIVISION OR SUBDIVIDE means the division of a parcel by an instrument.

SUBSIDENCE means a localized downward settling or sinking of a land surface.

SUCH AS means includes, but is not limited to the list of items provided.

T

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period.

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.

UTILITIES means any one or more of the following:

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

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

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

(d) storm water drainage facilities;

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

but does not include those systems or facilities referred to in sub-clauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

VILLAGE means the Village of Lomond.

W

WAIVER means the relaxation or variance of a development standard as established in this Bylaw.

Z

ZONING – see LAND USE DISTRICT

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *MGA.*



Schedule 1

LAND USE DISTRICTS

Schedule 1

LAND USE DISTRICTS

SECTION 1 DIVISION OF MUNICIPALITY

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

1.2 Each district shown on the map referred to in Section 1 of this schedule shall be known by the following identifying names and symbols:

RESIDENTIAL – R

COMMERCIAL – C

INDUSTRIAL – I

PUBLIC – P

TRANSITIONAL AGRICULTURE – TA

SECTION 2 INTENT OF LAND USE DISTRICTS

2.1 **RESIDENTIAL – R**

This district is intended to accommodate residential development on serviced lots in an economical, orderly and attractive manner, while excluding potentially incompatible land uses.

2.2 **COMMERCIAL – C**

This district is intended to accommodate commercial uses in a manner that is convenient and attractive to users and beneficial to the community.

2.3 **INDUSTRIAL – I**

This district is intended to provide an area attractive to and suited for industrial and heavier commercial development, while ensuring any development is compatible with other land uses and the quality of life in the community.

2.4 **PUBLIC – P**

This district is intended provide for institutional, public and semi-public uses which are compatible with each other and adjoining land use districts.

2.5 **TRANSITIONAL AGRICULTURE – TA**

This district is intended to limit development of larger parcels, typically on the periphery of existing development, to uses that will not restrict or hinder mover intensive urban development in the future.



Schedule 2

USE REGULATION

Schedule 2

USE REGULATION

SECTION 1 USE CATEGORIES AND SPECIFIC USES

1.1 The principal uses allowed within the Land Use Districts are identified in Table 2.2.1. The land use districts are referenced by their two letter abbreviations.

1.2 All of the use categories listed in the second column of Table 2.2.1 are defined in Section 3 of this schedule.

1.3 A "P" indicates that the listed use is allowed by right within the respective land use district after review and approval by the Development Officer in accordance with *Section 28 (Permitted Uses)* in the Administrative section. Permitted uses are subject to all other applicable standards of the Land Use Bylaw.

1.4 A "D" indicates that the listed use is allowed within in the respective land use district only after review and approval by the Municipal Planning Commission, in accordance with *Section 29 (Discretionary Uses)* in the Administrative section. Discretionary uses are subject to all other applicable standards of the Land Use Bylaw.

1.5 A blank cell (one without a "P" or "D") indicates that the listed land use type is prohibited within the respective Land Use District.

1.6 A use that is not specifically listed in the Specific Use Type column of Table 2.2.1, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use in accordance with *Section 30 (Similar Uses)* in the Administrative section.

1.7 The provisions of *Schedule 3 Dimension Standards and Setbacks* apply to all uses in this section.

1.8 The provisions of *Schedule 5 General and Use Specific Standards of Development* apply to the uses in this section.

1.9 Uses listed in Section 3 are prohibited with the Village of Lomond.

SECTION 2 USE TABLE

Table 2.2.1: Use Table

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS					DEVELOPMENT STANDARD
		R	C	I	P	TA	
General							
	Accessory building	P	P	P	P	P	Sch 6, Sec 1 / Sch 7, Sec 8
	Accessory structure	P	P	P	P	P	Schedule 6, Section 1
	Accessory use	P	P	P	P	P	—
	Alternative energy, individual	D	D	D	D	D	Schedule 5, Section 12
	Extensive agriculture					P	—
	Moved-in building	D	D	D	D	D	Sch 6, Sec 14 / Sch 7, Sec 9
	Pasture land					P	
	Shipping container, permanent		D	D	D	D	Schedule 5, Section 14
	Shipping container, temporary	D	D	D	D	D	Schedule 5, Section 14
	Signs	D	D	D	D	D	Schedule 8
	Telecommunication tower	—	—	—	—	—	Schedule 9
Residential							
	Dwelling single-unit	P				D	Schedule 6
	Dwelling 2-unit, 3-unit, 4-unit	D					Schedule 6
	Garden suite	D				D	Schedule 6, Section 12
	Home occupation	D				D	Schedule 6, Section 11
	Manufactured home	D				D	Schedule 6, Section 13
	Manufactured home community	D					Schedule 6, Section 16
	Modular home A	P				D	Schedule 6, Section 14
	Modular home B	D				D	Schedule 6, Section 14
	Moved-in dwelling	D				D	Schedule 6, Section 14
	Row house (more than 4 units)	D					Schedule 6
	Secondary suite	D				D	Schedule 6, Section 12
	Senior citizen housing	D					Schedule 6
	Surveillance suite		D	D			Schedule 7, Section 10

Table 2.2.1: Use Table (continued)

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS					DEVELOPMENT STANDARD
		R	C	I	P	TA	
Commercial							
Automotive Related	Auto body and paint shop			D			Schedule 7
	Auto sales and service		D	D			Schedule 7
	Car wash			D			Schedule 7
Construction	Contractor, general			P			Schedule 7
	Contractor, limited		D	P			Schedule 7
	Lumber yard			P			Schedule 7
Lodging	Bed and breakfast	D					Schedule 7
	Boarding or lodging house	D					Schedule 7
	Hotel / Motel		P				Schedule 7
	Mixed use building		D	D			Schedule 7
Offices	Business support service		P	D			Schedule 7
	Financial institutions		P				Schedule 7
	Office		P	D			Schedule 7
Recreation & Entertainment	Amusement facility		D				Schedule 7
	Campgrounds		D		D	D	Schedule 7
	Entertainment establishment		D	D			Schedule 7
	Private recreation		D				Schedule 7
	Public recreation				P		—
Retail Sales & Service	Animal care service, small		P	D			Schedule 7
	Business		P	D			Schedule 7
	Convenience store		P	D			Schedule 7
	Equipment sales, rental & service		D	P			Schedule 7
	Farmer's market		D	P	D		Schedule 7
	Funeral home		D	D			Schedule 7
	Garden centre or greenhouse		D	D		D	Schedule 7
	Liquor store		D	D			Schedule 7
	Market garden					D	Schedule 7
	Medical/health facility		P	D			Schedule 7
	Personal services		P	D			Schedule 7
	Restaurant		P	D			Schedule 7
	Retail		P	D			Schedule 7
	Service station		D	D			Schedule 7, Section 11

Table 2.2.1: Use Table (continued)

USE CATEGORY	SPECIFIC USE TYPE	LAND USE DISTRICTS					DEVELOPMENT STANDARD
		R	C	I	P	TA	
Industrial							
Industrial	Light industrial			P			Schedule 7
	Manufacturing and fabrication			P			Schedule 7
Truck Transport	Transportation/delivery service			P			Schedule 7
	Truck dispatch/depot			P			Schedule 7
	Truck stop			D			Schedule 7
	Truck wash			D			Schedule 7
Warehousing	Bulk fuel station			D			Schedule 7, Section 11
	General warehousing and storage			P			Schedule 7
	Mini storage			P			Schedule 7
	Outdoor storage			P			Schedule 7
Other	Animal care service, large			D			Schedule 7
	Auctioneering facility			D			Schedule 7
	Grain elevator / Seed cleaning plant			D			Schedule 7
	Railway and railway related uses			D			Schedule 7
Public Institutional							
Child Care	Child care facility	D	D		P		Schedule 5
	Day home	D				D	Schedule 5
Community Service	Community hall		D		P		Schedule 5
	Government services		D		P		Schedule 5
	Group care facility				D		Schedule 5
	Institutional				P		Schedule 5
	Museum				P		Schedule 5
	Religious assembly / Church	D	D	D	P		Schedule 5
	Schools / Education facilities				P		Schedule 5
	Tourist information		P	P	P		Schedule 5
Parks and Open Space	Campground, public				D	D	Schedule 5
	Cemetery				P		Schedule 5
	Golf course				D		Schedule 5
	Parks and playgrounds	P			P		Schedule 5
Utility	Public or private utility		D	P		D	Schedule 5
	Recycling facility		D		P	D	Schedule 5
	Waste management transfer site				P	D	Schedule 5
	Wastewater treatment plant				P		Schedule 5
	Water treatment plant				P		Schedule 5

SECTION 3 PROHIBITED USES

3.1 The following uses are prohibited within the Village of Lomond:

AUTO WRECKAGE AND SALVAGE YARD
NOXIOUS OR HAZARDOUS USES
LIVESTOCK CONFINEMENT
KENNEL
CYRPTOCURRENCY MINING OPERATION

SECTION 4 LAND USE DEFINITIONS

A

ACCESSORY BUILDING means any structure that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to that of the principal building. The use is subordinate and incidental to that of the principal use of the site on which it is located and examples of a typical accessory building is a private garage or shed. No accessory building shall be used for human habitation.

ACCESSORY STRUCTURE means a building that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, storage tanks, garages, and sheds. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

ACCESSORY USE means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

ADULT ESTABLISHMENT means commercial establishments in which a significant portion of the business is to:

(a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(b) which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

ALTERNATIVE ENERGY, INDIVIDUAL means energy that is renewable or sustainable that is generally derived from natural sources (for example, the earth, sun, wind, water) and it for the sole consumption of the landowner, resident or occupant.

AMUSEMENT FACILITY means development for amusement pastimes, and may incorporate eating facilities as an accessory use. Such uses may include but are not limited to, amusement arcades, billiard parlours, bingo halls, bowling alleys and indoor mini-golf.

ANIMAL CARE SERVICE, LARGE means any establishment maintained and operated by a licensed veterinarian for the on-site or off-site treatment of animals. The development may also be used for on-site boarding, breeding or training of animals and livestock. The facility may also include outside buildings and pens associated with the service and the supplementary sale of associated animal care products. Typically, this use will include veterinary offices or hospitals, animal shelters, and facilities for impounding and quarantining animals.

ANIMAL CARE SERVICE, SMALL means development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement facilities are enclosed within one particular building. This use may also include the supplementary sale of associated animal products. Typically, this use will include pet grooming salons, pet clinics and veterinary offices.

AUTO BODY AND PAINT SHOP means a building where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area and an office component.

AUTO SALES AND SERVICE means the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles, including but not limited to, mufflers, oil changes, transmissions, engine replacement, glass repair, auto detailing. Such facilities do not include the sale of gas but may include towing services as an accessory use.

AUCTIONEERING FACILITY means any facility where animals or goods are regularly bought, sold, or traded to the highest bidder. The facility may also include holding pens and viewing areas, transport facilities, spectator seating, and administrative offices. This definition does not apply to individual sales of animals or goods by private owners.

AUTO WRECKAGE AND SALVAGE YARD means a facility or operation specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, and outdoor storage. The parcel of land on which the facility exists must be completely fenced according to Village standards.

B

BED AND BREAKFAST means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal dwelling.

BULK FUEL STATION means a use of land or buildings for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BUSINESS SUPPORT SERVICE means an establishment primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.

C

CAMPGROUND means a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodations for the operator.

CAR WASH means the use of a structure or area providing for the cleaning of motor vehicles but does not include SERVICE STATIONS/ GAS BARS.

CARPORT means a partially enclosed structure intended for the shelter of one of more motor vehicles with at least 40 percent of the total perimeter open and unobstructed.

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

CHILD CARE FACILITY 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 child-care centres, day cares, nurseries and after-school or baby-sitting programs which meet the conditions of this definition. Group homes and day homes are separate uses.

CHURCH means a building or facility whose primary purpose is to facilitate meetings of a group of people for public worship or religious services. See RELIGIOUS ASSEMBLY.

COMMUNITY HALL means a facility or building whose primary purpose is to accommodate use by community group(s). The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coat room, storage room(s) and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, and sitting areas.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

CONTRACTOR, LIMITED means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than four vehicles.

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

CRYPTOCURRENCY MINING OPERATION means a heavy industrial facility consisting of a building or group of buildings housing powerful, highly specialized computers that are used to verify digital transactions and required 24/7 climate control. This use may include an on-site power plant.

D

DAY HOME means a private residence where care, development and supervision are provided for a maximum of six children between the ages of 0-12 years, by persons unrelated to the children by blood or marriage, including children under the age of 12 who reside in the home, for periods not exceeding 24 consecutive hours.

DECK means an accessory structure consisting of a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m (2 feet) or greater above grade.

DETACHED GARAGE means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

DRIVE-IN/DRIVE-THROUGH RESTAURANT means an establishment where food is prepared and served on the premise for sale to the public and includes car attendant and/or drive-through, pick-up service. See RESTAURANT.

DWELLING means a building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or other similar accommodation. Dwelling includes the following:

Single-unit dwelling means a residential building containing only one dwelling unit which is to be constructed on site and is to be placed on a basement or permanent slab foundation.

2-unit dwelling means a residential building that contains two separate dwelling units connected either by a common floor/ceiling, or by a common wall (party wall) between units.

3-unit dwelling means a residential building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.

4-unit dwelling means a residential building comprised of four dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.

Row dwelling means development consisting of a building containing a row of three or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.

E

EATING ESTABLISHMENT means an establishment where food is prepared and served on the premises for sale to the public and may include 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. See RESTURANT.

EDUCATIONAL FACILITY means a place of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions.

ENTERTAINMENT ESTABLISHMENT means an establishment such as a theatre, auditorium, lounge or cabaret providing dramatic, musical or other entertainment indoors or outdoors and may include facilities for supplementary food and beverage consumption.

EQUIPMENT SALES, RENTAL AND SERVICE means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXTENSIVE AGRICULTURE means the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, Quonsets and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.

F

FARMER'S MARKET means the use of land or buildings where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

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

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.

FITNESS FACILITY means a development where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical activities and may include the incidental sale of products relating to the service provided.

FUNERAL HOME means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.

G

GARAGE means an accessory private building or part of the principal building, designed and used primarily for the storage of motor vehicles.

GARDEN CENTRE OR GREENHOUSE means a building specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

GARDEN SHED means an accessory structure to store household and garden equipment and supplies that is not more than 100 ft^2 in size.

GARDEN SUITE means a supplementary temporary dwelling unit that is a small, portable, self-contained, manufactured housing unit which is located on the same lot or parcel as a principal dwelling unit and where the supplementary dwelling is used to temporarily accommodate individuals that are dependent or associated with the residents in the principal dwelling, or where circumstance warrants, it may be used to temporarily house individuals providing care to the resident(s) of the principal building.

GENERAL STORE means a retail establishment which deals primarily with the display and sale of food and other household goods required by residents of the immediate vicinity to meet their day-to-day household needs. See RETAIL.

GENERAL WAREHOUSING AND STORAGE means a building used for the storage of goods and merchandise. The building may include administrative offices, loading areas, parking areas, storage rooms and the retail sale of goods stored in the warehouse. No outside storage is permitted with this use.

GOLF COURSE means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

GOVERNMENT SERVICES 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.

GRAIN ELEVATOR/SEED CLEANING means a facility for the collection, grading, sorting, storage, and transshipment of grains. This definition also includes 'inland grain terminals'.

GROUP CARE FACILITY means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, disabled or undergoing rehabilitation and are provided care to meet their needs. Persons are typically referred to a group care facility by hospitals, courts, government agencies or recognized social service agencies or health professionals but may also voluntarily request care. This use includes supervised uses such as group homes, half-way houses, and convalescent homes. This use does not include senior housing or assisted living which are separate uses in this bylaw.

H

HOLIDAY TRAILER – see RECREATIONAL VEHICLE

HOME OCCUPATION means an occupation, trade, profession or craft. carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

HOTEL means the use of a building for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with onsite parking; the building may also contain accessory commercial, and food and beverage service uses.

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.

K

KENNEL means a commercial operation 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 an Animal Care Service.

L

LIGHT FABRICATION SHOPS means the assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

LIGHT INDUSTRIAL means development used for 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.

LIQUOR STORE means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off premises. Full walls must physically separate the premises from any other business.

LUMBER YARD means a commercial operation where lumber, building materials and supplies, and other building-related goods are stored, displayed and sold.

M

MANUFACTURED HOME means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include a “modular home”.

MANUFACTURED HOME COMMUNITY means a comprehensively planned residential development intended for the placement of manufactured homes on sites or pads. Such a community may also include amenity areas or facilities for the use of the community’s residents.

MANUFACTURING AND FABRICATION means a commercial operation where the land and buildings are used for the manufacture or fabrication of products or parts, and also the retail sale of such products or parts to the general public. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MARKET GARDEN means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

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

MINI STORAGE means the use of land with compartmentalized buildings or a designated site set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

MIXED USE BUILDING means a building used partly for residential and partly for commercial use.

MOBILE HOME – see MANUFACTURED HOME

MODULAR HOME means a prefabricated dwelling unit consisting of components substantially assembled in a manufacturing plant and transported to the building site for final assembly.

MOTEL means a building or group of buildings on a site designed and operated to provide temporary accommodation for transient motorists and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall. The building may also include accessory eating and drinking establishments and personal service shops.

MOVED-IN BUILDING means a previously used or existing, established and working building, which is removed from a site, and then transported and re-established on another site.

MOVED-IN DWELLING means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in building does not include a "manufactured home", "modular home", "ready-to-move home", motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

MUSEUM means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period. See INSTITUTIONAL.

O

OFFICE means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. 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.

OUTDOOR STORAGE means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

P

PARKS AND PLAYGROUNDS means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include public open space, which is not in private ownership and is open to use by the public.

PATIO means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

PERSONAL SERVICES means uses that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

PORCH means a covered, open accessory structure (unenclosed) that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls, but may be screened.

PUBLIC OR PRIVATE UTILITY means any one or more of the following:

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

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

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

(d) storm 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;

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

Q

QUONSET means an accessory building made from metal having a semicircular roof and/or cross section and end walls.

R

RAILWAY AND RAILWAY RELATED USES means a railway line and any use connected with the direct operation or maintenance of a railway system and also includes any loading or unloading facilities, but excludes feed mills/grain elevators or bulk oil depots which are separate uses.

RECREATION, PRIVATE means sports or recreational or retreat activities, use, facilities including associated eating and retail areas, provided by commercial for-profit and non-profit businesses where the public is admitted for a fee or where admission is limited to members of an organization or limited group. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres, indoor/outdoor ice rinks, campgrounds retreats and country clubs.

RECREATION, PUBLIC means sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public use which are public-owned or operated (i.e. municipal, provincial, or federal including local boards, agencies or commissions of the Village). Such uses include, but are not limited to, gymnasiums, athletic/sports fields shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres indoor/outdoor ice rinks, campground, retreats, and country clubs.

RECREATIONAL VEHICLE / HOLIDAY TRAILER means a transportable living unit, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such living units are subject to highway safety standards rather than housing standards. Typical units include, but are not limited to motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and park model trailers. These units are not permitted as permanent dwellings.

RECREATIONAL VEHICLE STORAGE – see OUTDOOR STORAGE

RECYCLING FACILITY means a development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots.

RELIGIOUS ASSEMBLY means a use or development used for public meetings, worship and related religious or social activities, and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses would include community or civic halls/clubs, churches, chapels, temples, mosques, synagogues, parish halls and convents.

RESTAURANT means a commercial development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

RETAIL means a commercial premise where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or retail stores requiring outdoor storage. Minor government services, such as postal services, are permitted within general retail stores.

S

SCHOOL means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

SECONDARY SUITE means a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure. A secondary suite

shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

SENIOR CITIZENS HOUSING means a dwelling unit or accommodation sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation or any combinations thereof.

SERVICE STATION or 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.

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

SIGN means any object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means. Refer to Schedule 8 for more sign definitions.

SURVEILLANCE SUITE means a dwelling unit or sleeping unit, not exceeding 46.5 m^2 (500 ft^2) in size, that is developed in conjunction with a principal use so that the dwelling is a supplementary use to the principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security.

T

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

TRANSPORTATION/DELIVERY SERVICE means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages and articles for compensation such as a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used. This use does not include towing operations.

TRANSPORTATION DISPATCH/DEPOT means a facility for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

TRUCK STOP means a building, premise or land in which or upon which a business, service or industry involving in the maintenance, servicing, storage or report of commercial vehicles is conducted or rendered including the dispensing of fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores and restaurant facilities, and may include overnight accommodation facilities solely for the use of truck crews.

TRUCK WASH means a commercial vehicle washing facility associated with large vehicles such as tractor trailers.

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.

UTILITIES – see PUBLIC OR PRIVATE UTILITY

V

VETERINARY CLINIC – see ANIMAL CARE SERVICE

W

WAREHOUSE means a facility for the storage of goods, materials or equipment for use by a company.

WASTE MANAGEMENT SITES means a development for the commercial receiving of spent materials, provided that no detrimental effects or nuisances are generated beyond the parcel upon which it is situated. This use includes a dry waste site, a hazardous waste management facility and a waste sorting station. This use does not include a RECYCLING FACILITY.

WASTE MANAGEMENT TRANSFER STATION means a facility for the collection and temporary holding of solid waste in a transferable storage container.

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

WATER TREATMENT PLANT means a facility that treats raw water so that it is safe for human consumption and then distributes it for human use.

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *MGA*.



Schedule 3

DIMENSION STANDARDS AND SETBACKS

Schedule 3

DIMENSION STANDARDS AND SETBACKS

SECTION 1 DIMENSION STANDARDS AND MINUMUM SETBACKS

1.1 Tables 3.2.1, 3.3.1 and 3.4.1 list the dimensional standards and setback requirements that apply to specific uses within each of the land use districts.

SECTION 2 MINIMUM LOT SIZE

2.1 **Minimum Dimensions Table**

The table lists the dimensional requirements that apply to specific uses within each of the land use districts.

Table 3.2.1: Minimum Lot Size

LAND USE DISTRICT	SPECIFIC USE	MINIMUM LOT SIZE					
		Width		Length		Area	
		m	ft.	m	ft.	m^2	ft^2
Residential							
	Single unit, dwelling[(a)]	15.2	50	30.5	100	464.5	5,000
	2-unit	18.3	60	30.5	100	557.4	6,000
	3-unit and 4-unit	22.9	75	30.5	100	696.8	7,500
	Manufactured home community	—	—	—	—	20,235	
	Row (interior unit)	7.6	25	38.1	125	464.5	5,000
	(end unit)	12.2	40	38.1	125	290.3	3,125
	Senior citizen housing	As required by the MPC					
	All other uses	As required by the MPC					
Commercial							
	All uses	7.6	25	30.5	100	232.3	2,500
Industrial							
	All uses	30.5	100	—	—	929.0	10,000
Public Institutional							
	All uses	As required by the Development Authority					
Transitional Agriculture							
	Single unit, dwelling[(a)]	—	—	—	—	2.0 ha	5.0 ac
	Accessory or Moved-in building	Same as principal use					

(a) For the purpose of this table, Single unit, dwellings include:
Stick built dwelling
Modular dwelling
Manufactured home
Moved in dwelling

2.2 The following definitions apply:

(a) **LOT** in accordance with the *MGA*, means:

(i) a quarter section;

(ii) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(iii) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

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

(v) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

(vi) 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.

(b) **LOT WIDTH** means the horizontal distance between the side lot lines measured at a point perpendicular to the front property line (see Figure 3.2.1).

(c) **LOT LENGTH** means the horizontal distance between the front and the rear lot lines measure along the median between the side lot lines (see Figure 3.2.1).

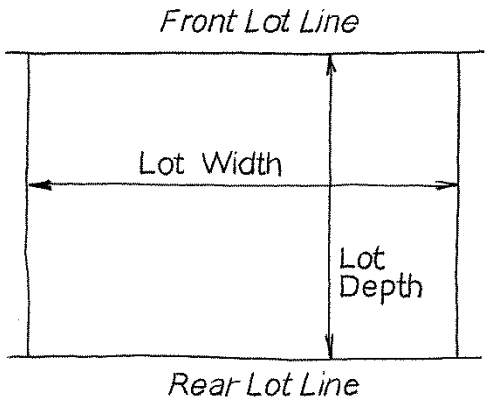


Figure 3.2.1

(d) **LOT AREA** means the total area of a lot.

(e) **CORNER LOT** means a lot located at the intersection of two or more streets.

(f) **INTERIOR LOT** means a lot situated between two lots or another lot and a lane and having access to not more than one street.

(e) **LOT FRONTAGE** means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

(g) **LOT LINE** means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

2.3 The Development Authority may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in 2.1 provided that the minimum area allowed is not less than 232.3 m^2 (2,500 ft^2).

SECTION 3 MINIMUM SETBACKS

3.1 Minimum Setbacks Table

The table lists the setback requirements that apply to specific uses within each of the land use districts

Table 3.3.1: Minimum Setbacks

LAND USE DISTRICT	SPECIFIC USE	MINIMUM SETBACKS							
		Front		Secondary Front		Side		Rear	
		m	ft.	m	ft.	m	ft.	m	ft.
Residential									
	Single unit, dwelling[(a)]	7.6	25	3.8	12.5	1.5	5	7.6	25
	2-unit	7.6	25	3.8	12.5	3.0	10	7.6	25
	3-unit & 4-unit	7.6	25	3.8	12.5	3.0	10	7.6	25
	Row (interior unit)	7.6	25	common wall		common wall		7.6	25
	(end unit)	7.6	25	3.8	12.5	3.0	10	7.6	25
	Accessory building	7.6	25	3.8	12.5	0.6	2	0.6	2
	All other uses	As required by the Development Authority							
Commercial									
	All uses	0	0	0	0	0	0	7.6	25
	Adjacent to R and P	0	0	0	0	6.1	20	7.6	25
Industrial									
	All uses	7.6	25	7.6	25	3.0	10	7.6	25
	Adjacent to R and P	7.6	25	7.6	25	6.1	20	7.6	25
Public Institutional									
	All uses	7.6	25	3.8	12.5	3.0	10	7.6	25
Transitional Agriculture									
	Single unit, dwelling[(a)]	7.6	25	3.8	12.5	1.5	5	7.6	25
	Accessory building	7.6	25	3.8	12.5	1.5	5	1.5	5
	All other uses	As required by the Development Authority							

(a) For the purpose of this table, Single unit, dwellings include:
Stick built dwelling
Modular dwelling
Manufactured home
Moved in dwelling

3.2 The following definitions apply:

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

(b) **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 buildings (see Figure 3.3.1).

(c) **SIDE YARD** means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building (see Figure 3.3.1).

(d) **REAR YARD** 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 (see Figure 3.3.1).

(e) **SECONDARY FRONT YARD** means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority (see Figure 3.3.1).

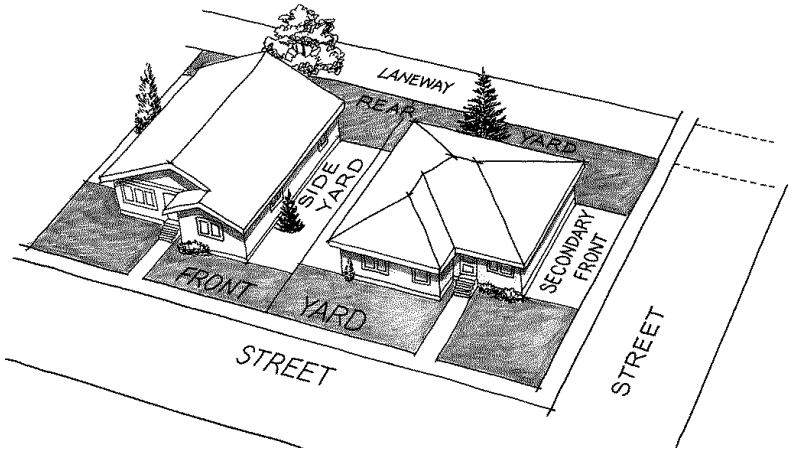


Figure 3.3.1

3.3 Where any lot has more than one front yard line, the front setback requirements shall apply to one yard, but only one-half the front yard requirement applies to the other front yard and that yard shall be considered a secondary front yard.

3.4 Structures that are attached to a principal building are subject to the principal setbacks excepting the permitted projections in subsection 3.5.

3.5 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this Bylaw:

(a) unenclosed steps or unenclosed fire escapes;

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

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

(d) driveways, curbs and sidewalks;

(e) off-street parking;

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

(g) mailboxes;

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

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

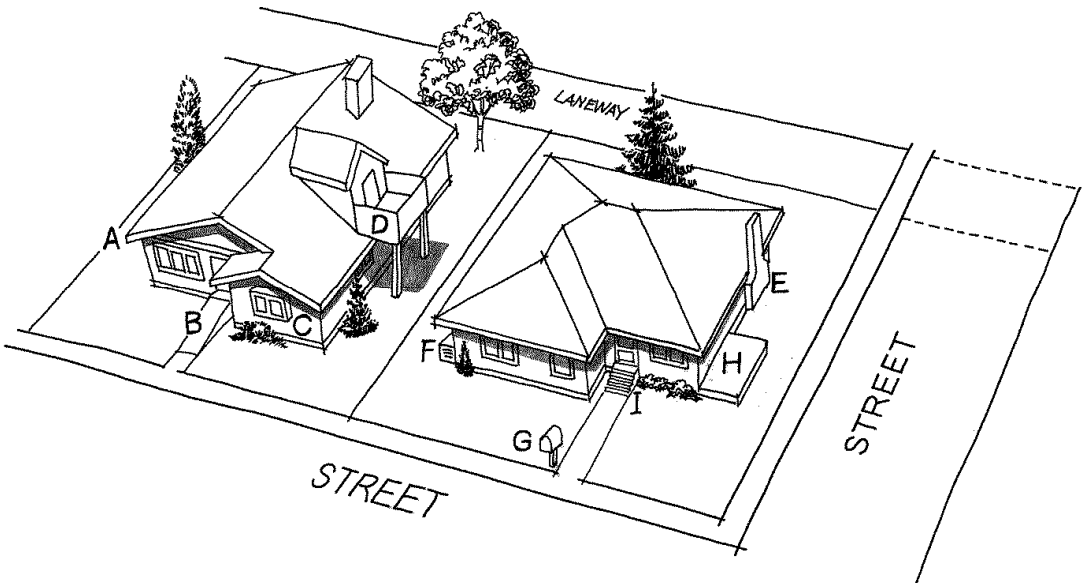
(j) signs in accordance with Schedule 8.

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

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

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

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



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

Figure 3.3.2

3.7 The Development Authority may require increased building setbacks (other than those listed in Table 3.3.1) if such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

SECTION 4 FLOOR AREA, SITE COVERAGE AND BUILDING HEIGHT

4.1 The table lists the standards for floor area, site coverage and building height that apply to specific uses within each of the land use districts.

4.2 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.

4.3 The following definitions apply to site coverage and building height:

(a) **SITE COVERAGE** means the percentage of the lot area which is covered by all buildings and structures on the lot.

(b) **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, carports, verandas, covered balconies, covered decks, and porches.

(c) **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.

(d) **BUILDING GRADE** (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground (see Figure 3.4.1).

(e) **BUILDING HEIGHT** means the vertical distance between grade and the highest point of a building excluding a roof stairway entrance, elevator housing, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building (see Figure 3.4.1 Dimension A.

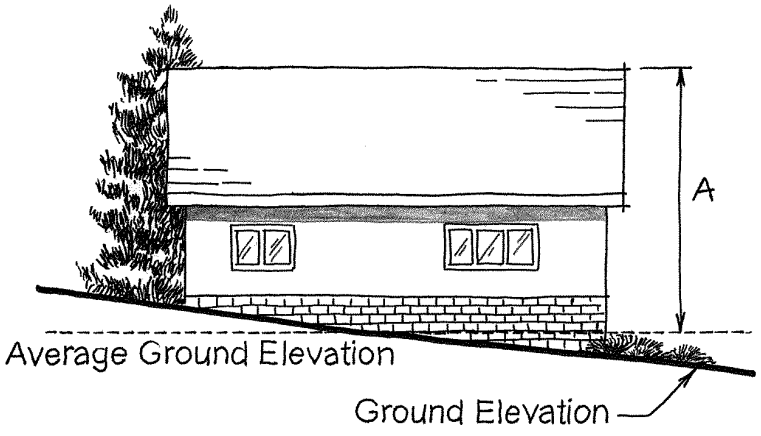


Figure 3.4.1

Table 3.4.1: Floor Area, Site Coverage and Building Height

LAND USE DISTRICT	SPECIFIC USE	MINIMUM FLOOR AREA		MAXIMUM SITE COVERAGE	MAXIMUM BUILDING HEIGHT	
		m^2	ft^2	%	m	ft.
Residential						
	Single unit, dwelling[(a)]	74.3	800	45[(b)]	8.5	28
	2-unit	74.3	800	45[(b)]	8.5	28
	3-unit and 4-unit	55.7	600	45[(b)]	8.5	28
	Row (interior unit)	55.7	600	45[(b)]	8.5	28
	(end unit)	55.7	600	45[(b)]	8.5	28
	Senior citizen housing	As required by the MPC		40[(b)]	13.7	45
	Manufactured home community	74.3	800	45[(b)]	8.5	28
	Accessory building	n/a		15	4.9	16
	All other uses	As required by the Development Authority				
Commercial						
	All uses	n/a		80[(b)]	10.7	35
Industrial						
	All uses	n/a		60[(b)]	10.7	35
Public Institutional						
	All uses	n/a		50[(b)]	As required by the Development Authority	
Transitional Agriculture						
	Single unit, dwelling[(a)]	74.3	800	40	8.5	28
	Accessory building	n/a		15	4.9	16
	All other uses	As required by the Development Authority				

(a) For the purpose of this table, Single unit, dwellings include:
Stick Built dwelling
Manufactured home
Modular home
Moved-in dwelling

(b) Combined site coverage of principal and accessory buildings



Schedule 4

DEVELOPMENT NOT REQUIRING A PERMIT

Schedule 4

DEVELOPMENT NOT REQUIRING A PERMIT

SECTION 1 DEVELOPMENT NOT REQUIRING A PERMIT

1.1 The following developments shall not require a development permit:

(a) any use or development exempted under section 618(1) of the *MGA*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 9 – Telecommunication Antenna Siting Protocol;

(d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

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

1.2 The following developments shall not require a development permit, but must **otherwise comply with all other provisions of this bylaw**:

(a) the maintenance or repair of any building provided that the work does not include structural alterations or additions;

(b) interior renovations to a building which do not:

(i) create another dwelling unit;

(ii) increase parking requirements; or

(iii) result in the change of use of a building;

(c) the temporary placement or construction of works, plants or machinery (not including shipping containers) needed to construct a development for which a development permit has been issued for the period of those operations;

(d) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities;

(e) any structure placed on a lot which is 9.2 m^2 (100 ft^2) or less in area that is not on a permanent foundation;

(f) in all districts the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed 0.9 m (3 ft.) in height in any front yard and 1.8 m (6 ft.) in height in any secondary front, rear or side yard;

(g) in the Industrial land use district, the erection, maintenance or alteration of a fence, gate, wall hedge, or other means of enclosure that does not exceed 2.4 m (8 ft.) in height in any rear or side yard;

(h) landscaping that was not required as part of the original development permit;

(i) any sign listed in Schedule 8, Section 4;

(j) any satellite dish less than 0.9 m (3 ft.) in diameter;

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

(l) the installation of cement or other hard surface material that is not to be covered or partially covered by a roof or other shelter;

(m) excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Village of Lomond; and

(n) the construction of uncovered decks or patios 0.6 m (2 ft.) or lower to ground level.

If there is a doubt to whether a development is of a kind listed above, the matter shall be decided by the Municipal Planning Commission.



Schedule 5

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Schedule 5

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within the Residential Standards found in Schedule 6 or the Commercial / Industrial Standards found in Schedule 7 the following standards apply to all uses in all districts.

SECTION 1 STATUTORY PLANS

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

SECTION 2 APPROVAL OF ACCESS

2.1 Location of the access to each development from a public roadway should be shown on the plot plan submitted with the application for a development permit and is subject to the approval of the Development Officer or Municipal Planning Commission.

SECTION 3 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

3.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained.

3.2 A development permit must be obtained for the demolition or removal of any building or structure greater than 11.1 m^2 (120 ft^2) in size.

3.3 Whenever a development permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left. in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.

3.4 When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or Village property.

3.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

3.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

SECTION 4 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

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

4.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

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

4.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

4.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

SECTION 5 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

5.1 If in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining the Development Authority may require the applicant to submit a structural building plan prepared and sealed by an engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by an engineer demonstrating that any potential hazards can be mitigated.

SECTION 6 GRADING AND STORMWATER MANAGEMENT

6.1 The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development and legal survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(c) the final grades of the development must be approved by the Development Authority before the issuance of a building permit;

(d) the applicant is responsible for ensuring adherence to final grades.

6.2 The construction of a retaining wall whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway. Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by the accredited Safety Codes Officer.

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

6.4 When discharging, storm water connections or sump hoses must be greater than 1.8 m (6 ft.) from the front property line.

SECTION 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

7.1 The off-street parking and loading requirements and design standards apply to:

(a) all new buildings and uses; and

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

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

Residential Parking Requirements

7.3 Parking areas shall be accessible, designed and delineated in a manner which will provide for orderly parking.

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

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

Table 5.7.1: Residential Minimum Required Off-street Parking

RESIDENTIAL	
Bed and breakfast	1 space per guest room
Boarding or lodging home	1 space per sleeping unit
Child care facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Dwellings:	
– All Single-unit dwellings[(a)]	2 spaces per dwelling unit
– 2-unit, 3-unit, 4-unit	2 spaces per dwelling unit
– Row (more than 4 units)	2 spaces per dwelling unit plus 1 visitor parking space for every 2 dwelling units
Home occupation	1 additional space
Secondary suite	2 spaces
All Other uses	As required by the Municipal Planning Commission

(a) For the purpose of this table, Single unit dwellings include:
Stick built dwelling
Modular dwelling
Prefabricated dwelling
Ready-to-move dwelling
Manufactured home
Moved in dwelling

7.6 The Municipal Planning Commission may require that parking areas or portions thereof be paved.

7.7 Off-street parking may be located in the front yard.

Minimum Required Off-Street Parking

7.8 Tables 5.7.1 and 5.7.2 shall be used to calculate the minimum number of off-street parking spaces a use is required to provide.

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

7.10 All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4 m (500 ft.) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

Table 5.7.2: Non-Residential Minimum Required Off-street Parking

USE	MINIMUM PARKING SPACES
PUBLIC	
Child care facility	1 space per employee
Clubs or fraternal organization	1 space / 5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee
Community building	1 space / 5 seating spaces plus 1 space per employee
Cultural facility	1 space / 5 seating spaces plus 1 space per employee
Educational facility or school	3 spaces per classroom
Funeral home	1 space / 46.5 m^2 (500 ft^2) of GFA or 1 space / 5 seating spaces
Group care facility	1 space per employee
Institutional	1 space / 46.5 m^2 (500 ft^2) of GFA
COMMERCIAL/INDUSTRIAL	
Amusement facility	1 space / 20 m^2 (215 ft^2) of GFA
Animal care service, small and large	1 space / 46.5 m^2 (500 ft^2) of GFA
Auto body and paint shop	1 space / 46.5 m^2 (500 ft^2) of GFA
Automotive sales and service	1 space / 46.5 m^2 (500 ft^2) of GFA
Bed and breakfast	1 space per guest room
Bulk fuel station	1 space / 46.5 m^2 (500 ft^2) of GFA
Car wash	1 space per employee
Contractor, general or limited	1 space / 65 m^2 (700 ft^2) of GFA
Convenience store	1 space / 27.9 m^2 (300 ft^2) of GFA
Drive-in/drive-through use	1 space / 5.1 m^2 (55 ft^2) of seating area plus 1 space per employee
Entertainment establishment	1 space / 5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee
Equipment sales, rental and service	1 space / 65 m^2 (700 ft^2) of GFA
Financial institution	1 space / 37.2 m^2 (400 ft^2) of GFA
Funeral home	1 space / 5 seating spaces plus 1 space per employee

Garden centre or greenhouse	1 space / 65 m^2 (700 ft^2) of GFA
General warehousing and storage	1 space / 65 m^2 (700 ft^2) of GFA
Golf course	4 spaces per golf hole
Government service	1 space / 46.5 m^2 (500 ft^2) of GFA
Hotel/motel	1 space per guest room
Intensive horticultural service	1 space / 65 m^2 (700 ft^2) of GFA
Light industry/manufacturing	1 space / 65 m^2 (700 ft^2) of GFA
Liquor store	1 space / 37.2 m^2 (400 ft^2) of GFA
Lumber yard	1 space / 65 m^2 (700 ft^2) of GFA
Medical health facility	1 space per staff member and 1 space per examination room
Office, business support service	1 space / 46.5 m^2 (500 ft^2) of GFA
Outdoor storage	As required by the Development Authority
Personal service	1 space / 37.2 m^2 (400 ft^2) of GFA
Recreation facility	1 space / 27.9 m^2 (300 ft^2) of GFA
Restaurant	1 space per 4 seats plus employee parking
Retail	1 space / 37.2 m^2 (400 ft^2) of GFA
Retail, grocery store	1 space / 37.2 m^2 (400 ft^2) of GFA
Service station/gas bar	1 space / 37.2 m^2 (400 ft^2) of GFA
Truck transportation/dispatch depot	1 space / 65 m^2 (700 ft^2) of GFA
Truck wash	1 space per employee
All other uses	As required by the Development Authority

Note: GFA is defined as Gross Floor Area.

Barrier-free Parking

7.11 The minimum number of barrier-free parking spaces to be provided for the disabled shall be a portion of the total number of off-street parking spaces required, in accordance with Table 5.7.3: Barrier-Free Parking Spaces.

7.12 Each barrier-free parking space for the disabled shall be:

(a) at least 3.7 m (12 ft.) wide;

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

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

7.13 It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Table 5.7.3: Barrier-Free Parking Spaces

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

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

Loading Space Requirements

7.14 One loading space shall be provided for each loading door.

7.15 The minimum dimensions for a loading space shall be 3.1 m (10 ft.) by 9.1 m (30 ft.) with an overhead clearance of 3.9 m (13 ft.).

SECTION 8 OFF-STREET PARKING DESIGN STANDARDS

8.1 Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions as found in Table 5.8.1 and Figure 5.8.1.

8.2 Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

8.3 The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

Table 5.8.1: Minimum Parking Space Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	m	ft.	m	ft.	m	ft.
0	2.4	8.0	6.7	22	3.7	12
30	2.7	9.0	5.5	18	3.5	11
45	2.6	8.5	6.1	20	3.9	13
60	2.6	8.5	6.4	21	5.5	18
90	2.9	9.5	5.6	18.5	7.3	24

Minimum Parking Space Dimensions

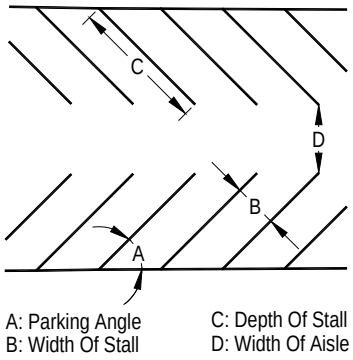


Figure 5.8.1

SECTION 9 SITE LIGHTING

9.1 Site lighting may be required as a condition of development and shall be located, oriented and shielded where it does not adversely affect adjacent properties.

SECTION 10 REFUSE COLLECTION AND STORAGE

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

10.2 Refuse and garbage areas shall be effectively screened until such time as collection and disposal is possible.

10.3 All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

SECTION 11 SERVICING

11.1 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 Municipal Planning Commission, reasonably available. Where no municipal servicing is reasonably available, development approval shall be subject to compliance with Regional Health Authority and Alberta Safety Codes standards for unserviced parcels. Prior to development approval, the applicant shall be required to submit a soils analysis and report to demonstrate the suitability of the site for on-site septic.

SECTION 12 ALTERNATIVE ENERGY SOURCES

12.1 The Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar panels, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

SOLAR COLLECTOR

12.2 A solar collector attached to a wall or roof of a building may be permitted in any land use district subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.3 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

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

(b) A solar collector mounted to a wall:

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

(ii) must be located a minimum of 2.4 m (8 ft.) above grade;

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

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

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

(a) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

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

(ii) must not exceed 1.8 m (6 ft.) in height above existing grade.

SMALL WIND ENERGY SYSTEMS

Information Requirements

12.4 An application for a development permit for a proposed small wind energy conversion system (SWECS) must be completed and submitted to the Development Officer accompanied by:

(a) a site plan acceptable to the Development Officer indicating the exact location of the SWECS on the parcel and all buildings and structures, registered easements or right-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

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

(c) photographs and/or plans of the proposed SWECS indicating:

- rated output in kilowatts;
- safety features and noise characteristics;
- turbine height;
- blade diameter and rotor clearance;
- nature and function of over speed controls which are provided; and
- estimated lifespan;

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

(e) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can support the SWECS; and

(f) any security measures proposed to ensure public safety and security.

Referrals

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

(a) Transport Canada,

(b) NAVCanada,

(c) Alberta Transportation, and

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

General Development Standards

Any SWECS shall be subject to the following general standards:

12.6 The SWECS shall only be allowed in land use districts where listed as a permitted or discretionary use. SWECS are prohibited in all other districts.

12.7 The SWECS shall be setback from all property lines a distance equal to the height of the system.

12.8 The blade clearance of any SWECS shall not be less than 4.6 m (15 ft.) above grade.

12.9 Any climbing apparatus associated with the SWECS shall be a minimum of 4.6 m (15 ft.) above grade.

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

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

12.12 The SWECS shall not display advertising or other marketing.

12.13 The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

12.14 The manufacturer's identification, technical, warning, and emergency contact information must be affixed no lower than 0.9 m (3 ft.) from the base of the tower and not higher than 1.5 m (5 ft.) from the base of the tower.

12.15 The Development Authority may regulate the maximum number of SWECS permitted on a lot.

12.16 The Development Authority may require as a condition of approval that any SWECS be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of the SWECS to the satisfaction of the Development Authority.

12.17 The Development Authority may require as a condition of approval that any SWECS be surrounded by a security fence with a lockable gate not less than 1.8 m (6 ft.) in height.

12.18 Prior to the installation of a SWECS the applicant and/or landowner shall obtain:

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

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

(c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid; and

(d) Alberta Utilities Commission approval for SWECS with a rate output greater than 10 kW that are proposed to be connected to the grid.

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

12.20 The SWECS system must be installed by a certified electrical contractor prior to operation.

12.21 Where the SWECS has been inactive for more than six consecutive months the applicant and/or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after six months of inactivity, the Village may undertake enforcement action.

Decommissioning

12.22 Prior to removal of the SWECS the applicant and/or landowner shall submit documentation to the Development Officer demonstrating that the system has been disconnected from any electrical utilities.

12.23 All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

12.24 Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Officer.

Review of Permits

12.25 Village Council shall review the impacts of issuance of permits for Small Wind Energy Systems after the issuance of 25 development permits for this specific use within the municipality.

SECTION 13 SATELLITE DISHES AND RADIO OR TELEVISION ANTENNA

13.1 In the Residential – R district and the Urban Reserve – UR district:

(a) satellite dishes greater than 0.9 m (3 ft.) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 0.9 m (3 ft.) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

13.2 The Development Authority may approve the installation of a satellite dish on the roof of any building or portion thereof if, in its opinion, such an installation does not:

(a) constitute a public safety hazard;

(b) compromise the structural integrity of the building; or

(c) may be unreasonably obtrusive.

13.3 Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure. See Schedule 9 for those regulated by Industry Canada.

SECTION 14 SHIPPING CONTAINERS

14.1 Shipping containers shall only be allowed in land use districts where listed as a Permitted or Discretionary Use Schedule 2. Shipping containers are prohibited in all other districts.

General Standards

Any shipping container shall be subject to the following general standards:

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

14.3 There shall be a legal primary use on the property where the shipping container is proposed.

14.4 Shipping containers are permitted to be used for storage only and shall not be used as a building or a construction material.

14.5 The Development Authority may regulate the maximum number of shipping containers permitted on a lot.

14.6 The Development Authority may regulate the maximum height of shipping containers.

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

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

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

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

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

Permanent Shipping Containers

14.12 A permanent shipping container is subject to the following additional provisions:

(a) the maximum lot coverage and setback requirements for accessory structures in the applicable land use district;

(b) the shipping container may only be permitted in the secondary front, rear, or side yard; and

(c) the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

Temporary Shipping Containers

14.13 A shipping container may be placed temporarily on a construction site for the period of construction, in any land use district where listed as a permitted or discretionary use with an approved development permit, subject to the following provisions:

(a) temporary shipping containers are subject to the standards in subsections 14.2 - 14.11 above;

(b) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(c) 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 prohibited;

(d) setbacks for a temporary shipping container shall be as required by the Development Authority;

(e) the Development Authority has the authority to determine the maximum amount of time a shipping container is permitted on a lot; and

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



Schedule 6

RESIDENTIAL STANDARDS OF DEVELOPMENT

Schedule 6

RESIDENTIAL STANDARDS OF DEVELOPMENT

The following standards are applicable to residential development. Sections 1-10 are applicable to all residential development types. Sections 11-16 are applicable to specific residential development types.

SECTION 1 ACCESORY BUILDINGS AND STRUCTURES

1.1 Accessory buildings and structures shall be located at least 1.2 m (4 ft.) from the principal building.

1.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft.) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

1.3 Accessory buildings or structures shall not to be located in the front yard in relation to the principal building.

1.4 Quonsets, quonset-style buildings, metal granaries or circular / semicircular metal structures shall not be permitted as accessory buildings in the Residential – R land use district.

1.5 All moved-in buildings shall be subject to the provisions of this section and the provisions of Section 15.

1.6 Carports attached to an accessory building shall comply with the provisions for accessory buildings. Carports attached to a principal dwelling or building shall comply with the provisions for principal dwelling or building.

SECTION 2 EASEMENTS

2.1 All permanent structures shall be located a minimum of 3.1 m (10 ft.), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other infrastructure, as determined by the municipality.

2.2 No structures shall be located within a registered easement.

SECTION 3 CORNER VISIBILITY

3.1 **Street Corner Visibility**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft.) and 1.8 m (6 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 m (20 ft.) from the point of intersection (see Figures 6.3.1 and 6.3.2 where Dimension A = 6.1 m).

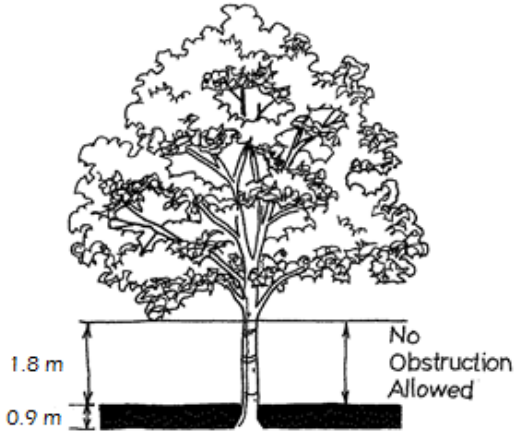


Figure 6.3.1

3.2 **Rear Lane Visibility**

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft.) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway (see Figure 6.3.2 where Dimension B = 1.5 m).

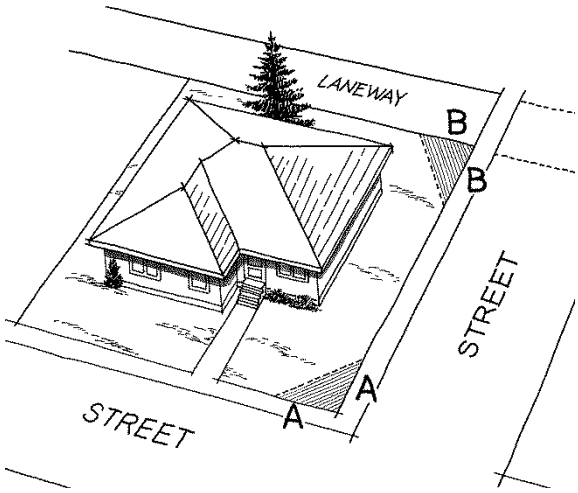


Figure 6.3.2

SECTION 4 DRIVEWAYS, OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

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

4.2 In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 6.1 m (20 ft.) in width.

4.3 Only one driveway per lot should be permitted for single unit residential developments, including manufactured homes.

4.4 Driveways shall be a minimum of 3.0 m (10 ft.) and a maximum of 6.1 m (20 ft.) in width, unless otherwise approved by the Municipal Planning Commission on the basis of merit.

4.5 Driveways shall be a minimum of 3.0 m (10 ft.) from the entrance to a lane (see Figure 6.4.1 Dimension B), and 4.6 m (15 ft.) from the intersection of two public roadways (see Figure 6.4.1 Dimension A).

4.6 Driveways, parking pads or hard surfaced areas (e.g. paving stones, sidewalks) that cover more than 25 percent of the total lot area require a development permit.

4.7 Refer to Schedule 5, General and Use Specific Standards of Development, Section 8.

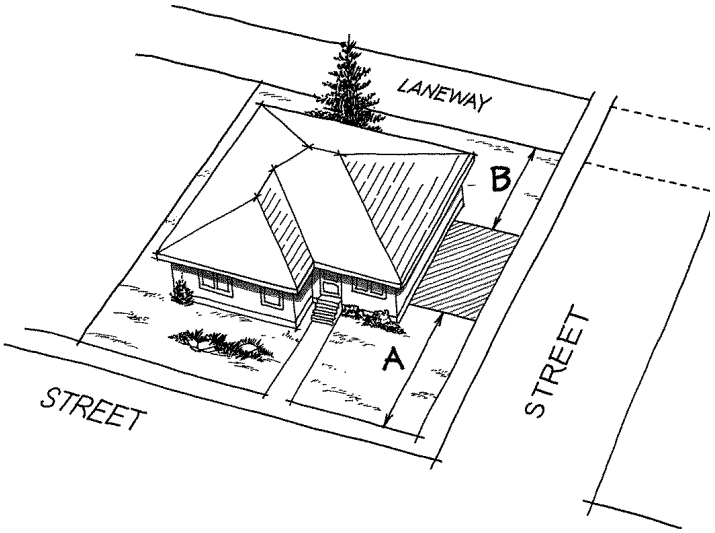


Figure 6.4.1

SECTION 5 FENCES

5.1 No fence, wall, hedge or any combination thereof shall extend more than 0.9 m (3 ft.) above the ground in any front yard area, as illustrated in Figure 6.5.1 labeled as B, without a development permit approved by the Municipal Planning Commission.

5.2 Fences in the secondary front, rear and side yards shall be 1.8 m (6 ft.) in height or less (see Figure 6.5.1 where Dimension A = 1.8 m).

5.3 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, including but not limited to, pallets, used construction materials, doors, and unfinished oriented strand board (OSB) or plywood, are prohibited.

5.4 No portion of a fence, including an associated retaining wall, shall be greater than 0.30 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

5.5 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

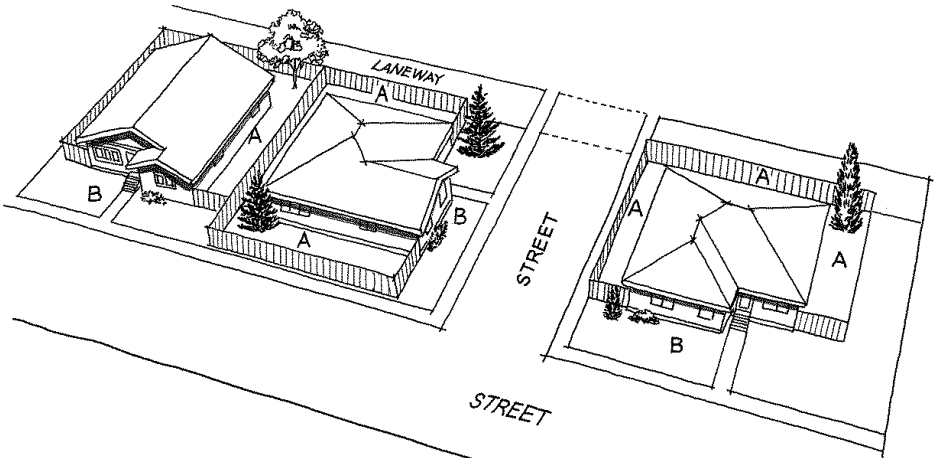


Figure 6.5.1

SECTION 6 DECKS

6.1 A development permit is required for the construction of a deck if it will be greater than 0.6 m (2 ft.) in height (see Figure 6.6.1).

6.2 Uncovered decks that do not exceed 0.6 m (2 ft.) in height do not require a development permit provided they meet the minimum setback requirements for a principal or accessory building.

6.3 All covered decks require a development permit.

6.4 For the purposes of calculating site coverage requirements, where a structure is attached to the principal building, it shall be deemed part of the principal building and subject to principal building requirements.

6.5 Decks must be located in a manner such as to preserve the privacy of adjacent properties.

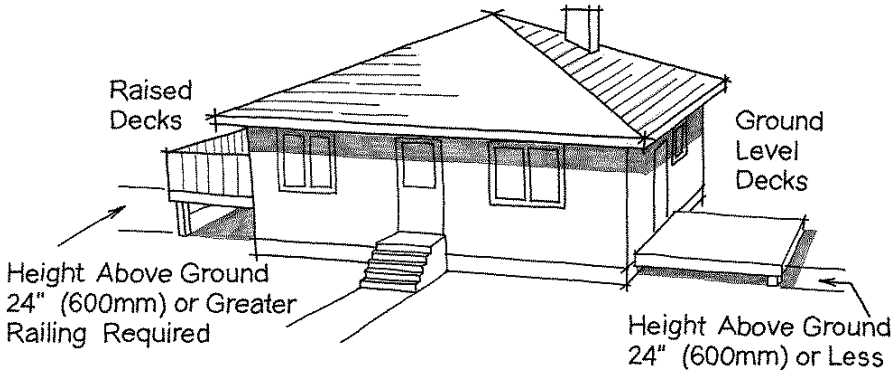


Figure 6.6.1

SECTION 7 RETAINING WALLS, GRADING AND DRAINAGE

7.1 The Municipal Planning Commission may require:

(a) the construction of a retaining wall, including submittal of an 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.

SECTION 8 EXTERIOR BUILDING FINISHES

8.1 The Municipal Planning Commission 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.

SECTION 9 EXPOSED FOUNDATIONS

9.1 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 Municipal Planning Commission.

SECTION 10 PRIVATE SWIMMING POOLS

10.1 Private swimming pools shall be classified as an accessory structure.

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

10.3 Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but are subject to Safety Codes and may require a building permit.

10.4 Construction of an in-ground swimming pool and swimming pools that are attached to a deck require a development permit and are subject to the following additional standards:

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

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

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

SECTION 11 HOME OCCUPATIONS

11.1 A home occupation shall be incidental and subordinate to the principal residential use of the dwelling and shall not change the external appearance or character of the dwelling. There shall be no business activities associated with the home occupation conducted on the lot outside the dwelling or accessory structure.

11.2 Allowances for home occupations are intended to foster small-scale business. Home occupations will be required to relocate to a suitable commercial or industrial district when they become incompatible with a residential area or become unsuitable as a home occupation.

11.3 A home occupation shall not be permitted, if in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district.

11.4 The business operator shall be a full-time resident of the dwelling.

11.5 Unless otherwise approved by the Municipal Planning Commission, not more than one home occupation is permitted on a lot.

11.6 The use must not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

11.7 No offensive noise, vibration, electrical interference, smoke, dust, odors, heat or glare shall be produced by the use.

11.8 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.

11.9 Home occupations shall not include any use that would, in the opinion of the Development Authority, materially interfere with or affect the use or enjoyment of neighbouring properties.

11.10 Signage advertising a home occupation is limited to one sign located in the structure window up to a maximum of 0.4 m^2 (4 ft^2) in size and must be approved by the Development Authority. Signage for a home occupation 2 shall be as approved by the Development Authority.

11.11 The Development Authority may regulate the hours of operation, the number of customer visits, outdoor storage and screening and landscaping requirements for outdoor storage.

11.12 Any changes to an approved home occupation require the approval of the Development Authority.

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

11.14 The issuance of a development permit in no way exempts the applicant from obtaining a business license from the village and any other Provincial approvals that may be required.

11.15 A home occupation development permit may be issued as a temporary development permit that may be renewed annually or on a timeline specified in the approval by the Municipal Planning Commission.

11.16 A home occupation shall not be approved where a secondary suite has been developed, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

SECTION 12 SECONDARY SUITES / GARDEN SUITES

12.1 A maximum of one secondary suite is permitted on any single detached dwelling lot.

12.2 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

12.3 The secondary suite shall have full utility services through service connections from the principal dwelling unit.

12.4 Accessory structures shall not be used as a dwelling unless it is an approved additional secondary suite unit.

12.5 For a suite above a detached garage, the maximum height to roof peak of the garage shall be 7.5 m (24.6 ft.), and the accessory suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

12.6 A secondary suite shall be restricted to a lot occupied by a single detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction to a duplex, semi-detached dwelling, multi-attached dwelling or apartment housing.

12.7 A secondary suite above a detached garage shall only be permitted on lots with lanes.

12.8 A secondary unit shall not be located within an accessory structure unless a single detached dwelling is already erected on the site.

12.9 A secondary suite shall remain accessory to and subordinate to the single detached dwelling and shall not exceed 72.8 m^2 (784 ft^2). Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

12.10 A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.

12.11 One on-site parking space shall be provided for each secondary suite in addition to the parking requirements for the principal dwelling pursuant to the land use bylaw.

12.12 The Development Authority may issue a development permit for a garden suite if the following standards can be meet and the structure shall:

(a) be a portable, self-contained, manufactured housing unit;

(b) not be placed on a permanent foundation;

(c) not be located in a front yard;

(d) not exceed one storey in height;

(e) not exceed 92.9 m^2 (1,000 ft^2) in size; and

(f) be connected to the municipal water and sewer system.

12.13 A secondary suite shall comply with all Alberta Building Code requirements, including but not limited to fire wall separations, separate accesses to each dwelling unit and separate heating systems for each dwelling unit.

SECTION 13 MANUFACTURED HOMES

Standards and Requirements Applicable to Manufactured Homes

13.1 Standards of Development – Schedule 4.

13.2 Any special manufactured home development standards adopted by Council.

13.3 Except where noted, all standards, requirements and guidelines shall apply to both single-wide and double-wide units located in conventional subdivisions or manufactured home parks.

13.4 The Development Officer or Subdivision and Development Authority may require a bond or irrevocable letter of credit of a minimum $5,000 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

Eligible Manufactured Homes

13.5 New factory-built units.

13.6 Used factory-built units in a good state of repair (to the satisfaction of the Municipal Subdivision and Development Authority). Any application for a development permit to locate a used manufactured home:

(a) shall include recent colour photographs of all elevations including additions; and

(b) may require a personal inspection by the Development Officer to determine the unit's suitability.

13.7 Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label.

13.8 Manufactured or mobiles homes bearing the original home certification.

Foundations, Roof Lines and Additions

13.9 All single-wide manufactured homes shall be skirted with compatible materials and satisfactorily enclosed to the satisfaction of the Development Officer.

13.10 All double-wide units shall be placed on concrete block foundations capable of supporting the maximum anticipated load in conformity with the provincial building requirements and Canada Mortgage and Housing regulations.

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

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

13.13 To ensure compatibility of housing types, the variation of roof lines between double-wide manufactured homes and conventional homes may be limited. Generally, the double-wide unit should not be more than 0.6 m (2 ft.) higher or lower than an adjacent home, whether conventional or double-wide. Generally, single-wide units shall not be encouraged to locate adjacent to or among conventional dwellings.

13.14 All manufactured home additions shall be of a design and finish which will complement the unit.

General Appearance

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

13.16 The yard area of each lot shall be developed and landscaped.

SECTION 14 MODULAR AND READY-TO-MOVE (RTM) HOMES

Requirements Applicable to Modular Home A and B and RTM Homes

REQUIREMENTS	Modular Home A	Modular Home B	RTM Homes
Factory built unit that meets CSA standards and building code (CSA A-277)	✓	✓	
Dwelling is securely fasten and placed on:			
Basement	✓		✓
Concrete slab		✓	✓
Concrete strip footing		✓	✓
Pile or pier footing		✓	
Minimum roof pitch shall not be less than 4/12	✓	✓	✓
Minimum floor area shall not be less than 79.89 m^2 (800 ft^2)	✓	✓	✓
Minimum width of dwelling – 7.3 m (24 ft.)	✓	✓	
Maximum length of dwelling – 20.0 m (66 ft.)	✓	✓	
Maximum height of exposed foundation – 0.6 m (2 ft.)		✓	✓

14.1 The approval authority shall issue a development permit for a modular home A or B or RTM home provided that:

(a) the design, character, and appearance (including roof lines/material and exterior finish) of modular homes shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

(b) to ensure compatibility of housing types, the variation of roof lines between modular homes or RTM homes and conventional homes may be limited. Generally, dwellings should not be more than 0.6 m (2 ft.) higher or lower than an adjacent home;

(c) at the discretion of the Development Officer or the Subdivision and Development Authority, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(d) the dwelling shall conform to any architectural controls that may apply.

14.2 As a condition of approval the Development Officer or the Subdivision and Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

14.3 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.

14.4 The building, when completed, shall meet or exceed provincial building requirements.

14.5 The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks.

14.6 The quality of the completed building shall be at least equal to the quality of the other buildings in the area. If there is any doubt as to the required standards being met, the Development Officer may refer the application to the Subdivision and Development Authority for a decision.

14.7 The Development Officer or Subdivision and Development Authority may require a bond or irrevocable letter of credit of a minimum $5,000 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

SECTION 15 MOVED-IN BUILDINGS AND MOVED-IN DWELLINGS

15.1 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.

15.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit.

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

15.4 The requirements of the building shall be established by the Municipal Subdivision and Development Authority at the time of approval of the application and shall form a part of the conditions of the development permit.

15.5 A report by the building inspector regarding each application shall be filed before any such application shall be considered.

15.6 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Subdivision and Development Authority at the time of the approval of the application.

15.7 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

15.8 The Development Officer shall require a minimum of $2,000 in cash to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the cash deposit, construction may be completed by the town and additional costs may be charged against the property taxes.

15.9 Return of the posted bond is contingent on the Development Officer verifying the completion of all the conditions of this schedule and the development permit, such as:

(a) siding on the structure;

(b) hard surface or gravel in a parking area;

(c) down spouts for drainage; and

(d) other aspects required in the development permit.

15.10 Should an on-site inspection by the Development Officer be required prior to the moving of the structure, this will be at the applicant's expense.

SECTION 16 MANUFACTURED HOME COMMUNITY

Prior to the issuance of a Development Permit for a comprehensively planned manufactured home community, the Development Authority shall receive and adopt by resolution a comprehensive plan for the community. A Comprehensive Plan shall be in accordance with, but not necessarily limited to, the following:

Parcel Size

16.1 The parcel subject to the development of a comprehensively planned manufactured home community shall be a minimum 2.0 ha (5 acres) and maximum 4 ha (10 acres).

General and Overall Appearance

16.2 The manufactured home community plan shall incorporate detailed aesthetic considerations such as:

(a) substantial landscaping design of the entire park in general, and of individual sites in particular;

(b) treatment of communal areas, both indoor and outdoor;

(c) imaginative handling of street furniture such as lamp standards, litter bins, benches, street signs, and accessories of this nature; and

(d) the community design and subsequent placement of dwellings on lots shall integrate well with adjoining residential development so as not to be obtrusive.

Servicing Requirements

16.3 An engineer shall be engaged at the expense of the developer to consult with the Village and utility companies to arrive at a design for all interior servicing, including roads, drainage, grading, sewer, water, natural gas, telephone, electrical and fire protection.

16.4 All on-site servicing shall be built to the standards and requirements of the Village of Lomond and any applicable utility companies.

16.5 Utility easements as may be required shall be provided within the site, and reasonable access to these easements shall be granted to the Village Public Works Department and utility companies for the installation and maintenance of services as required.

Internal Roads

16.6 Internal roads shall be provided in the manufactured home community to allow access to individual manufactured home lots as well as to other facilities where access is required. A minimum right-of-way width of 12.2 m (40 ft.) is required for all roads within the development.

16.7 Internal roads shall be privately owned and maintained and form part of the common area and shall be designed to be compatible with existing municipal roads and public utility systems.

16.8 The internal road system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured home park. Dead-end roads shall be discouraged; however, where design alternatives are not available, a minimum 16.8 m (55 ft.) radius shall be provided for turn-around purposes.

16.9 If the public roadway through which access to the manufactured home community is obtained is paved, then the roads in the manufactured home community shall be paved.

Siting Criteria

16.10 The following distances must be observed in locating a structure within a designated manufactured home community:

(a) a minimum of 1.5 m (5 ft.) must separate the manufactured home from the lot lines (front, rear, and one side yard) except as provided for in a Comprehensive Plan;

(b) a minimum of 5.5 m (18 ft.) one side yard open space must separate individual manufactured homes (driveways, carports and open porches are allowable in this space);

(c) the distance between a manufactured home stand and an abutting common area such as a paved street or walkway or public parking area shall be 3.7 m (12 ft.);

(d) all open porches, carports and accessory buildings shall be set back minimum 4.6 m (15 ft.) from the front lot line;

(e) accessory buildings may be located 1.5 m (5 ft.) from the manufactured home side lot line, provided structures on the adjoining parcel are 3.0 m (10 ft.) away;

(f) covered decks and porches (walls, roof, etc.) shall be considered part of the principal building and must meet the stipulated setbacks for the manufactured home;

(g) any accessory building shall cover not more than 15 percent of the surface area of the manufactured unit lot, or 55.7 m^2 (600 ft^2), whichever is less.

(h) The manufactured home units shall cover not more than 40 percent of the total surface area of the lot.

SECTION 17 TEMPORARY HOUSING DURING RESIDENTIAL CONSTRUCTION

17.1 A recreational vehicle may be placed temporarily on a construction site for the period of construction in conjunction with an approved development permit, subject to the following provisions:

(a) the construction site is active (i.e., construction has commenced and is on-going or is about to commence within one week) — placement and occupancy of a recreational vehicle on an inactive construction site is prohibited;

(b) the Development Authority has the authority to determine the maximum amount of time a recreational vehicle is permitted on a lot; and

(c) the recreational vehicle shall be shall not be occupied immediately upon completion of construction or sooner as may be required by the Development Authority.



Schedule 7

COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

Schedule 7

COMMERICAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

The following standards are applicable to commercial and industrial development.

SECTION 1 EASEMENTS

1.1 All permanent structures shall be located a minimum of 3.1 m (10 ft.), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

1.2 No structures shall be located within a registered easement.

SECTION 2 CORNER VISIBILITY

2.1 **Street Corner Visibility**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft.) and 3.0 m (10 ft.) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft.) from the point of intersection (see Figures 7.2.1 and 7.2.2).

2.2 **Rear Lane Visibility**

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft.) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway.

SECTION 3 LANDSCAPING AND SCREENING

3.1 A landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

3.2 Within the front setback and secondary front setback, a minimum landscaped strip of 3.0 m (10 ft.) in width along the entire lot frontage (excepting driveways, sidewalks, and walkways) is required. The strip shall be comprehensively landscaped to the satisfaction of the Development Authority.

3.3 The Development Authority may require the prescribed minimum 7.6 m (25 ft.) setback between an industrial and residential use to be landscaped and/or fenced depending on the intensity of the proposed use.

3.4 Development along Highway 845 and 531 may be subject to enhanced landscaping standards to ensure attractive development adjacent to entryways into the community.

3.5 Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority.

3.6 Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 m (10 ft.) landscaped buffer between the property line and the adjacent use.

3.7 Where an industrial lot is adjacent to a residential use, all mechanical equipment shall be concealed by fencing and/or landscaping to the satisfaction of the Development Authority.

3.8 Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

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

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

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity feature (e.g. benches, walkways, raised planters);

(e) innovative landscaping features, as approved by the Development Authority.

3.9 No cottonwood tree of any species or variety shall be planted in the municipality.

SECTION 4 FENCING

4.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 2.4 m (8 ft.) in height in any side or rear yard. A fence, wall, gate, hedge or other means of enclosure that exceeds 0.9 m (3 ft.) in height within a front yard or secondary front yard requires approval by the Development Authority.

4.2 The use of barbed wire below a height of 1.8 m (6 ft.) is not permitted.

4.3 The use of razor wire is not permitted.

4.4 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

4.5 Where a permit is required for fencing, the Development Authority may regulate the material types and colours used for the fence.

4.6 Refer also to Section 2, for clear vision triangle requirements.

SECTION 5 OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

5.1 Refer to Schedule 5, General and Use Specific Standards of Development, Section 8.

SECTION 6 OUTDOOR DISPLAY AND STORAGE

6.1 Temporary outdoor display of goods, materials, and equipment for advertising and sale purposes may be permitted in the front yard provided the display is not located within any required landscape area or buffer.

6.2 The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display areas.

6.3 Outdoor storage areas shall not be permitted within the front setback of 7.6 m (25 ft.) nor in the side setback of 3.0 m (10 ft.).

6.4 Outdoor storage areas adjacent to a residential lot shall be effectively screened by an opaque fence of at least 1.8 m (6 ft.) in height or other suitable screening to the satisfaction of the Development Authority.

SECTION 7 MITIGATION OF IMPACTS FROM NOISE, ODOUR, VIBRATION AND AIR QUALITY

7.1 Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses and/or nearby residential development in the form of noise, odour, vibration and/or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

7.2 A mitigation plan may be attached as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to subsection 7.1 above.

SECTION 8 ACCESORY BUILDINGS

8.1 Accessory buildings shall be located at least 1.2 m (4 ft.) from the principal building.

8.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft.) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

8.3 Accessory buildings or structures shall not to be located in the front yard in relation to the principal building.

SECTION 9 MOVED-IN BUILDINGS

9.1 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.

9.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit. A report by a building inspector regarding each application shall be filed before any such application shall be considered by the development authority.

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

9.4 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

9.5 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

9.6 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

9.7 The Development Officer may require a minimum of $2,000 for moved in buildings and a minimum $5,000 for moved-in dwellings in cash to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the cash deposit, construction may be completed by the Village and additional costs may be charged against the property taxes.

SECTION 10 SURVEILLANCE SUITES

10.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

10.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

10.3 The minimum and maximum floor area of any detached surveillance suite shall be 50 m^2 (538 ft^2) and 102 m^2 (1098 ft^2) respectively.

10.4 Where a surveillance suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

SECTION 11 GAS BARS, SERVICE STATIONS AND BULK FUEL STATIONS

11.1 Notwithstanding the District Regulations, a use pursuant to this section shall not be located on sites, which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

Site Area (Minimum)

11.2 Site Area (Minimum):

(a) Gas bar: 1,200 m^2 (12,917 ft^2);

(b) Service station: 1,500 m^2 (16,146 ft^2);

(c) Gas bar or service station including car wash: 2,700 m^2 (29,063 ft^2);

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10764 ft^2);

(e) Where a service station or gas bar is combined with a convenience store: 1,200 m^2 (12,917 ft^2);

(f) Bulk fuel station: 2,700 m^2 (29,063 ft^2).

Setback of Buildings and Structures

11.3 The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.

11.4 Fuel storage tanks shall have the following setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity	Setback
Up to 7,500 litres	3.0 m (10 ft.)
7,501 to 19,000 litres	5.0 m (16.5 ft.)
19,001 to 38,000 litres	7.6 m (25 ft.)
Over 38,000 litres	10.5 m (34.5 ft.)

Tanks located on property within a Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.

11.5 The ventilation tank pipes shall have a minimum height of 3.5 m (11.5 ft.) from grade, and a minimum setback of 0.9 m (3 ft.) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum on 1.2 m (4 ft.).

11.6 The ventilation tank pipes shall have a minimum setback of 7.6 m (25 ft.) from any fuel-dispensing unit.

11.7 The minimum front yard requirements shall be as prescribed in the District in which the use is located but in no case shall be less than 3.0 m (10 ft.).

11.8 The minimum side and rear yard setbacks shall be as prescribed in the District in which the use is located.

11.9 Yard setbacks shall apply to all above ground structures, including gas pump canopies.

Site and Building Requirements

11.10 All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

11.11 A minimum of 10 percent of the site area of a Gas Bar and Service Station under this section shall be landscaped to the satisfaction of the Development Authority.

11.12 The removal of tanks requires a demolition permit from the Development Authority.

11.13 The maximum building coverage for a use under this section shall be 25 percent of the site area.



Schedule 8

SIGN REGULATIONS

Schedule 8

SIGN REGULATIONS

Except as stated in Section 4 (Signs Not Requiring a Permit) below, no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority.

SECTION 1 SIGNS PERMITTED BY LAND USE DISTRICT

1.1 In the Commercial – C, Industrial – I, and Public – P district two signs fronting each street bounding the property are permitted subject to the provisions of this Schedule. Such sign may be either a business or an identification sign, and may be selected from the following types:

(a) canopy,

(b) fascia, or

(c) freestanding sign.

Temporary signs not exempted in Section 4 or mural signs must be applied for separately on a case by case basis.

SECTION 2 PROHIBITED SIGNS

2.1 Signs which employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting but does not include changeable content, sign projection styles or animation.

2.2 Signs which emit amplified sounds or music.

2.3 In any non-residential district, signs that employ changeable content, animation or pictorial scenes at a luminosity, intensity and/or interval which may create a public hazard or nuisance are prohibited.

2.4 Any signs located within the public right-of-way or on public property, except for signs approved by the Village of Lomond, which may include: canopy signs, projecting signs and temporary signs or signs approved by the Province of Alberta or Federal Government.

2.5 Signs that are attached to or appearing on any vehicle or trailer which is parked on a public right-of-way or any other public lands or on private land that is located adjacent to a public right-of-way with the intent/purpose of displaying the sign to motorists and the public for any period of time excepting signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 hours.

2.6 Any sign which has not obtained a development permit or any sign which has not been deemed exempt from the requirement of obtaining a development permit as per this sign schedule (see Section 4 – Signs Not Requiring a Permit).

2.7 Billboards and roof signs are not permitted in the Village of Lomond.

SECTION 3 GENERAL STANDARDS AND REGULATIONS FOR ALL SIGNS

3.1 Unless otherwise specified, a Development Permit application is required for all signs.

3.2 The Development Officer may refer any Development Permit application for a sign to the Municipal Planning Commission for a decision.

3.3 All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

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

3.5 No sign shall be placed in a public road or laneway or sited in such a manner that the sign causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device.

3.6 Any sign which creates a traffic or pedestrian hazard either due to its design or location shall not be permitted.

3.7 A sign shall be located entirely within the subject lot unless prior written approval granting permission for the sign to overhang another property is submitted to the Village by the affected property owner.

3.8 Sign alterations (e.g. change in size, shape, type, illumination, sign projection style, etc.) shall not be made without first obtaining the required permits or written authorization.

3.9 In all cases, the required distance from overhead power and service lines, as set forth in the *Electrical Protection Act*, shall be maintained.

3.10 A sign shall not be attached to a public bench, light standard, utility pole or any other publicly owned structure or building without prior written authorization from the Development Authority.

3.11 The source of light for all sign illumination shall be steady and suitably shielded.

3.12 The following rules apply to all types of signs on municipal property:

(a) no signs shall be located on, erected on, or attached to municipal property, buildings or structures unless permission is granted in writing from the Village;

(b) if permission is granted for a sign to be located on, erected on, or attached to municipal property, buildings or structures, the sign type shall comply with all applicable sign regulations contained within this Land Use Bylaw;

(c) any sign located on, erected on, or attached to municipal property without authorization from the Village, may be removed without notice.

3.13 Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed the Village may remove the sign.

3.14 Non-compliance with any regulation of this Bylaw may result in the Village removing a sign without notice and any cost associated with its removal may be charged to the sign owner. A sign recovery charge of $200 will be required prior to the return of the sign to the owner.

SECTION 4 SIGNS NOT REQUIRING A PERMIT

The following signs do not require a sign permit, but shall otherwise comply with this Bylaw and be suitably maintained to the satisfaction of the Development Authority.

4.1 Construction signs which do not exceed 2.9 m^2 (32 ft^2) in area provided such signs are removed within 14 days of the completion of construction.

4.2 Banner signs which are displayed for a period of time not exceeding 30 days.

4.3 Signs, notices, placards, or bulletins required to be displayed:

(a) in accordance with the provisions of federal, provincial, or municipal legislation;

(b) by or on behalf of the federal, provincial, or municipal government;

(c) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government.

4.4 Any traffic or directional and informational signage erected by the Village, Province of Alberta or Federal government.

4.5 Municipal signs for municipal purposes (e.g. traffic or directional information signage, community service bulletin board signs, etc.).

4.6 Residency identification signs which state no more than the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.4 m^2 (4 ft^2) in area.

4.7 Entrance or exit signs used for the purpose of directing traffic providing:

(a) those signs that do not display any advertising message, other than a business logo;

(b) the sign area does not exceed 0.9 m^2 (10 ft^2) in area; and

(c) the sign height does not exceed 1.2 m (4 ft.).

4.8 A-board signs (see Figure 8.4.1) where the owner of the sign submits written authorization from the owner of the land where the sign is to be located and where the sign is removed from that location on a daily basis.

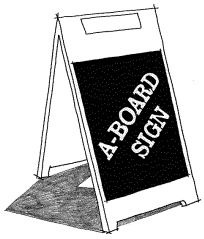


Figure 8.4.1

4.9 The alteration of a sign which only includes routine maintenance, painting or change in face, content or lettering and does not include modification to the sign structure or projection style.

4.10 All signs for public buildings except for freestanding signs, and any signs that contain movement/motion (i.e. rotate, etc.), or employ animation or changeable content, which shall require the approval of the Municipal Planning Commission.

4.11 Real estate signs, provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located.

4.12 Real estate open house A-board signs provided they are removed within 24 hours of the open house.

4.13 On-premises directional and informational signage and incidental signs 0.4 m^2 (4 ft^2) or less in area.

4.14 Any window sign painted on, attached to or installed on a window provided that no more than 50 percent of the subject window area is covered.

4.15 Political poster signs provided all such signage is removed within 5 days after the closing of the polling stations for the relevant election or plebiscite and comply with the following requirements:

(a) signs cannot emit sound, use video features or be illuminated;

(b) signs shall be maintained in a condition that is neat and shall not be unsightly or dangerous;

(c) signs shall not interfere with the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists;

(d) signs shall not exceed 0.9 m^2 (10 ft^2) in area, 1.2 m (4 ft.) in height, and be self supporting;

(e) signs shall not be posted for more than 60 days; and

(f) signs shall be a minimum of 3.0 m (10 ft.) from any road access and a minimum of 4.6 m (15 ft.) from any intersection.

4.16 One temporary portable sign per parcel located on site not more than 14 days.

SECTION 5 SIGN PERMIT APPLICATION REQUIREMENTS

5.1 A development permit for a sign shall be made to the Development Authority by an applicant, a landowner, or someone that has been authorized by the landowner (i.e. agent) to submit a development permit application, on a completed application form.

5.2 An application for a development permit to erect, place, alter or relocate a sign shall also be accompanied by:

(a) the name and address of:

- the sign manufacturer or company, and
- the lawful sign owner;

(b) a letter of authorization from the affected registered property and/or building owner (if the applicant is not the landowner).

5.3 The Development Authority may require any additional information deemed necessary to evaluate a Development Permit application for a sign, but generally, an application for a permit to erect, place, alter or relocate a sign shall be made to the Development Authority and shall be accompanied by photographs and/or drawings, to an appropriate scale, showing where applicable:

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

(b) the size, height, and area of the proposed sign(s), including any supporting structures;

(c) details with respect to the sign content (i.e. wording/lettering, text, message, graphics, etc.);

(d) the colour and design scheme;

(e) material specifications;

(f) the location of the property boundaries of the parcel upon which the proposed sign(s) is to be located;

(g) all utility rights-of-way, access easements and any other related encumbrances;

(h) the location of existing building(s) on the site;

(i) the type of illumination, animation and/or changeable content, if any, and details with respect to the proposed luminosity intensity and/or interval;

(j) the details regarding the extent of the projection if a sign is to be attached to a building; or

(k) the location of all landscaping if the proposed sign is freestanding.

SECTION 6 DISPLAY STYLES AND ILLUMINATION

Display Styles

6.1 The content of any sign type (e.g. temporary, freestanding, etc.) may be displayed using one or a combination of more than one of the following display styles:

(a) Lettering/Logo: means the sign content contains simple wording, lettering, logo or graphics that are not animated, moving or cannot be changed automatically;

(b) Animation: means the sign content or a portion of the sign content contains action or motion, including lighting changes, special effects or pictures, but does not mean changeable content;

(c) Changeable Content: means the sign content or a portion of the sign content changes automatically through electronic and/or mechanical means;

(d) Movement/Motion: means the sign, sign content or a portion of the sign conveys its message to the public through the movement or motion of its mechanical parts. Typical signs using this projection style include rotating signs.

6.2 Any change in display style requires the submission of a new development permit application.

Illumination

6.3 Any sign may be considered illuminated if it is lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. Illuminated signs are regulated by the Land Use Bylaw.

SECTION 7 TEMPORARY SIGNS

7.1 All temporary signs require a development permit except those signs exempted in subsection 4.2 and will be valid for a period of no longer than 60 days.

7.2 Once the permit has expired for a temporary sign at a location address, re-application for another temporary sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the temporary sign is removed, whichever is the later of the two dates.

7.3 No posters or signs shall be placed on:

(a) any public utility such as a power pole,

(b) municipal, provincial or federal signage.

7.4 Temporary signs shall not be projected using animation, digital or electronic changeable copy.

7.5 The Development Authority must only approve the location of the temporary sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

7.6 All temporary signs shall be located within the property lines of the location address shown on the development permit application. At the discretion of the Municipal Planning Commission temporary signs may contain off-premises sign content as defined in Section 12.

7.7 The Development Authority may require the posting of a security with the Village to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.

7.8 No temporary sign (including electrical cords) shall be placed on or extend over or project into any municipal property or beyond the boundaries of the private lot or premises upon which it is sited without the written authorization of the Development Authority.

7.9 The copy area of a temporary sign shall not exceed 3.7 m^2 (40 ft^2).

SECTION 8 FREESTANDING SIGNS

8.1 All freestanding signs require a development permit except those signs exempted in Section 4.

8.2 Freestanding signs shall have a minimum separation distance of 30.0 m (98 ft.) for those signs located on the same side of a roadway.

8.3 Except for monument signs, the maximum height of a freestanding sign shall be 6.1 m (20 ft.) with a minimum clearance from the bottom of the sign to the ground of 3.05 m (10 ft.) (see Figure 8.7.1 where Dimension A =6.1 m and Dimension A minus C = 3.05 m). Minimum clearance does not apply to pylon signs.

8.4 The total sign area for each face shall not exceed 7 m^2 (75 ft^2). Sign area is depicted in Figure 8.8.1 as dimension B multiplied by dimension C.

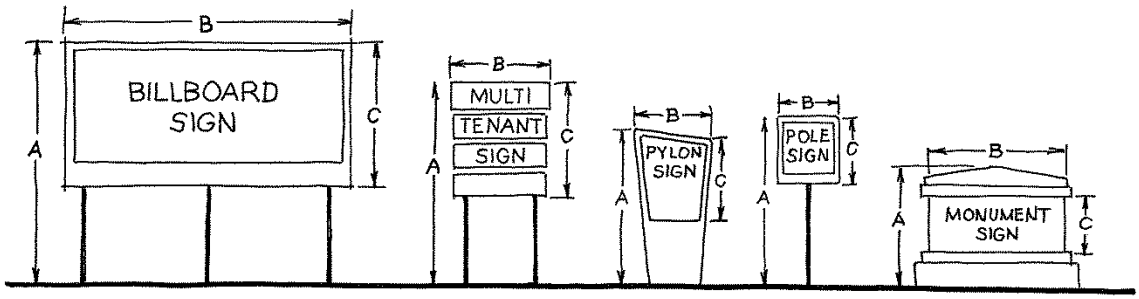


Figure 8.8.1

Billboard Signs

8.5 Billboards are not permitted in the Village of Lomond.

SECTION 9 FACSIA SIGNS

9.1 All fascia signs require a development permit except those signs exempted in Section 4.

9.2 The total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or bay. For large walls, no fascia sign shall exceed a maximum coverage size of 9.3 m^2 (100 ft^2).

9.3 A fascia sign shall not project more than 0.3 m (1 ft.) from the face of a building.

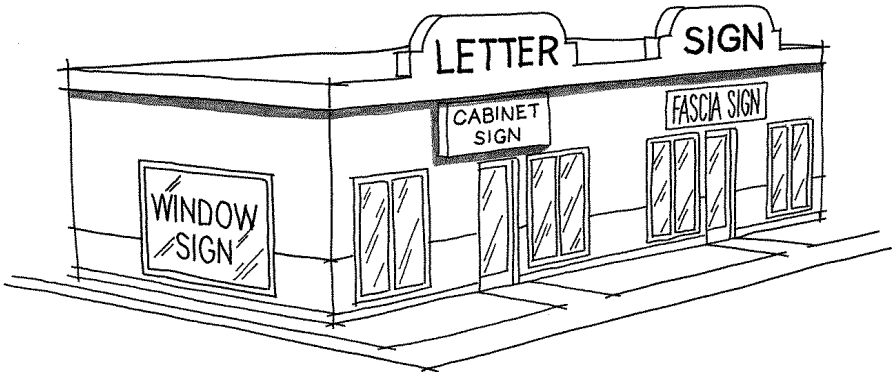


Figure 8.9.1

9.4 A fascia sign shall not be located above any portion of a street, or project over public property, unless the fascia sign maintains a minimum clearance from grade of 2.4 m (8 ft.) and the maximum projection shall be no greater than 0.3 m (1 ft.).

Window Signs

9.5 In all other districts, a window sign painted on, attached to or installed on a window may cover no more than 50 percent of the subject window area.

Mural Signs

9.6 All mural signs require a development permit except those signs exempted in Section 4.

9.7 No more than one mural sign shall be allowed per building unless specifically authorized by the Municipal Planning Commission.

9.8 The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

9.9 The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.

9.10 The Development Authority may require that the mural content be reflective of the Village's history and/or heritage.

9.11 Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.3 m^2 (100 ft^2).

SECTION 10 PROJECTING SIGNS

10.1 All projecting signs require a development permit except those signs exempted in Section 4.

10.2 Projecting signs shall be placed:

(a) at right angles to the building face to which they will be attached; or

(b) in the case of corner sites, placed at equal angles to the building faces that form the corner.

10.3 Projecting signs shall have a minimum vertical clearance of 2.4 m (8 ft.) measured between the lower sign edge and grade and shall not project more than 0.9 m (3 ft.) from the surface of the building to which it is attached.

10.4 The maximum allowable height for a projecting sign, measured from the top of the sign to grade, shall not exceed the lesser of:

(a) the height of the eave line or roof line;

(b) 6.1 m (20 ft.); or

(c) to the satisfaction of the Development Authority.

Canopy Signs

10.5 All canopy signs require a development permit except those signs exempted in Section 4.

10.6 No part of a canopy sign shall project more than 1.2 m (4 ft.) over a public sidewalk or within 0.9 m (3 ft.) of a curb adjoining a public roadway and shall be mounted no less than 2.4 m (8 ft.) above grade.

10.7 A canopy sign or any physical supports for the sign shall not extend beyond the lateral or vertical dimensions of the canopy or its apron.

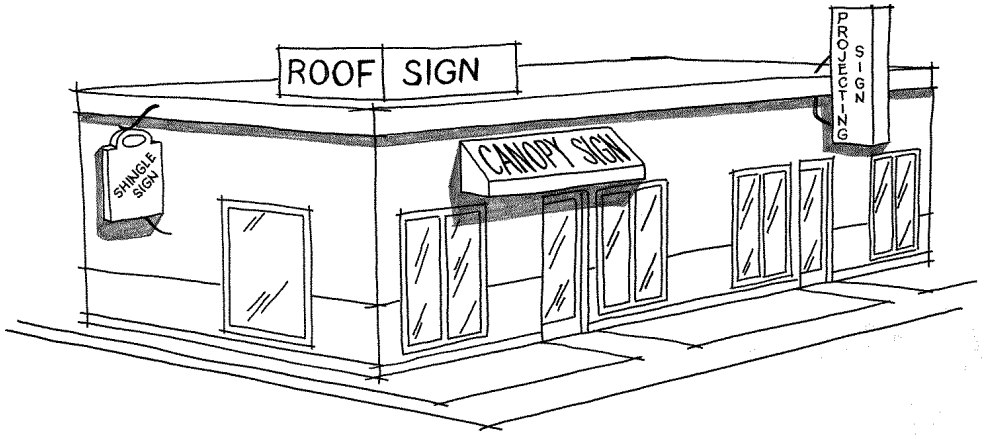


Figure 8.10.1

10.8 Approval of any canopy signage overhanging public land under the sign regulations 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 of Lomond. The agreement may be registered on title.

10.9 The copy area of the sign shall not exceed 50 percent of the exposed edge or face of the canopy, awning or marquee.

Roof Signs

10.10 Roof signs are not permitted in the Village of Lomond.

SECTION 11 OTHER SIGNS

11.1 When a sign cannot be clearly categorized as one of the sign types as defined in this bylaw, the Development Authority shall determine the sign type and any and all applicable controls.

SECTION 12 SIGN DEFINITIONS

12.1 For the purpose of the Land Use Bylaw and this Schedule, the following definitions apply:

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

ABANDONED SIGN means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

ANIMATION means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.

AWNING means an adjustable or temporary roof-like covering fitted over windows and doors and used for shelter, advertising or decoration. See CANOPY SIGN.

BANNER SIGN means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.

BILLBOARD SIGN means a structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced.

CANOPY means a permanent fixture fitted over windows and doors and used for shelter, advertising or decoration.

CANOPY SIGN means a projecting sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

CHANGEABLE CONTENT means sign content which changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre or time and temperature unit.

CONSTRUCTION SIGN means a temporary sign which is placed on a site to advertise items such as the provision of labour, services, materials or financing on a construction project.

DIRECTIONAL AND INFORMATION SIGN means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

FASCIA SIGN means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 m (1 ft.) from the building.

FREESTANDING SIGN means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade.

HOME OCCUPATION SIGN means a sign advertising a home occupation approved under the Land Use Bylaw.

LUMINOSITY means the measurement of brightness.

MULTI-TENANT SIGN means any freestanding sign that contains sign content that advertises more than one tenant and/or business.

MURAL SIGN means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction.

OFF-PREMISES SIGN means any type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

OFF-PREMISES SIGN CONTENT means sign content which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

ON-PREMISES SIGN CONTENT means sign content which advertises a service, product or activity conducted, sold or offered on the property that the sign is located.

OVERHANGING means that which projects over any part of any street, lane or other municipally owned property.

POLITICAL POSTER SIGN means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

PORTABLE SIGN means a temporary sign that is not permanently affixed to a building, structure, or the ground.

PROJECTING SIGN means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.3 m (1 ft.) horizontally from a structure or building face.

REAL ESTATE SIGN means a sign advertising real estate (i.e. property) that is for sale, for lease, or for rent or for real estate that has been sold.

RESIDENCY IDENTIFICATION SIGN means a sign located on a lot in a residential district that provides for the name and/or address of the owner or occupant of a dwelling.

ROTATING SIGN means a sign or portion of a sign which moves in a revolving manner.

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

SHINGLE SIGN means a small projecting sign which is suspended from a mounting attached directly to the building wall. Shingle signs are generally placed perpendicular to the face of a building and are typically found in pedestrian oriented environments such as a downtown and/or historic district. See PROJECTING SIGNS.

SIGN means a lettered board or other public display intended for the advertising or calling attention to any person, business, matter, object or event.

SIGN ALTERATION means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

SIGN AREA means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN CONTENT means the wording/lettering, message, graphics or content displayed on a sign.

SIGN CONTENT AREA means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

SIGN HEIGHT means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

SIGN ILLUMINATION means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN DISPLAY STYLE means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

SIGN TYPE means the type of structure of a sign (e.g. freestanding, projecting, temporary, etc.) used to convey sign content.

TEMPORARY SIGN means any sign permitted, designed or intended to be displayed for a short period of time, including portable signs, balloon signs, developer marketing signs, land use classification signs, construction signs, political poster signs, window signs, banner signs, A-board signs or any other sign that is not permanently attached to a building, structure or the ground.

WINDOW SIGN means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.



Schedule 9

TELECOMMUNICATION ANTENNA SITING PROTOCOL

Schedule 9

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Industry Canada siting protocols.

SECTION 1 MUNICIPAL APPROVAL

1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit but shall be required to make a submission to the Municipal Planning Commission including:

(a) the information as listed in Section 2, and

(b) complete the notification and public consultation process found in Section 3.

1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. If all requirements are met the Village of Lomond will provide concurrence in the form of a written letter to the proponent.

1.3 The following are excluded from submitting information for review:

(a) an antenna mounted on a building that projects less than 1.8 m (6 ft.) in height above the top of the building,

(b) Commercial or Industrial designated lands which are a minimum of 150.0 m (492 ft.) from residential designated lands or lands designated for public purpose.

SECTION 2 INFORMATION REQUIREMENTS

Co-utilization (Co-location)

2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 500.0 m (1640 ft.) of the proposed location and to provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

Appearance

2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

Lighting and signage

2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

3.1 At the expense of the applicant, the municipality will notify all land owners within a distance of 500.0 m (1640 ft.) of the proposed structure within the Village.

3.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal.

3.3 The proponent shall be prepared to hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure. The notification should be sent 25 days prior to the public meeting.

3.4 From the public meeting, the proponent will be responsible to provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Village of Lomond will request a ruling by Industry Canada prior to the issuance of a letter of concurrence.



Appendix A

FEES

Planning and Development Fee Schedule (2026)

Fee Schedule	Permitted Uses	Discretionary Use or Use Requesting Waiver Greater than 10%
Residential:		
Dwellings	$150	$75
Additions	$50	$75
Accessory Buildings 100 ft^2 or greater	$150	$300
Home Occupations	$150	$75
Commercial:		
Change of Use	$150	$300
Commercial buildings less than 465 m^2 (5,000 ft^2)	$150	$300
Commercial buildings 465 m^2 (5,000 ft^2) or greater	$150	$300
Industrial:		
Change of Use	$50	$100
Single-tenancy buildings or complexes	$50	$100
Multi-tenancy buildings or complexes	$50	$100
Public/Institutional:		
All uses	$150	$300
Sign Permit:	$50	$0

Letter of Compliance:	$50
Demolition Permit for Principle Structure:	$50
Demolition Permit for Accessory Structure:	$50
Recirculation Fee:	50% of the original application fee
Land Use Bylaw Amendments:	$300
Other Statutory Plans and Amendments To:	$300
Request to convene a special meeting of the Municipal Planning Commission:	$300
Appeal to the Subdivision and Development Appeal Board (portion of fee refundable upon successful appeal)**:**	$500

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 and may be adjusted if deemed necessary.



Appendix B

FORMS AND NOTICES

RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

Development Permit Application No.	

Date Deemed Complete: _____ ❑ Notice of Completeness

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

❑ Construct a **NEW** dwelling *(if greater than 500 ft² see abandoned well information section)*

❑ Single-unit/manufactured home ❑ 2 Unit ❑ Multi-unit ❑ Other _____

❑ Move-in a **USED** Dwelling (describe development): _____

❑ Alter/renovate the existing building *(if greater than 500 ft² see abandoned well information section)*

❑ Addition ❑ Deck(s) ❑ Other _____

❑ Construct an accessory building or structure *(if greater than 500 ft² see abandoned well information section)*

❑ Garage ❑ Shed /Workshop ❑ Other _____

❑ Move-in building *(if greater than 500 ft² see abandoned well information section)*

❑ Demolish existing building (attach a copy of a completed ***Demolition Form***)

Exterior Finish, Fencing & Landscaping

❑ Not applicable to this development

❑ Applicable – Describe generally the types, colors, and materials, as applicable, of:

Exterior finishes of the proposed building(s): _____

Proposed fencing and height: _____

Proposed landscaping: _____

Services

Indicate the existing or proposed sewer system and potable water supply:

Sewer System: ❑ Municipal ❑ Private Septic

Water Supply: ❑ Municipal ❑ Other _____

Details of Vehicle Parking and Access (Indicate locations of same on a scaled PLOT PLAN.)

Number of parking spaces (existing or proposed): _____

Size of parking spaces (existing or proposed): _____

Number of driveways (existing or proposed): _____

Width of driveway (existing or proposed): _____

Waivers

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ❑ No ❑ Yes

If yes, please specify: _____

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft.	❑ m ❑ ft.	
Rear	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Parcel Type: ❑ Interior Lot ❑ Corner Lot			

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

Registered Owner (if not the same as applicant)

VILLAGE OF LOMOND
RESIDENTIAL 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 and Land Use District
  - ❑ Adjacent roadways and 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 Rights-of-Way or easements
  - ❑ Number of off-street parking spaces

- ❑ **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.**

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**.

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.

- ❑ **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 Lomond.**

RESIDENTIAL SECONDARY/GARDEN SUITE DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

Development Permit Application No.	

Date Deemed Complete: _____ ❑ Notice of Completeness

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

DEVELOPMENT INFORMATION

Is there currently a suite located on the property? ❑ Yes ❑ No

Number of off-street parking spaces available on the property (not including garage): _____

Will the suite be located in: ❑ An Existing Home ❑ A New Construction ❑ An Accessory Building/Garden Suite

Will the secondary suite contain a separate entrance on the exterior of the home? ❑ Yes ❑ No

If answered yes, please indicate the location of the separate entrance on the site plan.

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

Registered Owner (if not the same as applicant)

VILLAGE OF LOMOND
RESIDENTIAL SECONDARY/GARDEN SUITE 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 sketch)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of any registered utility rights-of-way or easements
  - ❑ Location and number of off-street parking spaces

- ❑ **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

- ❑ **Application fee payable to the Village of Lomond.**

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete: _____ ❑ Notice of Completeness

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

❑ Construct a **NEW** dwelling *(if greater than 500 ft^2 see abandoned well information section)*

❑ Commercial Use ❑ Industrial Use ❑ Public/Institutional Use ❑ Other _____

❑ Move-in a **USED** building (describe development): _____

❑ Alter/renovate the existing building *(if greater than 500 ft^2 see abandoned well information section)*

❑ Addition ❑ Other _____

❑ Construct an accessory building or structure *(if greater than 500 ft² see abandoned well information section)*

❑ Garage ❑ Shed/Workshop ❑ Other _____

❑ Demolish existing building (attach a copy of a completed ***Demolition Form***)

❑ Change in or intensification of use

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 ❑ ft²	❑ m² ❑ ft²	
Building Size	❑ m² ❑ ft²	❑ m² ❑ ft²	
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			

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

Registered Owner (if not the same as applicant)

VILLAGE OF LOMOND
NON-RESIDENTIAL 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 and Land Use District
  - ❑ Adjacent roadways and lanes
  - ❑ Lot Dimensions, Lot Area, and Percentage of Lot Coverage for all structures
  - ❑ Any buildings with dimensions of foundation and projections
  - ❑ The proposed distance 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 Rights-of-Way and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Number and location of parking spaces, both on and off-street

- ❑ **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 the 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.**

  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**.

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.

❑ **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 Lomond.**

DEVELOPMENT PERMIT

Application No. _____ **Permit No.** _____

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

This permit, respecting development involving: _____

_____

(as further described in Application No. _____) is hereby issued to _____

with: ❑ no conditions

❑ the following conditions:

❑ no conditions

No development authorized by the issue of this permit shall commence:

(a) less than 14 days after the issue of this permit plus an additional 7 days if the permit notification is mailed to affected parties, or

(b) if an appeal is filed, until the appeal is decided upon.

After the appeal period, if no appeal is filed, you are hereby authorized to proceed with the development specified, provided that any stated conditions are complied with, the development is in accordance with the application and plans as approved, and that a building permit is obtained if construction is involved. If an appeal is filed regarding this permit to the Subdivision and Development Appeal Board, this permit shall be null and void. Anyone commencing development before this permit becomes valid does so at his or her own risk.

This permit is issued on _____ , _____ and becomes valid 21 days after the date of its issue

on _____ , _____ .

Notification to Applicant: _____, _____ **Signed:** _____

Designated Officer – Village of Lomond

SEE IMPORTANT INFORMATION ON REVERSE

TERMS APPLICABLE TO DEVELOPMENT PERMIT

CONDITIONS OF DECISION

The decision on this application applies only to the use and development described in the decision. A separate application is required for the extension or amendment of a development permit, or any other development (e.g. signs) not included in this application.

APPEAL

The Municipal Government Act provides that any person affected by the issue of a development permit may appeal to the Subdivision and Development Appeal Board by serving written notice to the secretary of the Subdivision and Development Appeal Board within 14 days of the date this permit was issued.

PERMIT EXPIRY

A development permit expires 12 months from the date of its issue, if the development or use authorized by the permit has not been commenced or carried out with reasonable diligence within 12 months from the date of its issue, in accordance with administrative procedures of the Land Use Bylaw.

PERMIT NOT TRANSFERABLE

A development permit is valid only for the location for which it is issued, but a development permit may be transferred to another person in certain instances (subject to and in accordance with administrative procedures of the Land Use Bylaw) provided that the designated officer issues a written consent which authorizes the transfer.

PERMIT AUTHORITY

A development permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw of the municipality or any applicable provincial or federal legislation.

OTHER PERMITS AND LICENCES

A development permit is not a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, a permit issued by a Public Health Inspector, or a business license. These and other separate permits or licenses may be required by municipal, provincial or federal authorities.

SIGN DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete: _____ ❑ Notice of Completeness

IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board. **A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

SIGN INFORMATION

TYPE OF WORK: ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

SIGN TYPE*:	**PROJECTION STYLE:** *Mark any or all that apply*	**ILLUMINCATION:** *Mark any or all that apply*
❑ Temporary ❑ Canopy ❑ Window ❑ Freestanding ❑ Fascia ❑ Mural ❑ Projecting ❑ Other **Billboard signs are not permitted in the Village	❑ Lettering / logo ❑ Manual changeable lettering content ❑ Electronic changeable lettering content ❑ Animation ❑ Movement / rotation	❑ No illumination ❑ Direct illumination ❑ Internal illumination ❑ Flashing

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

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed? _____ 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) on the property
- ❑ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ❑ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ❑ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ❑ Setbacks from property lines of proposed sign(s) and existing building(s)

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign.

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

Registered Owner (if not the same as applicant)

HOME OCCUPATION
DEVELOPMENT PERMIT APPLICATION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete: _____ ❑ Notice of Completeness

IMPORTANT NOTICE*: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal*

A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

BUSINESS DESCRIPTION

Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.

Is there another home occupation already operating out of the residence? ❑ Yes ❑ No

Where will the business operate from? ❑ In-home ❑ Accessory building

How will you interact or do business with your clients or customers?

- ❑ In person. Clients/customers 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

How many on-site parking spaces for any client visits, deliveries, etc. will be available? _____

What will the days of operation be? ❑ Mon-Fri ❑ Weekends ❑ 7 days/week ❑ Part-time

What will be the hours of operation? _____

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

Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?

- ❑ Yes (list materials and quantities) _____
- ❑ No

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

_____

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

- ❑ Yes (list materials and quantities) _____
- ❑ No

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

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	Registered Owner (if not the same as applicant)

DEMOLITION FORM

Application No.	

Date of Application: _____

Date Deemed Complete: _____

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

DEMOLITION/REMOVAL INFORMATION

Description of building / structure: _____

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

Building Size: _____ ❑ m^2 _____ ❑ ft^2 Height of Building: _____ ❑ m _____ ❑ ft

Expected start date: _____ Expected completion date: _____

Method of Demolition:

- ❑ Manual (no heavy equipment)
- ❑ Using heavy equipment
- ❑ Other – please explain _____

Dump site location: _____

Name of Contractor responsible for removal/demolition: _____

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	Registered Owner (if not the same as applicant)

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 Lomond**.

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

APPLICATION FOR A LAND USE BYLAW AMENDMENT

Bylaw No.	

Date of Application: _____

Date Deemed Complete: _____

IMPORTANT NOTE: Although the Designated 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.

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

- ❑ **Map Attached**
- ❑ **Description of Proposal Attached**
- ❑ **Area Structure Plan / Design Concept Attached**

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted 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	Registered Owner (if not the same as applicant)

AGREEMENT FOR TIME EXTENSION

Development Permit Application No.	

Date of Application: _____

Date Deemed Complete: _____

I/We _____

being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Application No.: _____

For: _____

Located on (legal description): _____

_____

Do hereby agree to a time extension of: _____ days, until

_____

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

Date: _____

_____
Signature of Registered Owner/Person Acting on behalf of Registered Owner

_____
Signature of Witness

Date: _____

_____
Signature of Designated Officer – Village of Lomond

_____
Signature of Witness

TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Date of Application: _____

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Registered Owner's Name: _____

Mailing Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Applicant's interest in the proposed development if not the registered owner:

❑ Agent ❑ Contractor ❑ Tenant ❑ Other: _____

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____ Existing use of land: _____

DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel? _____

What will the tower be used for? _____

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft. Commencement Date: _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

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 Registered Owner (if not the same as applicant)

VILLAGE OF LOMOND

TELECOMMUNICATION SITING
PROTOCOL APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A completed checklist
2. Non-refundable application fee
3. Signature of ALL landowners
4. Any additional information requested by the Development Authority

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Village of Barons will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

FEES		
Copying and distribution of required notification letters	$1.50/letter	Payment required for distribution of letters will be the application fee
Distribution of required notification letters	$1.00/letter	
If the applicant can prove that notification to all required adjacent landowners has been done, then no fee is required.		
For fees not listed here, please see the full Fee Schedule		

CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	IS THIS REQUIRED? YES OR NO	SUBMITTED? YES, NO OR N/A
Co-utilization: Are there any other such structures within a radius of 500 m (1640 ft.) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure		
Stealth Structure Options/Screening: If this structure will be visible from residential areas stealth structure options must be used and a description of the stealth structure options must be submitted to the satisfaction of the Village.		
Lighting and Signage: Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required.		
What signage will be used? Please describe. No advertising signage shall be permitted.		
Notification & Public Consultation Process: All landowners within a distance of 3.2 km (2 miles) from the proposed structure must be notified. Please provide a letter that the Village can circulate on your behalf.		
The fee for copying and distributing these letters is $2.50/letter. _____ x $2.50/letter = _____ total The fee for only distributing these letters is $1.50/letter _____ x $1.50/letter = _____ total		

VOLUNTARY WAIVER OF CLAIMS

DEVELOPMENT COMMENCEMENT FORM

Date of Application:	_____	*Development Permit Application No.*	
Date of Approval:	_____		

PROPERTY INFORMATION

Municipal Address: _____

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

Land Use District: _____

What is the existing use? _____

"VOLUNTARY WAIVER OF CLAIMS" (OPTIONAL)

For Development Approvals of Discretionary Uses and/or Approvals Granting a Waiver of Development Standards

This "Voluntary Waiver of Claims" allows you to commence your development at your own risk in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the Village of Lomond for costs associated with the cessation and/or costs resulting from the outcome of the appeal, including the removal of improvements and restoration of disturbances to the land/buildings to their former state.

Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

I have read, understood, and agree to this "Voluntary Waiver of Claims".

APPLICANT	Registered Owner (if not the same as applicant)



Appendix C

SUBDIVISION AND DEVELOPMENT AUTHORITY / MUNICIPAL PLANNING COMMISSION BYLAW NO. 596

VILLAGE OF LOMOND
BY LAW No. 596

BEING A BYLAW IN THE VILLAGE OF LOMOND IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF ESTABLISHING A DEVELOPMENT AUTHORITY, SUBDIVISION AUTHORITY AND MUNICIPAL PLANNING COMMISSION BYLAW.

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 623, requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority; and

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 624, requires the municipality to adopt a bylaw to establish a municipal Development Authority; and

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 626, may adopt a bylaw establish a Municipal Planning Commission; and

WHEREAS, the Municipal Planning Commission is authorized to make decisions on applications for subdivision and development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw; and

WHEREAS, this bylaw may be cited as the Village of Lomond Subdivision and Development Authority Bylaw;

PURPOSE, the purpose of this bylaw is to establish the authority of the Municipal Planning Commission and Designated Officer to carry out the duties of the Development Authority and the Subdivision Authority;

NOW THEREFORE, the Council of the Village of Lomond 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.

   b) **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Development Authority powers, duties or functions.

   c) **Council** means the Municipal Council of the Village of Lomond.

   d) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw pursuant to Section 210 of the Act.

   e) **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 Lomond Land Use Bylaw; or
      iii) in this bylaw; or
      iv) by resolution of council.

   f) **Member** means a member of the Subdivision Authority or the Development Authority.

   g) **Municipal Planning Commission** ("MPC") means the Municipal Planning Commission of the Village of Lomond as established by this bylaw.

   h) **Municipality** means the Village of Lomond in the Province of Alberta.

i) **Secretary** means the person or persons authorized to act as secretary for the Development Authority.

j) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality.

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.

Part 1 – Development Authority

2. The Development Authority for the Municipality is:

   a) The Designated Officer, for an application for development approval which is a permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw.

   b) The Municipal Planning Commission established under this Bylaw, when the application for development permit is:

      i. A discretionary use under the Land Use Bylaw; or

      ii. A permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw.

3. Notwithstanding Section 2, the Designated Officer may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

4. The Development Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

Appointment of Development Officer

5. Council may, by resolution, appoint a designated officer as Development Officer(s). The powers and duties of the development officer shall be outlined in the Village of Lomond Land Use Bylaw.

PART 2 – Subdivision Authority

Establishment

6. The Subdivision Authority for the Municipality is the Municipal Planning Commission for all applications for subdivision approval.

Powers and Duties

7. The Subdivision Authority has those powers and duties as set out in the MGA and any regulation thereunder.

Administration

8. The signing authority for all subdivision related matters is the Chairperson of the Municipal Planning Commission or delegate.

9. When a registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications from that approved by the Subdivision Authority provided:

    a. there is no increase to the number of parcels;

    b. municipal, school or environmental reserves are not compromised;

    c. municipal roads and standards are not compromised;

    d. changes comply with municipal bylaws, with the exception that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the MGA.

PART 3 – Municipal Planning Commission

Establishment of the Municipal Planning Commission

10. That a Commission known as the Municipal Planning Commission of the Village of Lomond, hereinafter called "MPC" is hereby established.

Membership

11. The MPC shall be composed of not less than three (3) persons as follows:

    - 3 members of council;

    All appointed by resolutions of Council.

12. Two (2) of the members of the MPC shall constitute a quorum.

13. No person who is a member of the Subdivision and Development Appeal Board shall be appointed to act as a member of the MPC.

14. Appointments to the MPC shall be made for a term of 1 years, to be reappointed at each year's Organizational Meeting.

15. When a person ceases to be a member of the MPC before the expiration of his/her term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

Chairperson and Vice-Chairperson

16. The MPC Chairperson will be the Mayor for a term of one year from the date of election.

17. The Mayor will be appointed for a one year term as Chairman to the MPC at each year's Organizational Meeting.

18. Where the Chairperson is absent from a meeting of the MPC, one of the other members shall be elected to preside over that meeting.

Secretary

19. A Designated Officer(s) shall serve as Secretary to the MPC, and shall:

    a. not have a vote;

b. notify all members of meetings of the MPC;

c. notify the public pursuant to the notification procedure of the Land Use Bylaw and the MGA;

d. prepare and maintain a file of written minutes of the business transacted at all meetings of the MPC;

e. record decisions of the MPC and issue the decision and/or permit forthwith to all parties affected;

f. be authorized to sign on behalf of the MPC any order, decision, approval, notice or other thing made, given or issued by the MPC;

g. keep record of the names and addresses of those making representations at the meeting;

h. undertake other duties as the MPC may require in the conduct of its business.

20. In the event of a tie vote, any motion of the MPC shall be deemed defeated.

Functions and Duties

21. The Municipal Planning Commission has the following functions and duties:

a. upon request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and pattern of settlement in the Municipality

b. to serve as a Subdivision Authority pursuant to Part 17 of the MGA and of this bylaw; and

c. to serve as a Development Authority pursuant to Part 17 of the MGA and of this bylaw.

22. The Municipal Planning Commission shall hold meetings monthly or as required, and undertake such actions as are necessary to fulfill the powers and duties of the MPC.

23. Applications for subdivision approval shall be considered by the MPC and either approved, with or without conditions, or refused in accordance with the MGA Part 17 and any regulations made thereunder.

24. Development permit applications referred to the MPC shall be considered and either approved, with or without conditions, or refused in accordance with the Land Use Bylaw and the MGA Part 17 and any regulations made thereunder.

25. A decision of the Municipal Planning Commission is not considered final until notification of the decision is given in writing.

26. If a member has a pecuniary interest in the matter before the MPC, the member shall:

a. disclose the general nature of the pecuniary interest to the MPC prior to the MPC's consideration of the matter;

b. abstain from discussion and disposition on the matter; and

c. leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.

27. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.

28. Notwithstanding Section 18(f) of this bylaw, any order, decision or approval made, given or issued by the MPC may be signed by the Chairperson of the MPC.

Repeal

29. Bylaw No. 362, being the former Municipal Planning Commission bylaw, is hereby repealed.

READ a **first** time this 26th day of November, 2013.

READ a **second** time this 26th day of November, 2013.

READ a **third** time and finally passed this 26th day of November, 2013.

Mayor	***Chief Administrative Officer***