VILLAGE OF ARROWWOOD
IN THE PROVINCE OF ALBERTA

BYLAW NO. 464

BEING a bylaw of the Village of Arrowwood in the Province of Alberta, to amend Bylaw No. 451 being the municipal Land Use Bylaw.

WHEREAS the Council of the Village of Arrowwood desires to update and enhance administrative procedures and standards of Land Use Bylaw No. 451 to be in compliance with the modernized Municipal Government Act (MGA), add regulations to manage cannabis production and retail sales in consideration of federal and provincial laws coming into effect to legalise cannabis use and also add criteria for residential fencing.

AND WHEREAS the general purpose of the proposed amendments described in Schedule 'A' and 'B' are to:

- Add rules and criteria pertaining to the receiving, processing, and notification of development and subdivision applications as well as appeal timelines in order to be in compliance with the MGA, with all proposed amendments as described in attached Schedule 'A'.
- Amend and add Cannabis Production Facility as a use and provide criteria and standards for Cannabis Production Facilities, with all proposed amendments as described in attached Schedule 'B'.
- Add minimum requirements and standards applicable to Retail Cannabis Stores that will be considered by Village Council in making a decision on a development permit application for such uses, with all proposed amendments as described in attached Schedule 'B'.
- Add minimum requirements and standards applicable to Retail Liquor Stores that will be considered by Village Council in making a decision on a development permit application for such uses, with all proposed amendments as described in attached Schedule 'B'.
- Add definitions to Part 6 for Cannabis, Cannabis Accessory, Cannabis Production Facilities and Retail Cannabis Stores, with all proposed amendments as described in attached Schedule 'B'.
- Add additional criteria for residential fencing, with all proposed amendments as described in attached Schedule 'B'.
- Designate certain municipally owned lands from Commercial – C, Residential – R, and Urban Reserve – UR to Public – P in Schedule 1 as described in attached Schedule 'C'.

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

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

1. Bylaw No. 451 being the Land Use Bylaw, is hereby amended by Bylaw 464 to include the amendments as described in the attached Schedule 'A'.
2. Bylaw No. 451 being the Land Use Bylaw, is hereby amended by Bylaw 464 to include the amendments as described in the attached Schedule 'B'.
3. Bylaw No. 451 being the Land Use Bylaw, is hereby amended by Bylaw 464 to include the amendments as described in the attached Schedule 'C'.

4. That Table 2.2.1: Use Table, section 2 Use Table, Schedule 2 Use Regulation is amended to include "Cannabis retail store" as a "Use Type" in the "Retail Sales and service" Commercial use category and classified as a Discretionary Use "D" in the Commercial - I Land Use District.
5. That Table 2.2.1: Use Table, section 2 Use Table, Schedule 2 Use Regulation is amended to include "Cannabis production facility" as a "Use Type" in the "Other" Industrial use category and classified as a Discretionary Use "D" in the Industrial - I Land Use District.
6. That the aforementioned amendment to Land Use Bylaw 451, shall make use of formatting that maintains the consistency of the portions so the bylaw being amended,
7. Bylaw No. 464 shall come into effect upon third and final reading thereof.
8. Bylaw No. 451 is hereby amended and consolidated.

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

Mayor – *Matt Crane* **Chief Administrative Officer** – *Christopher Northcott*

READ a **second** time this 29th day of January, 2019.

Mayor – *Matt Crane* **Chief Administrative Officer** – *Christopher Northcott*

READ a **third** time and finally PASSED this 29th day of January, 2019.

Mayor – *Matt Crane* **Chief Administrative Officer** – *Christopher Northcott*

Schedule 'A'

IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 451

BYLAW NO. 451 OF THE VILLAGE OF ARROWWOOD IS FOR THE PURPOSE OF ADOPTING THE VILLAGE OF ARROWWOOD 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. 386 has been in effect since the year 1998;

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 County;

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

ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This bylaw may be cited as the "Village of Arrowwood 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 Arrowwood 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 Arrowwood Land Use Bylaw No. 386 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.

10.2 Application forms, fees and notices are included in Appendix A and 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~~ B, and C attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Village of Arrowwood Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

12.1 The Development Authority is established in accordance with Village of Arrowwood Bylaw No. ~~578~~ 438.

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 Arrowwood Municipal Subdivision and Development Bylaw;

(b) in this bylaw;

(c) in the Municipal Government Act;

(d) where applicable, by resolution of Council.

SECTION 13 SUBDIVISION AUTHORITY

13.1 The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Subdivision Authority Bylaw, and shall perform such powers and duties as are specified:

(a) in the Village of Barons Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the Municipal Government Act;

(d) where applicable, by resolution of Council.

13.2 The Subdivision Authority may delegate, through any of the methods described in subsection 13.1, to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:

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

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

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 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.

14.2 The Development Officer:

(a) shall receive and process all applications for development permits *and determine whether a development permit application is complete in accordance with Section 28 (Determination of Complete Development Application);*

(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 35 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 on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(j) may receive and consider and decide on 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 15 MUNICIPAL PLANNING COMMISSION

15.1 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.

15.2 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 16 COUNCIL

16.1 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 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

17.1 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 AND SUBDIVISON IN GENERAL

SECTION 18 LAND USE DISTRICTS

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

18.2 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.

18.3 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 31 (Similar Use).

18.4 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 19 SUITABILITY OF SITES

19.1 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 Regulation 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;

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

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

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 20 NUMBER OF DWELLING UNITS ON A PARCEL

20.1 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 21 NON-CONFORMING BUILDINGS AND USES

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

SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

22.1 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.

22.2 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 23 NON-CONFORMING VARIANCES

23.1 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 24 DEVELOPMENT AGREEMENTS

24.1 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.

24.2 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*.

24.3 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*.

24.4 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.

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

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

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 25 DEVELOPMENT PERMIT – WHEN REQUIRED

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

25.2 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 26 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

26.1 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.

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

26.3 Developments not requiring a ~~municipal~~ development permit are listed in Schedule 4.

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

26.5 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 27 DEVELOPMENT PERMIT APPLICATION

27.1 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~~ *in accordance with the Village's fee schedule*;

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

27.2 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 28 ~~INCOMPLETE APPLICATIONS~~ DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION

~~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.~~

28.1 The Development Officer shall, within 20 days after receipt of an application for a development permit submitted under Section 27, determine whether the application is complete.

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

28.3 The time period referred to in subsection 28.1 may be extended by an agreement in writing between the applicant and the Development Officer.

28.4 If the Development Officer does not make a determination referred to in subsection 28.1 within the time required under subsection 28.1 or 28.3, the application is deemed to be complete.

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

28.6 If the development officer determines that the application is incomplete, the development officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the development officer in order for the application to be considered complete.

28.7 If the Development Officer determines that the documents and information submitted under subsection 28.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.8 If the required documents and information under subsection 28.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 28.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused, the reason(s) for refusal, and the required information on filing an appeal.

28.9 Despite issuance of a Notice of Completeness under subsection 28.5 or 28.7, the Development Officer or Municipal Planning Commission, as applicable, in the course of reviewing the application may request additional information or documentation from the applicant that the Development Officer or Municipal Planning Commission considers necessary to review the application.

SECTION 29 PERMITTED USE APPLICATIONS

29.1 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.

29.2 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.

29.3 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 33 (Applications Requesting Variance of Bylaw Provisions).

29.4 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 *pursuant to Part Section 24 (Development Agreements)*;

(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 Arrowwood;

(f) 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 30 DISCRETIONARY USE APPLICATIONS

30.1 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 33 (Applications Requesting Variance of Bylaw Provisions);

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 35 (Notification of Adjacent Landowners and Persons Likely Affected).

30.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including Vulcan County, 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.

30.3 The Municipal Planning Commission may place any of the conditions stipulated in subsection 29.4 (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 31 SIMILAR USE

31.1 Upon receipt of an completed 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.

31.2 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 ~~sub~~section 36.

31.3 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 35 (Notification of Adjacent Landowners and Persons Likely Affected).

31.4 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 35 (Notification of Adjacent Landowners and Persons Likely Affected).

31.5 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.

ECTION 32 TEMPORARY USE

32.1 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.

32.2 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.

32.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 29 to 31 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including Vulcan County, government departments and referral agencies shall be in accordance with Section 35 of this bylaw.

SECTION 33 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

33.1 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 33.3, 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 Vulcan County, government departments and any other referral agency in accordance with Section 33.

33.2 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 29.2.

33.3 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 34 LIMITATIONS ON VARIANCE PROVISIONS

34.1 In approving an application for a development permit, the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

(a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;

(b) where a variance is considered that will reduce the setback from any road as defined in the Municipal Government Act, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

SECTION 35 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

35.1 Where notification of adjacent landowners and other persons likely to be affected is required under Sections 30 to 33, 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) Vulcan County if, in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary *or is required in accordance with an adopted Intermunicipal Development Plan*; and

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

(b) hand 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 35.1(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.

35.2 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 36 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 on 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.~~

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

(a) in writing to the applicant in accordance with subsection 36.2; and

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

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

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

36.3 For the purpose of subsection 36.2, the "date on which the decision was made" means:

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

(b) the date the decision is posted in the newspaper, whichever occurs later.

SECTION 37 COMMENCEMENT OF DEVELOPMENT

37.1 Despite the issuance of a development permit, no development is authorized to commence *within 21 days after the date on which the decision was made.* ~~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 or municipal newsletter, development shall not commence until at least 14 days from the date of publication;~~

~~**Discretionary Uses or Applications for Variances:**~~

~~(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 or municipal newsletter, development shall not commence until at least 14 days from the date of publication.~~

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

37.3 Any development occurring prior to the dates determined under subsections 37.1 and 37.2 is at the risk of the applicant.

SECTION 38 DEVELOPMENT PERMIT VALIDITY

38.1 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.

38.2 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 38.3, except for a permit for a temporary use which shall not be extended.

38.3 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.

38.4 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 39 TRANSFERABILITY OF DEVELOPMENT PERMIT

39.1 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 40 OCCUPANCY PERMITS

40.1 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 41 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

41.1 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 42 REAPPLICATION FOR A DEVELOPMENT PERMIT

42.1 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.

42.2 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 42.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 43 SUSPENSION OR CANCELLATION OF A PERMIT

43.1 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.

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

43.3 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.

43.4 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.

SUBDIVISION RULES AND PROCEDURES

SECTION 44 SUBDIVISION APPLICATIONS

44.4 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or it's designate. A completed application shall consist of:

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

(b) the applicable fees paid; and

(c) an up-to-date and current copy of the Certificate of Title to the subject land; and

(d) a surveyors sketch or tentative subdivision plan professionally prepared with dimensions, structures,easements; and

(e) provincial abandoned gas well information; and

(f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be municipally or privately serviced; and

(g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) The consent to authorize the Subdivision Authority or it's designate to carry out a site inspection on the subject land as authorized in accordance with the Municipal Government Act (MGA) must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

44.2 In accordance with the Municipal Government Act, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

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

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

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the

outstanding or required information items are that must be submitted by the time specified in the notice.

44.3 Notwithstanding subsection 44.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

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

SECTION 45 INCOMPLETE SUBDIVISION APPLICATIONS

45.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 44 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

45.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in subsection 44.2.

45.3 The notification provided for in subsection 44.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the MGA.

SECTION ~~50~~ 46 APPLICATIONS AND DECISION

46.1 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.

46.2 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.

46.3 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.

46.4 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.

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

46.6 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.

46.7 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.

46.8 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~~ 47 LOT DESIGN

47.1 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.

47.2 Flag lots are prohibited in the s~~ingle-family and multi-family development categories~~ *residential land use districts*. 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.).

47.3 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.

47.4 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.

47.5 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.

47.6 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.

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

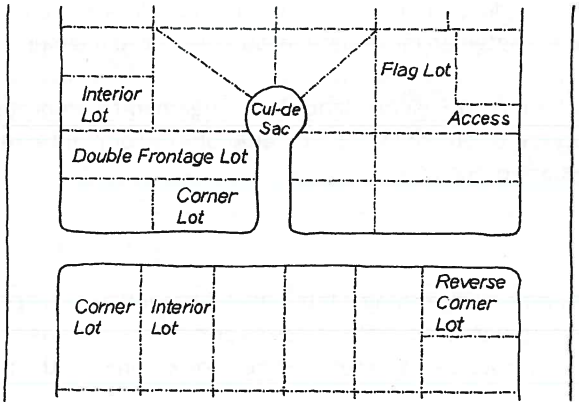


Figure 47.1

ENFORCEMENT

SECTION ~~42~~ 48 SUBDIVISION AND DEVELOPMENT APPEALS

48.1 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*.

48.2 Only the applicant may appeal a subdivision decision rendered by the Municipal Planning Commission and any condition attached to the decision, to the Subdivision and Development Appeal Board in accordance with the procedures described in the MGA.

48.2 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.

SECTION 49 NOTICE OF VIOLATION

49.1 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.

49.2 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 50 STOP ORDERS

50.1 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.

50.2 A person who receives notice pursuant to subsection 50.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

SECTION 51 ENFORCEMENT OF STOP ORDERS

51.1 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.

51.2 The Village may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection 51.1 against the certificate of title for the land that is the subject of an order.

51.3 If a caveat is registered under subsection 51.2, the Village must discharge the caveat when the order has been complied with.

51.4 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 52 PENALTIES AND RIGHT OF ENTRY

52.1 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.

52.2 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.

52.3 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 53 AMENDMENTS TO THE LAND USE BYLAW

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

53.2 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.

53.3 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.

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

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

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

53.7 Where an application for an amendment to the Village of Arrowwood 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.

53.8 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 53.7.

SECTION 54 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

54.1 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.

54.2 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.

54.3 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 55 REDESIGNATION CRITERIA

55.1 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 Arrowwood 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.

ADMINISTRATION DEFINITIONS

SECTION 56 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 Arrowwood.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer 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 Arrowwood.

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 Arrowwood.

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.

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

O

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.

PROVINCIAL LAND USE POLICIES means policies established by order of the Lieutenant Governor pursuant to section 622 of the *MGA*.

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 Arrowwood.

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 'B'

Add the following definitions to Schedule 2, Section 3:

CANNABIS means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

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

CANNABIS PRODUCTION FACILITY means a building or use where federally approved medical or non-medical (recreational) cannabis plants are grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal or provincial requirements and that meets all requirements of this bylaw, as amended from time to time.

RETAIL CANNABIS STORE means the use of a store, premises or a building for a commercial retail cannabis business, licensed by the Province of Alberta, where legal non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises and the product sales or associated sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC).

Add the following to Schedule 5: General and Use Specific Standards of Development

SECTION 15 CANNABIS RETAIL STORE

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

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

(b) the boundary of a parcel of land containing a school and school grounds / sports fields (public or private),

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

(d) the boundary of a parcel of land zoned Public – P on the map in Schedule 1 Land Use District.

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

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

(a) floor plans, elevations and sections of the buildings,

(b) submit verification of the Alberta Gaming and Liquor Commission (AGLC) of eligibility to obtain a license, and

(c) a detailed listing and site plan of surrounding business and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites as outlined in 15.1 within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).

SECTION 16 CANNABIS PRODUCTION FACILITY

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

16.3 The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material. The development shall not include an outdoor area for storage of goods, materials or supplies.

16.3 In addition to the application requirements of the Administrative section, an application for a cannabis production facility must also include a servicing plan for water and wastewater, including but not limited to the anticipated volumes of water and wastewater capacity required from the municipal systems.

16.4The Municipal Planning Commission may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional that includes detail on:

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

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

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

SECTION 17 LIQUOR STORE

17.1 A liquor store shall not be approved if any portion of an exterior wall of the store is located within 150 m (492 ft.) of:

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

(b) the boundary of a parcel of land containing a school and school grounds / sports fields (public or private),

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

(d) the boundary of a parcel of land zoned Public – P on the map in Schedule 1 Land Use District.

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

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

(a) floor plans, elevations and sections of the buildings,

(b) submit verification of the Alberta Gaming and Liquor Commission (AGLC) of eligibility to obtain a license, and

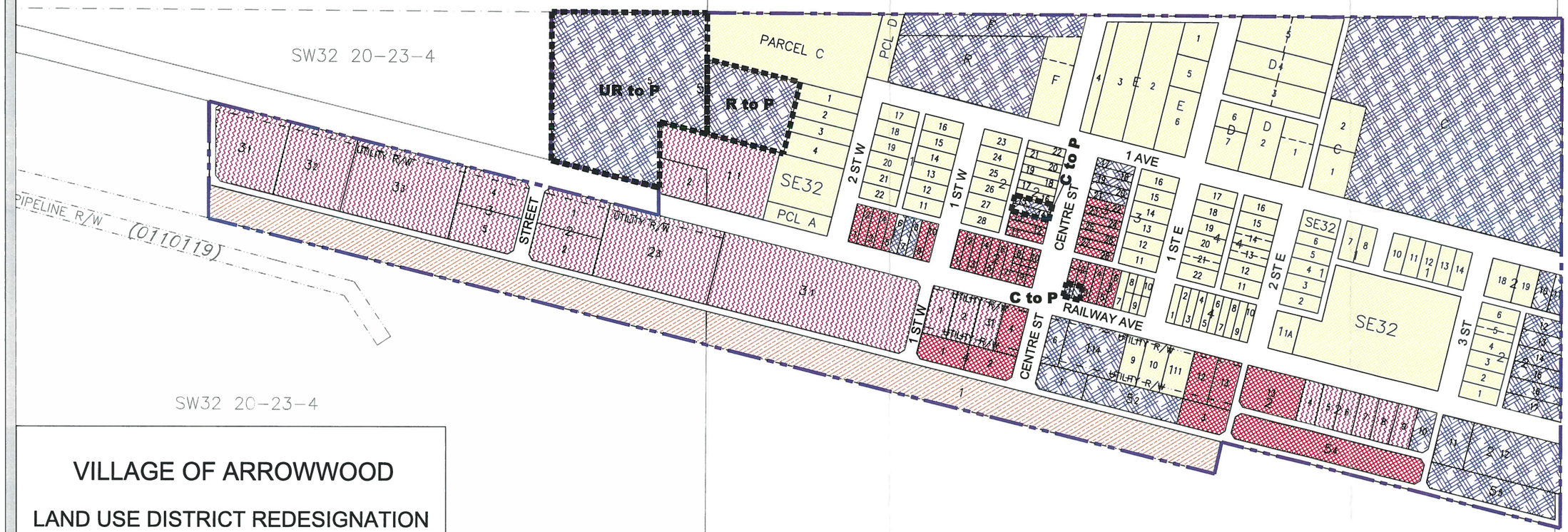
(c) a detailed listing and site plan of surrounding business and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites as outlined in 17.1 within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).

Amend Section 5 Fences of Schedule 6: Residential Standards of Development by replacing 5.3 with following text and adding 5.4 and 5.5:

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, etc., as determined by the Development Authority, 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.*



VILLAGE OF ARROWWOOD

LAND USE DISTRICT REDESIGNATION
SHEDULE C

- Residential R
- Commercial C
- Industrial I
- Public P
- Urban Reserve UR

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
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NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200

August 20, 2018 N:\Vulcan-County\Arrowwood\Arrowwood LUD & Land Use Redesignations\LUDRedesignations\
Arrowwood Schedule C - Lot 5, Block 5, Plan 1513248 & Lots 14 & 15, Block 2 & Portion of Lots 1 & 2, Block 3 Plan 1738DM.dwg