

VILLAGE OF EMPRESS



LAND USE BYLAW NO.2013-07

VILLAGE OF EMPRESS

BYLAW NO. 2013-07

BEING A BYLAW OF THE VILLAGE OF EMPRESS IN THE PROVINCE OF ALBERTA TO REGULATE
THE DEVELOPMENT AND USE OF LAND IN THE VILLAGE OF EMPRESS

WHEREAS: pursuant to the provisions of Section 639(1) of the Municipal Government Act, as amended, the Council of the Village of Empress must, by Bylaw in accordance with Section 692 of the Municipal Government Act, adopt a plan to be known as:

“THE VILLAGE OF EMPRESS LAND USE BYLAW”

AND WHEREAS: a Public Hearing was held on September 20, 2013, as required by Section 230 of the Municipal Government Act.

NOW THEREFORE: THE COUNCIL OF THE VILLAGE OF EMPRESS IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as “The Village of Empress Land Use Bylaw”.
2. Bylaw No. 10-96 being the “Village of Empress Land Use Bylaw” currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No.2013-07.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, “The Village of Empress Land Use Bylaw.”
4. Council adopts as “The Village of Empress Land Use Bylaw” this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 15th day of August, 2013.

READ A SECOND TIME this 20th day of September, 2013 .

READ A THIRD TIME AND FINALLY PASSED this 20th day of September, 2013.

Chad Van Dam

MAYOR

Debbie Ross

CHIEF ADMINISTRATIVE OFFICER

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PART I

Purpose & Definitions

1. **Short title**

- (1) This Bylaw may be cited as "Village of Empress Land Use Bylaw".

2. **Purpose**

- (1) The purpose of this Bylaw is to:
 - (a) provide direction for the orderly, economical, and beneficial development, use of land and patterns of human settlement for the residents of the Village of Empress and
 - (b) regulate and control development or, where necessary, prohibit development without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

3. **Application of the Land Use Bylaw**

- (1) Except as permitted in this Bylaw, no person shall commence a development unless a development permit for that development has been issued and the appeal period has expired.
- (2) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.
- (3) This Bylaw comes into force upon the date of final reading.
- (4) An application for a development permit, which is received in its complete form prior to the effective date of this Bylaw, shall be processed as if this Bylaw had not come into force.

4. **Interpretation**

- (1) In this Bylaw, unless the context otherwise requires, the expression "use" or "to use" shall include work done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.
- (2) Unless otherwise stated, The Interpretation Act applies to this Bylaw.

5. **Definitions**

"Act" means the Municipal Government Act RSA 2000 Ch. M-26 as amended;

"Accessory building" means a building separate and subordinate to the principal building, the use of which is incidental to the principal building and is located on the same parcel of land;

"Accessory Building – Fabric Covered" means:

- (a) A **temporary** structure separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land;
- (b) the building is designed by virtue of easy assembly and dismantling;
- (c) Pre-engineered and commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film;
- (d) Shall require the necessary building permits to meet all the requirements of the Alberta Safety Code to ensure foundation,

- anchoring and location/ placement are in accordance with the Alberta Safety Codes;
- (e) all fabric covered accessory buildings shall adhere to the requirements of the General Regulations of this Bylaw.

“Accessory use” means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

"Adjacent land" means land that is contiguous to the parcel of land that is subject to an application and includes land that would be contiguous if not for a highway, road, river or stream;

“Artist’s Studio” means a use:

- (a) where art is produced by individuals;
- (b) may include the instruction of art to individuals or groups;
- (c) may include the sale of art pieces produced by that use;

“Automotive Repair & Service” means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rust-proofing, brake shops and other similar uses;

“Automotive Vehicle Sales” means a use:

- (a) where motor vehicles are sold or leased;
- (b) may only store or display vehicles on portions of the parcel approved exclusively for storage or display; and
- (c) that may have a building for administrative functions associated with the use;

"Basement" means that portion of a building between two floor levels which is partly underground but which has a portion of its height from finished floor to finished ceiling above the adjacent finished grade;

"Bed & Breakfast Establishment" means accommodation facilities within an owner-occupied dwelling in accordance with Provincial regulations comprising up to four (4) guest rooms but no cooking facilities in guest rooms;

“Boarding or Lodging House” means a building where meals are served for remuneration or rooms are rented to three or more persons, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, drive-in refreshment stand or other similar use;

“Building” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

"Bulk Fuel Storage, Distribution and Sales" means a use where fuel for motor vehicles is:

- (a) sold with or without an attendant; and/or
- (b) stored on-site in bulk quantities; and/or
- (c) distributed from the site.

“Campground” means a recreational development for the purpose of providing temporary accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long-term or permanent occupancy by recreational vehicles or manufactured homes;

"Car Wash" means a facility for the washing, cleaning or polishing of motor vehicles on a commercial basis;

"Clinic" means an establishment in which medical, dental or other professional healing treatment is given to human beings;

"Communication Tower" means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication Towers are regulated by Industry Canada however municipal consultation is required and considerations respected.

"Community Recreation Facility" means a use where it is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness centres.

"Corner Site" means a site formed by the intersection of two or more streets;

"Council" means the Council of the Village of Empress;

"Daytime Child Care Service" means development licensed by the Province of Alberta to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centers, day nurseries, kindergartens, nursery schools, and play schools;

"Deck" means a structure with the top of the floor 0.6 m or greater in height above finished grade without a roof or walls, except for railings, which is designed and intended for use as an outdoor amenity area;

"Development" means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or addition to , or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change in the 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 the 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 the use of land or the building;

"Development Authority" means

- (a) a person (or persons) appointed as Development Officer by Bylaw,
- (b) the Municipal Planning Commission appointed by Bylaw;

authorized to administer this Bylaw and to decide upon applications for development permits in accordance with the provisions of this Bylaw and the Act.

"Development Commencement" means the moment construction is started on site (i.e. Excavation) or the land use has begun for the purposes of the development permit application.

"Development Completion" means the moment the required building/ development permit conditions and requirements have been met for the purposes of the development

permit application and/ or the final inspection reports have been received (as required for the project);

“Development permit” means a document authorizing a development, issued pursuant to a land use bylaw;

“Discretionary use” means the use of land or a building provided for in a land use bylaw for which a development permit may be issued upon an application being made;

“Drinking Establishment” means an establishment licensed by the Alberta Gaming and Liquor Control Board, in which alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto. This term includes, but is not limited to bars, taverns, pubs and lounges;

“Dwelling” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation as required by the Alberta Building Code and includes the following types:

- (a) **“Apartment”** means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances.
- (b) **“Attached Housing”** means a building designed and built to contain three or more dwelling units separated from each other by a fire wall with each unit having separate entrances from grade level. (For the purposes of this Bylaw, garden, linked, rowhouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached houses.)
- (c) **“Duplex”** means a single residential building containing two dwelling units divided horizontally, each of which is completely separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell to access both dwellings.
- (d) **“Garden Suite”** means a *temporary* moveable dwelling which is the second dwelling unit on the lot and accessory to a *single detached dwelling*. Garden suites may be occupied by elderly relatives of the owner of the principal residence, or other relatives needing care, and the unit is removed when it is no longer required.
- (e) **“Manufactured Home”** means a built off-site transportable, single or multiple section single detached dwelling unit conforming to CAN/CSA Z240 MH Series certified standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions and the Alberta Building Code and shall meet the requirements of *Part VI General Regulations*.
- (f) **“Modular Home”** means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy. Modular homes shall be constructed to the CSA A-277 Standard and are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to existing surrounding buildings.

- (g) **"Moved On"** means a structure used at a previous location that has now been relocated to a new parcel for use as a dwelling.
- (h) **"Park Model"** means a recreational vehicle conforming to CAN-CSA series Z241 that may be used as a permanent or semi-permanent dwelling. The minimum allowable size of a park model is 29.74m² (320 sq.ft.);
- (i) **"Ready-to-move (RTM)"** means a newly constructed single detached dwelling that is constructed in an off-site location in accordance with the Alberta Building Code and moved to the site to be set on a permanent foundation to be similar in function and appearance to a conventional built-on-site single-detached dwelling. This definition does not include modular or manufactured homes.
- (j) **"Semi-detached"** means development consisting of two dwellings, each accommodating one household, situated side by side and sharing a vertical common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.
- (k) **"Single-Detached"** means a conventional built-on-site residential building, not including manufactured or modular homes, that contains one dwelling unit.

"Dwelling Unit" means a complete building or self-contained portion of a building, containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and containing cooking, eating, living, sleeping, and sanitary facilities;

"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility;

"Eating and Drinking Establishment" means a development where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Liquor Control Board. This term includes but is not limited to such uses as restaurants, cafes lunch and tea rooms, ice cream parlors, banquet facilities and take-out restaurants;

"Existing" means existing at the effective date of this Bylaw;

"Extensive Agriculture" means systems of tillage and grazing on large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another and includes buildings and other structures incidental to the operation;

"Fabric Covered Building" means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent industrial, commercial & agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas & event centers. All fabric covered buildings shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.

"Fence" means a physical barrier constructed out of typical building material for the purpose of providing privacy or preventing unauthorized access or both;

"Financial Institution" means a bank, treasury branch, trust company, credit union or similar establishment;

"Floor Area" means the total area of all floors of a building, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area;

"Frontage" means the side of a lot abutting the street, however, in the case of a corner lot the shorter side shall be the frontage;

"Funeral Home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;

"Front yard" means a yard extending across the full width of a parcel from the front line of the parcel at the street to the front wall of the main building situated on the parcel;

"Greenhouse" means a building designated and used for the growing of vegetables, flowers and other plants for transplanting or for sale;

"Group Care Facility" means a development that includes both residential care and either health services, rehabilitation, counseling or treatment, including addiction treatment for a maximum of six (6) non-related individuals or, the development may provide for residential care including meals, sleeping accommodation and limited incidental care supplied by care-givers or staff wherein the maximum number of permitted residents plus staff may not exceed six (6);

"Group Home" means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults;

"Heavy Equipment Assembly, Sales and Service" means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial or agricultural activities;

"Heavy Industrial" means the manufacture of products, the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land;

"Height" means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade level and a horizontal plane through:

- (a) the highest point of the roof in the case of a building with a flat roof or a deck roof,
- (b) the average level of a one-slope roof, or
- (c) the highest point in the case of a pitched, gambrel, mansard or hipped roof;

Where a sloping grade exists (walkout basement, etc.) the average grade shall be used.

"Home occupation" means any occupation, trade, profession or craft carried on by an occupant of a residential building and which does not change the residential nature or have any exterior evidence of such secondary use. A home occupation does not include the keeping of any stock in trade;

"Land Use District" means an area of land as described and shown in Schedules B and C of this Bylaw;

"Hotel" or "Motel" means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities;

“Kennel” means a use where three or more dogs and/ or five or more cats over the age of 90 days are cared for, maintained, boarded, bred or trained whether or not the owner receives compensation for such activities;

"Lane" means a public thoroughfare which provides a secondary means of access to a site or sites;

"Light Industrial" means the assembly or packaging of articles from previously prepared materials, but does not include uses which may be obnoxious by reason or emission of odors, dust, noise, smoke or vibrations;

“Livestock” means cattle, horses, sheep, goats, swine or fowl and other types of animals;

"Loading Space" means a space for parking a commercial vehicle while being loaded or unloaded;

“Lot” means:

- (a) a quarter section,
- (b) a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,
- (c) a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision,
- (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use;

“Municipality” means the Village of Empress;

“Municipal Planning Commission” (MPC) means the Village of Empress Municipal Planning Commission established by Council pursuant to the Act;

“Non-Conforming Building” means a building lawfully constructed or lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not comply with the requirements of this 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 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 in the case of a building under construction will not, comply with the land use bylaw;

“Parcel” means the aggregate of the one or more areas described in a certificate of title by reference to a plan registered in a land titles office;

“Parks and Playgrounds” means a use:

- (a) where open space is provided for the purposes of recreation;

- (b) that may include playground equipment, benches, landscaping and related development;

"Parking area or space" means a portion of land or part of a building set aside for the parking of motor vehicles off of a public road;

"Permitted Use" means the use of land or of a building which is listed in the column captioned, "Permitted Uses" in the lists of Permitted and Discretionary Uses appearing in this Bylaw and for which, when it meets the applicable provisions of this Bylaw, a Development Permit shall be issued;

"Personal Service" means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, and dry cleaners and may have the incidental sale of products relating to the services provided by the use;

"Principal Building" means a building in which is conducted the main or principal use of the site on which it is erected;

"Principal Use" means the main purpose for which a building or lot is used;

"Public Roadway" means a highway, local road, service road, street, avenue that provides the primary access to a parcel of land and that is registered as a public right-of-way in a land titles office;

"Public or Quasi-public Building, Facilities and Installations" includes any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a church, school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility;

"Public Utility Building" means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;

"Rear yard" means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

"Recreational Vehicle" means a vehicle or a portable structure designed to be carried on a vehicle providing temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include but are not limited to motor homes, campers and holiday trailers. Recreational vehicles do not include manufactured homes;

"Recycling Facility" means a use where recyclable materials are collected, sorted, stored and or processed and packaged for future reuse or appropriate disposal. Product may also be transported to other facilities for further preparation for reuse or appropriate disposal. This use does not apply to auto wreckers;

"Renewable Energy System" means a use:

- (a) that produces electrical power to be used for the on-site consumption requirements by alternative means such as but not limited to active and passive solar collectors, photovoltaic solar panels, geothermal energy;
- (b) may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority;

- (c) may provide residual power to the grid but is not intended to produce power primarily for resale;

"Retail Store" means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store;

"Right of Way" means a legal document, usually a plan of survey, where land is required for an easement or right of way, a purpose incidental to the undertaking for which a right of way is required;

"Screening" means a visual separation between sites, districts or land use activities provided by a fence, wall, berm, landscaping;

"Senior Citizens Housing" means any multiple unit dwelling used as a residence for elderly persons that may or may not require medical care. Senior Citizen Housing may include assisted living, seniors lodge or supportive living in accordance with the applicable Provincial regulations and requirements.

"Service Station" means a facility for the service and repair of motor vehicles and for the sale of gasoline, lubricating oils and accessories for motor vehicles and that may provide a towing service and other accessory uses;

"Shopping Center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the site;

"Side yard" means a yard extending from the front wall of the main building situated on the parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building;

"Sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boarding and banners;

- (a) **"Area of Sign"** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- (b) **"Billboard"** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.
- (c) **"Fascia Sign"** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
- (d) **"Free-Standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;

- (e) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (f) **"Roof Sign"** means any sign placed on or over a roof;

"Site" means a lot or parcel of land on which a development exists or occurs or for which an application for a development permit is made;

"Site Coverage" means the ratio of all principal and accessory buildings or structures (including verandas, porches, enclosed/ covered/ decks) on a site to the total lot area. Such buildings and structures do not include steps, eaves, cornices and open decks;

"Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity in accordance with the Alberta Utilities Commission regulations, and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power specifically for resale.

"Small Wind Energy System - Total System Height" means the height from ground level to the tip of the rotor at its highest point.

"Small Wind Energy System - Tower Height" means the height above-grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

"Small Wind Energy System – Visual Impact" means the impact of a small turbine's visibility beyond the property lines of the subject parcel. The visual impact shall take into consideration the landscape setting, the points from which it would be viewed, and the perception of the surrounding land owners whose views may be affected.

"Small Wind Energy System – Shadow Flicker" means the repetitive moving shadows or reflection cast from the rotor blades as they pass through the sunlight. This effect is generally the greatest at the winter solstice (December 21st) where the sun angle at noon is 15 degrees above the horizon. The greatest effects will be to the north of the tower location. At the winter solstice the shadow may cast up to 3.6 times the tower height.

"Storage Structure" means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure;

"Storage Yard" means a use:

- (a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;
- (b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;
- (c) that may involve the storage of construction material such oil and gas pipeline materials;
- (d) that does not involve the storage of any derelict vehicles or derelict equipment;
- (e) that does not involve the production or sale of goods as part of the use; and
- (f) that may have a building for the administrative functions associated with the Use;

"Structural Alterations" means adjustments or changes made to load bearing walls within a structure for which a building permit is required;

"Subdivision and Development Appeal Board" means a Subdivision and Development Appeal Board established by Council by Bylaw;

"Temporary Use" means a proposed land use or development where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year unless otherwise approved by the development authority in consideration of a land use that is temporary but has longer term requirements due to the specific use or project. Any temporary development permit application will state a date on which the development will cease. Temporary Uses shall be considered a discretionary use in all land use districts;

"Tradesman's Shop" means an establishment for the operation of a trade including but not limited to a painter, electrician, upholsterer, printer and appliance repairman, but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke noise or vibration;

"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;
- (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;

"Warehousing" means a use:

- (a) where goods are stored and packaged inside a building;
- (b) where goods are transported to and shipped from the use;
- (c) where the building has loading docks and overhead doors;
- (d) that does not accommodate the manufacture of any goods;
- (e) that does not accommodate any display or sales area; and
- (f) that may have administrative functions associated with the use;

"Veterinary Clinic" means a use:

- (a) where animals or pets receive medical treatment; and
- (b) that may provide for the incidental sale of products related to the use; and
- (c) includes provision for their overnight accommodation but does not include
 - (i) kennels, outdoor pens, runs or enclosures;

"Work Camp" means a residential complex used to house employees by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. A Work Camp may contain accessory uses such as temporary offices and storage areas;

"Worship Facility" means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to churches, temples, mosques, and synagogues;

"Yard" means the part of a parcel upon or over which no building is erected;

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act or the applicable regulation or bylaw.

PART II

Administrative Agencies

1. Development Authority

The Development Authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Section 642 of the Municipal Government Act and may include:

(1) Development Officer

- (i) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by the Bylaw and in such matters as they may instruct from time to time;
- (ii) The Development Officer must make available for inspection, during office hours, all applications and decisions for development permits, subject to any legislation in force restricting availability;
- (iii) duties as are specified in **Part III Section 4** of this bylaw.

(2) Municipal Planning Commission

The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part III** of this bylaw.

(3) Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part IV** of this bylaw.

2. Subdivision Authority

The Subdivision Authority, as established by Council, shall perform duties on behalf of the municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant Village of Empress planning documents.

3. Development Authority – Powers and Duties

- (a) The Development Authority must administer this Bylaw and decide upon all development permit applications.
- (b) The types of development permit applications a Development Authority may consider in accordance with **Part III** are a development permit for:
 - (i) a permitted use that complies with all requirements of this Bylaw;
 - (ii) a permitted use that does not comply with all requirements of this Bylaw;
 - (iii) a discretionary use that complies with all requirements of this Bylaw;
 - (iv) a discretionary use that does not comply with all requirements of this Bylaw.

- (c) Unless otherwise referenced in **Part III**, the Development Authority must not approve a development permit for an addition or structural alteration to a non-conforming building.
- (d) The Development Officer must collect fees according to the scale approved by resolution of Council.
- (e) The Development Authority may refuse to accept a development permit application where:
 - (i) the information required by **Part III** is not provided;
 - (ii) the quality of the information provided is inadequate to properly evaluate the application; or
 - (iii) the fee for a development permit application has not been paid.

4. Subdivision Authority – Powers and Duties

The Subdivision Authority shall:

- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) On receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with *Part 1* of the Subdivision and Development Regulation;
- (e) Excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- (f) Excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to the Special Area #2 when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within the Special Area #2;
- (g) Excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- (h) prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- (j) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;

- (k) endorse Land Titles instruments to effect the registration of the subdivision of land;
- (l) advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- (m) appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

PART III

Development Permit Application

1. Control of Development

No development other than those designated in *Development Not Requiring A Development Permit* shall be undertaken within the Municipality unless a development permit application for it has been approved and issued.

2. Development Not Requiring A Development Permit

It shall not be necessary to obtain a development permit for the following developments, but the development shall otherwise comply with the provisions of this Bylaw:

- (a) The carrying out of works of maintenance or repair to any building, including interior renovations, only if such works do not include structural alterations or major works of renovation which would affect changes in exterior design;
- (b) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official notice (Sections 606 and 692 of the Act) of this Bylaw provided that the building:
 - i. is completed within 12 months of the notice; and
 - ii. complies with any development permit issued for it.
- (c) The use of any such building as is referred to in subsection (b) for the purpose for which construction was commenced;
- (d) A temporary construction site building, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued, and which is removed from the site on completion of the construction/alteration;
- (e) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 9.29 m² (100 sq. ft.) in floor area. Additional structures shall be considered a discretionary use;
- (f) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal, or public authorities on land which is publicly owned or controlled;
- (g) The construction, maintenance and repair of private walkways, pathways, driveways and other similar works;
- (h) The placement of signs that:
 - i. Are for the purpose of identification, direction and warning, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - ii. Are temporary and are for the advertising of sale or lease of property, not exceeding 0.55 m² (6 ft.²) in area and not more than 1.8 m (6 ft.) in height;
 - iii. Relate to a person, partnership or company carrying on a profession; business or trade, not exceeding .28 m² (3 ft.²) and limited to one sign per parcel;

- iv. Relate to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club or similar institution, not exceeding 0.9 m² (10 ft.²) and limited to one sign per parcel;
 - v. Related to the function of Local Authorities and Utilities Boards; and
 - vi. Relate to a Home Occupation and which do not exceed 0.28 m² (3 sq. ft.) and are fixed to the principal or accessory building.
- (h) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation;
 - (i) The operation of home occupations, subject to the restrictions outlined in **Part VI**;
 - (j) The construction of accessory buildings and uses, subject to the restrictions outlined in **Part VI**;
 - (k) The use of land by the Village of which the Village is the legal or equitable owner for a purpose directed or approved by a two-thirds majority vote of Council in connection with any public utility carried on by the Village.

3. Application for a Development

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
 - (a) a site plan in duplicate, drawn to scale, which shows the following:
 - (i) legal description of the site with north arrow;
 - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
 - (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
 - (iv) any provisions for off-street loading and vehicle parking, including all access and egress points to the site; and
 - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
 - (b) floor plans, elevations, grading and drainage plans and sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
 - (c) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Village;
 - (c) a statement of the proposed use or uses;
 - (d) a statement of ownership of land and the interest of the applicant therein;
 - (e) the estimated commencement and completion dates;

- (f) the estimated cost of the project or contract price;
 - (g) the development permit fee as prescribed by Council;
 - (h) a surveyor's certificate or real property report if required by the Development Officer;
 - (i) written agreement of the registered land owner(s) of the property with regard to the proposed development, if required.
- (2) The Development Authority may require additional copies of the application plans or specifications as well as such additional information as deemed necessary to sufficiently evaluate the application.

4. Deciding on Development Permit Applications

- (1) The Development Officer shall:
- (a) receive, consider and decide on an application for a development permit for those uses listed as permitted for the relevant land use district and that comply with the minimum standards for that district;
 - (b) receive, consider and decide on an application for gates, fencing, retaining walls, or other means of enclosure, of any height;
 - (c) receive, consider and decide on all applications for home occupations;
 - (d) refer, at the development officer's discretion, a permit application for an industrial development to those authorities (provincial and regional) whose interest or jurisdiction may be affected, for comments on the proposed development;
 - (e) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Discretionary Uses and those uses which have been assigned to it for consideration and decision; and
 - (f) refer to the Municipal Planning Commission any application which in his opinion should be decided by the Commission.
- (2) The Municipal Planning Commission shall:
- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
 - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.
 - (c) When making a decision on a development permit application for a discretionary use the Municipal Planning Commission must take into account:
 - (i) any plans and policies affecting the parcel;
 - (ii) the purpose statements in the applicable land use district;
 - (iii) the appropriateness of the location and parcel for the proposed development;
 - (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
 - (v) the merits of the proposed development;
 - (vi) the servicing requirements;
 - (vii) access and transportation requirements;

- (viii) vehicle and pedestrian circulation within the parcel;
 - (ix) sound planning principles.
- (3) An application may be approved where the proposed development does not comply with the required development standards of any land use district in this Bylaw if, at the discretion of the Municipal Planning Commission, the proposed development is in accordance with **Section 6** and all other bylaw requirements.
- (4) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Authority **shall not** have jurisdiction to approve the use in accordance with the Municipal Government Act. Any proposed development must conform with the use prescribed for that land or building in the land use bylaw (**MGA Sec. 687(3)(d)(ii)**). A Land Use Bylaw amendment approved by council shall be required to incorporate the lawful specific use of land in a land use district as a permitted or discretionary use prior to a development permit approval unless otherwise permitted in the land use bylaw;
- (5) 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 to do all or any of the following:
 - (a) to construct or pay for the construction of public roadways required to give access to the development, or
 - (b) to construct or pay for the construction of pedestrian walkway systems, or
 - (c) to construct or pay for the construction of parking facilities and/or loading and unloading facilities, or
 - (d) to install or pay for the installation of utilities that are necessary to service the development, or
 - (e) to pay an off-site levy or redevelopment levy imposed by Bylaw.
- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months from the date of refusal or appeal decision, whichever is the latter;
- (7) An application for a Development Permit, shall at the opinion of the Development Officer, be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer. The applicant may appeal in writing as provided for in **Part IV** as though the applicant had received a decision or refusal. This clause shall not apply if an applicant for a development permit enters into an agreement with the Development Officer to extend the 40 day time period;
- (8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one year unless a longer term is required in consideration of a specific use or project that is temporary but requires a longer time frame;
- (9) If the development authorized by a permit is not commenced within the 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority. Development shall be completed as determined by the completion date referenced on the Development Permit application or may be added as a development permit condition.

5. Application for Relaxation/ Variance of Bylaw Requirements

- (1) Where a development permit application is for a permitted or discretionary use in a building or on a parcel and the proposed development does not conform to all applicable requirements and rules of the Bylaw, the Development Authority may, in accordance with the following standards:
 - (a) refuse to approve the development permit application; or
 - (b) approve the development permit application and grant a relaxation of the requirement or rule to which the proposed use does not conform.
- (2) The development officer, at its discretion, may relax the development standards within residential land use districts of up to 10% of the Land Use Bylaw requirement or defer a decision on a relaxation request to the Municipal Planning Commission;
- (3) The Municipal Planning Commission at its discretion may relax the development standards in any land use district up to 20%;
- (4) Notwithstanding Subsection (3) above, the Municipal Planning Commission or Subdivision Authority at its discretion, may relax the development standards beyond 20% in the following cases in accordance with the test for a relaxation as follows:

The test for a relaxation shall include the following criteria:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;
 - (b) the proposed development conforms with a use prescribed by this Bylaw for that land or building;
 - (c) conformance to the purpose and intent of the Land Use District;
 - (d) whether granting the relaxation would make the proposed development incompatible with existing developments or uses;
 - (e) take into consideration the future land uses of the parcel and surrounding area as depicted in any adopted statutory plan or policy affecting the site;
- (5) The Development Authority may, as a condition of approving a development permit that does not comply with all of the applicable requirements and rules of this Bylaw require the applicant to conform to a higher standard than required by the applicable rules if, in the opinion of the Development Authority, conformance to a higher standard will off-set any impact of granting the relaxation.

6. Applications the Development Authority Must Refuse

- (1) The Development Authority must refuse a development permit application when the proposed development:
 - (a) is for a use that is not listed as either a permitted or discretionary use in the governing land use district;
 - (b) is for a use containing a restriction in its definition that is not met by the proposed use.

7. Development Permit Referrals & Notices

(1) Development Permit Application Referrals

- (a) Upon receipt of a complete application for development of a use listed as a Discretionary Use or that requires a variance, the Development Authority may, at their discretion, provide written notice to all adjacent landowners or a greater circulation area if potential for conflict is deemed to be probable;
- (b) refer at their discretion, a permit application for a development for comments to any officer, individual, group, department, agency, (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected;
- (c) The notice shall indicate the location and nature of the development proposal, the time and date a decision will be rendered on the application, copies of relevant drawings and a contact and a final date to submit comments;
- (d) After a minimum 14 days from the date of referral to any department/individual and/or to any other provincial, federal, or external agency, the Development Officer may present the application to the Municipal Planning Commission whether or not comments or recommendations have been received;
- (e) The Development Officer shall disclose to the Municipal Planning Commission whether a circulation was performed in regards to a development application for a discretionary use or an application that requires a variance and the extent of the circulation area;
- (f) In cases where the Development Officer has rendered a decision, this decision shall be circulated to the Municipal Planning Commission for their information.

(2) Development Permit Notification of Decision

- (a) A development permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Subdivision and Development Appeal Board within the 14 day appeal period. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant;
- (b) Notwithstanding subsection (a), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- (c) Where an appeal is made pursuant to **PART IV** of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined. The Subdivision and Development Appeal Board may approve or refuse the permit application in accordance with the Municipal Government Act;
- (d) When a Development Permit decision is made, the following notification procedures shall be followed:
 - (i) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the

- Development Officer is not required to notify adjacent or affected land owners;
- (ii) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made; and/or
 - (iii) a notice, in writing, shall be immediately mailed to all adjacent landowners and to all registered owners of land who, in the opinion of the Developer Officer, may be affected; and/or
 - (iv) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (e) A decision by the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant;
 - (f) When the Development Authority refuses an application for a development permit, the decision shall contain the reasons for the refusal;
 - (g) If after the issuance of a development permit it becomes known to the Development Authority that:
 - (i) the application for a development permit contains a misrepresentation;
 - (ii) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
 - (iii) the development permit was issued in error;
 - (iv) the requirements or conditions of the development permit have not been complied with; or
 - (v) the applicant requests, by way of written notice to the Development Authority, the cancellation of the development permit, provided that commencement of the use, development or construction has not occurred.

the development permit may be suspended or cancelled by notice in writing, issued by the Development Authority to the applicant at the address given in the development permit application. Upon receipt of the written notice of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

8. **Development Permit Commencement and Completion**

- (1) If the development authorized by a permit is not **commenced** within 12 months from the date of its issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority. **Development completion** shall be determined by the completion date referenced on the Development Permit application or a completion date may be added as a development permit condition.

PART IV

Appeals

1. Appeal Procedure

- (a) An appeal may be made to the Subdivision and Development Appeal Board where the Development /Subdivision Approval Authority:
 - (i) Refuses or fails to issue a development permit to a person within 40 days of receiving the application;
 - (ii) Issues a development permit/subdivision approval subject to conditions;
 - (iii) Issues an order under **Part IV Section 2** of this Bylaw;
 - (iv) Refuses or fails to issue a subdivision approval within 21/60 days (whichever period is applicable), of receipt of a completed application, unless the applicant has entered into an agreement with the Subdivision Approval Authority to extend the 21/60 day time period;
 - (v) Cancels or suspends a development permit under **Part IV Section 2** of this Bylaw.
- (b) Notwithstanding Subsection (a), no appeals are allowed in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted;
- (c) The person applying for the permit or subdivision approval or affected by the order, or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board;
- (d) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within 14 days after the date of the order, decision or permit issued by the Development /Subdivision Approval Authority was either:
 - (i) First published in a newspaper circulating in the area, or
 - (ii) Posted on the site of the property the subject of the application, or
 - (iii) Received by the applicant,
 whichever of these occur first.
- (e) For the purpose of subsection (d), the date of receipt of the decision is deemed to be five (5) days from the date that the decision is mailed.

2. Public Hearing

- (a) Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal;
- (b) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
 - (i) The appellant; and
 - (ii) The Development Officer from whose order, decision or development permit the appeal is made; and
 - (iii) Those adjacent land owners and registered owners of land in the municipality who were notified under **Part V (Section 6 (2) (d) (iii))** and any other person who in the opinion of the Board, is affected by the order, decision or permit; and
 - (iv) Such other persons as the Board specifies.
- (c) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

- (i) The application for the development permit, its refusal and the appeal there from; or
 - (ii) The Order of the Development Officer under **Part V**, as the case may be.
- (d) At the public hearing referred to in subsection (a), the Board shall hear:
- (i) The appellant or any person acting on his behalf;
 - (ii) The Development Officer from whose order, decision or development permit the appeal is made;
 - (iii) Any other person who was served notice of the hearing and who wishes to be heard, or a person acting on his behalf;
 - (iv) Any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

3. Decision

- (a) The Board shall give its decision in writing together with reasons for that decision, within 15 days of the conclusion of the public hearing;
- (b) A decision made under this part of this Bylaw is final and binding on all parties, and subject only to appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act. An application for leave to appeal to the Court of Appeal shall be made:
 - (i) To a judge of the Court of Appeal; and
 - (ii) Within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

PART V

Enforcement & Administration

1. Contravention

- (1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:
 - (a) The Municipal Government Act RSA 2000 as amended, or the regulations; or
 - (b) A development permit or subdivision approval; or
 - (c) This Land Use Bylaw;
 the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or any or all of them to:
 - (a) Stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
 - (b) Demolish, remove or replace the development; and/or
 - (c) Take other such measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be; and
 - (d) Stipulate the time period within which the contravention shall be remedied.
- (2) Any person who receives a notice under **Section 6(1)** of this Bylaw, may appeal to the Subdivision and Development Appeal Board in accordance with **Part IV**.

2. Enforcement

- (1) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board under **Section 687** of the Act within the time specified, the Council or a person appointed by it may, in accordance with **Section 646** of the Act, enter on the land or building and take such action as is necessary to carry out the order;
- (2) Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the parcel of land, and the amount:
 - (a) is deemed for all purposes to be a tax imposed under the Act from the date that it was added to the tax roll; and
 - (b) forms a special lien against the parcel of land in favor of the municipality from the date it was added to the tax roll.
- (c) A photocopy of the title for the property, as it currently exists at the Land Titles Office; and
- (d) All drawings submitted shall be to a standard to the satisfaction of the Development Officer.

3. Amending Bylaws

- (1) A person may apply to have this Bylaw amended, by applying with a complete application form and furnishing reasons in support of the application.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.

- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the fee determined by resolution of Council;
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer to an acceptable standard to the satisfaction of the Development Officer;
 - (d) A photocopy of the current title for the property, as it currently exists at the Land Titles Office; and
 - (e) any documents as required by the Development Officer.
- (4) All amendments to this Land Use Bylaw shall be made by Council by bylaw and in accordance with the procedures set forth in the Act and regulations.
- (5) The Council, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to:
 - (a) Planning Advisor for comment,
 - (b) Special Area 2 and/ or M.D. of Acadia, if the proposed amendment
 - (i) affects land on the boundary with that jurisdiction, or
 - (ii) may otherwise have an effect on the adjacent municipality, and
 - (c) such other persons or agencies as it considers necessary for comment.

Prior to the public hearing for verbal or written comments that shall be presented at the public hearing.
- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for twelve months from the date of the refusal.
- (7) Prior to third reading of the proposed by-law, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

PART VI

General Land Use Regulations

1. Subdivision of Land

A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the subdivision approval authority, or upon appeal from the Subdivision and Development Appeal Board or the Municipal Government Board.

2. Dwelling Units on a Parcel

- (a) No person shall construct or locate or cause to be constructed or located more than one dwelling on a lot unless:
 - (i) the second or additional dwelling is contained in a building designed for or divided into two or more dwelling units;
- (b) The Development Officer may issue a permit for a second or additional dwelling unit on a lot/parcel, if the proposed development would not:
 - (i) unduly interfere with the amenities of the neighborhood; and
 - (ii) materially interfere with or affect the use, enjoyment or value of the neighboring properties;
 and
 - (iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw; and
 - (iv) the proposed development conforms to the standards and provisions of the Alberta Uniform Building Code.

3. Non-Conforming Buildings and Uses

- (a) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw in effect;
- (b) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-complying building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein;
- (c) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continued;
- (d) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (i) as may be necessary to make it a complying building, or
 - (ii) as the Development Officer considers necessary for the routine maintenance of the building, or
 - (iii) if, at the discretion of the Development Officer, the alterations do not increase the extent of non-compliance and are within all other requirements of this Bylaw, the development may be permitted.
- (e) If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw;
- (f) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

4. Fencing and Hedges

- (a) In the residential district, a fence or hedge located within the rear or side yard of a lot, shall not exceed 1.8m (6 feet) in height;
- (b) In the residential district, a fence or hedge located within the front yard of a lot shall not exceed 1m (3.2 feet) in height;
- (c) In the residential district, a fence or hedge located within a corner lot and along the street sides of the lot shall not exceed 1m (3.2 feet) in height;
- (d) The materials used in fence and wall construction shall be appropriate to the district in which they are located, and shall be in general conformity with the adjacent properties to the satisfaction of the Development Authority.

5. Signs

- (a) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued
- (b) No signs shall be erected or affixed to private property without the consent of the property owner or tenant;
- (c) No signs shall be erected or affixed to public property without the prior consent of the municipality;
- (d) No signs or advertisement shall resemble or conflict with a traffic sign;
- (e) All signs, with the exception of temporary signs, allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign;
- (f) All signs and sign structures shall be kept in a safe, clean and tidy condition, and if not so kept, may be required by the Development Officer to be renovated or removed. Signs advertising businesses no longer in operation shall be removed;
- (g) All signs shall be designed and manufactured to a professional standard;
- (h) No signs other than those specified in **Part VI Section 6** (Home Occupations), shall be permitted in a residential district.

6. Home Occupations

- (a) Where the operator of a home occupation is not the registered owner of the dwelling unit proposed to be used for the home occupation, the applicant shall obtain written authorization from the registered owner(s);
- (b) There shall be no electrical or mechanical equipment which creates visual, audible or electrical interference in radio or television reception;
- (c) Outdoor storage of materials or equipment shall be limited to the accessory building or areas designated by the Development Officer;
- (d) The home occupation shall not create a nuisance by way of smoke, dust, noise or odour;
- (e) Signage related to a home occupation is restricted to one non-illuminated sign per site, attached to the building with a maximum size of 0.37m^2 (4.0 ft.²). The appearance of this sign shall be of a quality satisfactory to the Development Officer.

7. Accessory Buildings and Uses

- (a) An accessory building shall not be used as a dwelling unless approved as a ***garden suite*** or ***secondary suite*** in accordance with this bylaw;
- (b) An accessory building shall not be located in the front yard;
- (c) The height of an accessory building shall not exceed 4.5m (16 feet);
- (d) Where a structure is attached to the principal building by a roof, a floor or a foundation, then it is to be considered as part of the principal building and is not an accessory building;
- (e) The total combined floor area of all accessory buildings shall not exceed 15% of the site area;
- (f) An accessory building or use shall be located at least 2 m (6.5ft.) from any ***principal building***;

- (g) The minimum side yard of an accessory building shall be 1m (3.28 ft.) except on corner lots;
- (h) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than the **side yard** requirement for the **principal building** if there is no vehicular access to the accessory building from the flanking street;
- (i) On **corner lots**, the distance between an accessory building and the street flanking the lot shall not be less than 3 m (9.85 ft.) from the property line when vehicular access to the accessory building is from the flanking street;
- (j) The minimum rear yard for an accessory building shall be 0.9m (3 ft.).
- (k) **Accessory Buildings – fabric Covered** shall adhere to the regulations above and the following specific requirements:
 - (i) not to exceed 20.44 sq. m. (220 sq. ft.) in area;
 - (ii) shall be a minimum 3 metres (10 ft.) from flammable material (i.e. burning barrels, fire pits or other open flame accessories) or vegetation;
 - (iii) All development permit application approvals shall be **temporary** with a maximum time limit of one year. Extensions may be provided beyond one year as a subsequent application dependent on condition of the structure at the time of inspection and any complaint correspondence received;
 - (iv) A building permit may be required (proper anchoring, etc.) and shall be determined in accordance with the Safety Codes Act;
 - (v) the development shall be kept in good condition to the satisfaction of the development authority; and
 - (vi) shall not cause or create a nuisance by way of noise, vibration, etc. and the privacy and enjoyment of adjacent properties shall be preserved and the amenities of the neighborhood maintained.

8. Relocation of Buildings

- (a) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a Performance Bond or letter or credit up to the amount of the estimated cost of the on-site renovations and finishing required to ensure completion of any renovations set out as a condition of approval of a permit. In addition, the Municipal Planning Commission shall require the applicant to provide proof of insurance during and after the relocation of the building.
- (b) All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- (c) Application for a relocated building shall be accompanied by recent photographs to the satisfaction of the Development Authority. Also, the views (in writing) of the adjacent registered property owners within a minimum of 60 m (196.85 feet) of a said parcel must be obtained.

9. Storage Structures

- (a) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (b) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development;
- (c) A storage structure shall not be permitted on a permanent basis in residential areas or on parcels where the primary land use is residential;

- (d) A storage structure shall not be used as a sign;
- (e) A storage structure may be approved on a temporary basis during construction within any land use district.

10. Communication Towers

- (a) Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:
 - (i) the input provided by the Approving Authority;
 - (ii) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
 - (iii) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
 - (iv) an environmental impact assessment may be required in order to comply with the ***Canadian Environmental Assessment Act***.
- (b) The participation of the Village in the consultation process does not transfer any Federal decision making authority, nor does it confer a right of veto in the location of the communication tower.
- (c) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.
 - (i) The tower base shall be setback from abutting parcels and roadways by a distance of 10 percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
 - (ii) Guy wire anchors shall be setback at least 28.0 m (91.9 ft.) from the property line.
 - (iii) Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing.
- (d) Communication towers shall be located in a manner that minimizes the impact on the natural environmental and residential communities while recognizing the unique location requirement for siting communication towers.
- (e) All equipment shelters must meet the Village setback distances to roads and property lines.
- (f) All telecommunication carriers requesting a new telecommunication tower shall be required to identify any other such structure within an 8.05 km (5 mi) radius of the proposed site location. Each request shall also provide documentary evidence that co-location of the existing structures within that 8.05 km (5 mi) radius is not a viable alternative to a second structure.
- (g) Where Transport Canada requires that a telecommunication tower be lighted, the following procedures shall be encouraged to minimize visual impacts:
 - (i) the lighting of equipment structures and any other facilities on site shall be shielded from adjacent properties where possible without interfering with the requirements of Transport Canada;
 - (ii) all lighting shall be a minimum number of low intensity white lights; and
 - (iii) the strobe interval shall be the maximum allowable by Transport Canada, and the strobe lights shall only be used if absolutely necessary.
- (h) The Village may adopt policies specific to Communication Tower placement in accordance with best practices and guidance documents.

11. Projection into Yards

- (a) Front Yards:
 - (i) Eaves, balconies, cantilevers, bay windows, shade projections, chimneys, un-enclosed steps and decks, may project a maximum of 2 m (6.5 ft.) over or onto a required front yard;
- (b) Side Yards:
 - (i) Eaves, shade projections, chimneys, cantilevers may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Unenclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
 - (iii) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (c) Rear Yards:
 - (i) Eaves, balconies, bay windows, shade projections, chimneys, and cantilevers, may project a maximum of 1.5 m (4.9 ft.) over a required rear yard;
 - (ii) Unenclosed decks and steps may project a maximum of 50% of the required rear yard.

12. Off-Street Parking

- (a) The number of off-street parking spaces for any development shall be according to the requirements set out for the Land Use District in which the space is located;
- (b) For multiple use sites, parking requirements shall be based on the calculation of parking required for each individual use;
- (c) A parking space shall not be less than 160 ft.² (14.8m²) in area and less than 8 feet (2.4m) wide.

13. Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction shall be to the satisfaction of the Development Officer in order that these shall be in general conformity in such matters with adjacent buildings.

14. Bed and Breakfast Establishments

- (a) Bed and Breakfast Establishments shall conform to the following and to any standards as the Province and/ or Alberta Building Code may have:
 - (i) No cooking facilities allowed in guest rooms;
 - (ii) Minimum room size of 7 m² (75 sq. ft.) per single occupant and 4.65 m² (50 sq. ft.) per person for multiple occupancy;
 - (iii) Each room shall have a window;
 - (iv) Bathroom facilities are required by the Health Authority;
 - (v) Smoke alarms shall be installed on each level of the building;
 - (vi) Portable fire extinguishers shall be provided in each level of the building;
- (b) Off street parking shall be provided with a minimum of one stall per owner plus one stall per guest room.
- (c) Access to a public lane or street shall be to the satisfaction of the Development Officer.
- (d) Signage is restricted to one sign per site, attached to the building with a maximum size of 0.28 m² (3 sq. ft.). Appearance of the sign shall be of a professional quality to the satisfaction of the Development Officer.
- (e) All development permits issued for Bed and Breakfast Establishments shall be revocable at any time, if in the opinion of the Development Officer / Municipal Planning Commission, the use is or has become detrimental to the amenities of the neighborhood.
- (f) Bed and Breakfast establishments shall have a maximum of four (4) guest rooms.

15. Drainage

- (a) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building site to the back lane and/or front street.
- (b) The Development Authority at its discretion may establish parcel and building elevation as a development condition if it is felt that drainage will affect neighbouring parcels.
- (c) The Development Authority at its discretion may require the applicant to submit a storm drainage plan, indicating how drainage will be managed on the site.
- (d) The Development Authority at its discretion may require the applicant to install a catch basin or similar drainage system on site if it is felt that drainage will otherwise affect neighbouring parcels.

16. Utilities

- (a) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system;
- (b) A development shall not be permitted until satisfactory arrangements have been made by a developer for the supply of water, electric power, sewerage and street access to the development, including payment of costs of installing or constructing any such utility or facility by the developer.

17. Manufactured Homes

- (a) Foundation:
A permanent foundation shall be provided for a manufactured home capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement in accordance with Safety Codes requirements.
- (b) Skirting:
The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.
- (c) Additions, Porches etc.:
All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 45 days of their placement.
- (d) Utilities:
Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.
- (e) Age:
All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than ten (10) years before the date of application for a development permit shall not be allowed. The Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last (10) ten years.

18. Modular Homes

- (a) Modular homes are not to be considered as manufactured homes under this Bylaw and shall be similar in appearance to conventional dwellings in the neighbourhood;
- (b) Modular homes shall at minimum, contain the following design features:
 - (i) a minimum roof pitch of 8 cm of vertical rise for every 24 cm of horizontal run (4:12 pitch) or greater to meet the characteristics of the dwellings in the surrounding area;
 - (ii) finishing materials on the roof and exterior walls shall be consistent with the materials used on dwelling units in the surrounding area and should include a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles or hand split shakes and exterior wall surfaces of vinyl siding, stucco, or other materials as deemed appropriate by the M.P.C.;
 - (iii) have a minimum roof overhang or eaves of 30 cm (12 in.) from the primary surface of each side wall;
 - (iv) the length of the modular home shall not be greater than 2.5 times the width per dwelling unit;
 - (v) the modular home shall be placed on a permanent foundation or basement that shall be finished with suitable exterior foundation wall surfaces as determined appropriate by the M.P.C; and
 - (vi) the modular home shall contain build-outs, glazing, windows and exterior features that are consistent with conventional dwellings.

19. Industrial and Commercial Development

- (a) An application for the establishment of industries shall be considered by the Development Authority who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:
 - Palliser Regional Municipal Services
 - Alberta Business Development and Tourism
 - Alberta Infrastructure and Transportation
 - Alberta Agriculture
 - Alberta Environment
 - Alberta Energy and Utility Board
 - David Thompson Health Region
 - Empress Fire Department
 - The Development Officer shall request that such comments be made in writing;
- (b) Each application for industrial development shall be accompanied by the following information as required by the Development Authority:
 - Location
 - Type of Industry
 - Size of Buildings

- Estimated Number of Employees
- Estimated Water Demand and anticipated source
- Geotechnical evaluation
- Environmental Site Assessment
- Traffic Impact Assessment
- Storm water Management Plan
- Other information as may be reasonably required by the Development Authority

20. Daytime Child Care Services

- (a) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (b) The maximum number of children for which care may be provided in a Daytime Child Care Service established by Alberta Family Day Home Standards Manual. According to the Alberta Family Day Home Standards Manual, Providers may accommodate a maximum of six children 0-12 years old including the provider's own children. A maximum of three children may be 36 months or younger. A maximum of two children may be 24 months or younger.

21. Irregular Shaped Lots

- (a) Irregular shaped lots must meet the minimum lot width at the minimum front yard setback line, unless the Subdivision/ Development Authority determines that the configuration of the parcel and adjacent parcels warrants a lesser lot width;
- (b) The Subdivision/ Development authority shall ensure that the lot frontage width is wide enough to accommodate front driveway and landscaping requirements;
- (c) The minimum front yard requirements shall be measured from the nearest point of the arc or property line on any irregular shaped lot to the nearest point of the foundation. On Corner Lots the front yard requirement shall be measured from the front property line and not the corner cut-off.
- (d) For irregular shaped lots other than those described above, siting of developments shall be at the discretion of the Municipal Planning Commission.

22. Renewable Energy System

- (a) Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce greenhouse gas emissions and to promote sustainability objectives within the Village. Alternative Energy Systems shall require a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:
 - (i) Renewable Energy Systems that are part of or attached to the principal building shall follow the requirements for that use (i.e. Solar panels on a roof); and
 - (ii) Renewable energy systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District where separate and subordinate to the principal building or use of the property; and
 - (iii) Renewable energy systems shall be considered a discretionary use in all land use districts.

23. Small Wind Energy Systems

It is the purpose and intent to promote the safe, effective and efficient use of small wind energy systems (SWES) to reduce the on-site consumption of utility-supplied electricity while protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a SWES. An SWES may be appropriately located on larger residential parcels, commercial/ industrial sites or for public facilities and shall be considered an accessory structure and use in the land use districts where it is listed in accordance with the following requirements:

(a) Maximum Tower Height:

- (i) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)
25 m (80 ft.)
- (ii) Parcel size greater than 0.4 ha. (1.0 acre)
No maximum

Tower height shall be in accordance with the manufacturer requirements and shall conform to the setback requirements below.

(b) Setback Requirements:

- (i) Setbacks from property lines
The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure, including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the SWES to be closer than these requirements.
- (ii) Setbacks from Structures
 - (1) Dwellings/ public buildings:
The SWES tower base shall be no closer to a dwelling unit or public building on **adjacent** properties than the **total system height** of the SWES. This distance may be greater if it is determined that **shadow flicker** is a factor on adjacent properties. (note: shadow may be up to 3.6 times the distance of tower height in winter months)
 - (2) Accessory buildings or structures
No requirements

The Development Authority may waive the tower base setback requirements if the affected adjacent property owner grants an easement registered on title for the location of the SWES to be closer than these requirements.

(c) Sound

It is not anticipated that sound levels from a professional quality SWES will negatively impact adjacent property owners. The required setbacks in (2) above are established for public safety and to eliminate any sound related conflict beyond that of normal background noise to adjacent properties.

(d) Visual Impact

The nature of a SWES requires the installation of the turbine on a tall tower, 30 ft.+ above structures or trees to reach wind conditions and avoid turbulence. Visual Impact concerns shall be considered where there is significant scenic or historical value associated and where there is a clear public benefit.

(e) Consultation Requirements

Applicants for a SWES shall be responsible for circulating the proposal prior to application to neighbouring property owners using the established form. Any comments received from the circulation shall be included with the application.

- (f) Decommissioning
If the active production of electricity from a SWES is discontinued for two years or more the SWES shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition.

24. Forms

Forms used in conjunction with this Bylaw shall be approved by a resolution of Council.

PART VII Land Use Districts

- (1) The Municipality is divided into districts as shown in ***Appendix 'A' - Land Use District Map***.
- (2) Each district that is shown on the Land Use District Map shall be known by the following identifying code:

Residential District	R
Manufactured Home	MH
Commercial District	C
Industrial District	I
General Village District	G

- (3) District Boundaries:
 - (a) The locations of boundaries shown on the Land Use District Map shall be governed by the following rules:
 - Rule 1.* Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
 - Rule 2.* Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;
 - Rule 3.* In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:
 - (i) Using any dimensions given on the map;
 - (ii) Where no dimensions are given, measurement using the scale shown on the map.
 - (b) Where the exact location of the boundary of a land use district cannot be determined using the rules listed above, Council, by its own motion or on a written request, shall fix the location:
 - (i) in a manner consistent with the provisions of this Bylaw; and
 - (ii) with the appropriate degree of detail required.
 - (c) The location of a district boundary, once fixed, shall not be altered except by amendment to this Bylaw;
 - (d) The Council shall keep a list of its decisions fixing the locations of district boundaries.

(1) “R” - RESIDENTIAL DISTRICT

The purpose of this district is to provide for a variety of housing types in the Village connected to the municipal sanitary and water systems.

(A) Permitted Uses

Accessory buildings and uses
Parks and Playgrounds
Single-detached Dwelling (all types excluding Manufactured Homes and Park Models)

(B) Discretionary Uses

Bed and breakfast establishment
Boarding and lodging house
Daytime child care service
Duplex
Home occupation
Manufactured Home
Manufactured Home Park
Multiple Unit Dwelling
Public or quasi-public buildings and uses
Public utility buildings and facilities
Semi-detached dwelling
Senior Citizens Housing
Sign
Small Wind Energy System
Worship facility

(C) Minimum Lot Sizes

- (i) 3900 ft.² (362.31m²) for all dwellings.
- (ii) 5750 ft.² (534.18m²) for all other uses.

(D) Minimum Site Width

- (i) 40 feet (12.19m) for all dwellings.
- (ii) 50 feet (15.24m) for all other uses.

(E) Front Yard

- (i) 16 feet (4.87m) for all dwellings.
- (ii) Other uses at the discretion of the Development Officer.

(F) Side Yards

- (i) 4 feet (1.22m) for all dwellings.
- (ii) 5 feet (1.52m) for all other uses.

(G) Rear Yard

- (i) 20 feet (6.01m)

(H) Floor Area

- (i) 720 ft.² (66.88m²) for all dwellings.
- (ii) All other uses at the discretion of the Development Officer.

(I) Maximum Height

- (i) 32 feet (10 m) for all dwellings and not exceeding 2 storeys.

- (ii) All other uses at the discretion of the Development Officer.

(J) Off-Street Parking

On-site parking shall be provided according to the following:

- (i) One (1) stall per dwelling unit for all residential uses.
- (ii) All other uses at the discretion of the Development Officer.

(K) Garbage and Waste Material

Garbage and waste material shall be stored in animal and weather proof containers, and be screened from adjacent sites and public thoroughfares.

(2) 'MH' - Manufactured Home District

The purpose and intent of this district is to permit the placement of manufactured homes in rental parks and subdivisions specifically designed to accommodate them.

(A) Permitted Uses

Accessory buildings and uses
 Manufactured home
 Permitted signs
 Public utility building to serve this district

(B) Discretionary Uses

Daytime child care services
 Home occupations
 Manufactured home park
 Manufactured home park facilities:
 - Park office
 - Convenience store to service manufactured Home Park
 - Common laundry facilities
 - Common social facility
 - Common outdoor storage facility
 Park model
 Public and quasi-public buildings, facilities and installations
 Public park
 Recreational Vehicle
 Single Detached Dwelling

(C) Minimum Lot Sizes

- (i) 3900 ft.² (362.31m²) for all dwellings
- (ii) 1.01 ha (2.5 acre) for a manufactured home park;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(D) Minimum Site Width

- (i) 40 feet (12.19m) for all dwellings.
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(E) Front Yard

- (i) 3.05 m (10 ft.) from the adjoining internal access road in a manufactured home park.
- (ii) 4.57 m (15 ft.) for manufactured homes
- (iii) Other uses at the discretion of the Municipal Planning Commission

(F) Side Yards

- (i) 5 feet (1.52m)

(G) Rear Yard

- (i) 20 feet (6.01m)

(H) Floor Area

- (i) 720 ft.² (66.88m²) for all dwellings.
- (ii) All other uses at the discretion of the Development Officer.

(I) Maximum Height

- (i) 6.1 m (20 ft.) for manufactured homes and modular units;
- (ii) 4.57 m (15 ft.) for accessory buildings;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(J) Off-Street Parking

On-site parking shall be provided according to the following:

- (i) One (1) stall per dwelling unit for all residential uses.
- (ii) All other uses at the discretion of the Development Officer.

(K) Development Requirements

- (i) All manufactured homes shall be developed in accordance with the ***Manufactured Homes General Land Use Regulations*** of this Bylaw.
- (ii) Garbage and waste material must be stored in weather and animal proof containers. Garbage and waste material storage must be screened from public thoroughfares excluding lanes.
- (iii) Each manufactured home shall be connected to and serviced by the municipal sanitary sewer, water supply and electric power systems and serviced with natural gas.

(L) Manufactured Home Park Requirements

- (a) Roadways
 - (i) All roads in a manufactured home park shall be paved and constructed to the Municipality's specifications;
 - (ii) Internal pedestrian walkways shall have a minimum width of 0.91 m (3 ft.) and be surfaced to the satisfaction of the Development Officer / Municipal Planning Commission; and
 - (iii) Each manufactured home shall abut a park roadway and have a frontage with a minimum width of 4.27 m (14 ft.).
- (b) Parking
 - (i) No on-street parking shall be permitted in manufactured home parks;
 - (ii) A minimum of one vehicle parking stall shall be provided for each manufactured home;
 - (iii) Visitor parking shall be one off-street parking stall for every three (3) manufactured homes. Visitor parking shall be dispersed throughout the park and clearly identified.
- (c) Appearance
 - (i) A 6.1 m (20 ft.) buffer shall be provided around the boundary of the park. This buffer shall be landscaped and fenced;
 - (ii) Each application shall be accompanied by a landscaping and site development plan;
 - (iii) All utility lines shall be placed underground in a manufactured home park;
 - (iv) A minimum of 10% of the gross site area of a manufactured home park shall be set aside for recreational use.
- (d) Permitted Signs
 - (i) One park identification sign at each entrance to the park. Maximum sign area is 2.97 m² (32 sq.ft.) and maximum height of sign is 1.83 m (6 ft.);
 - (ii) Directional signs within the park.
- (e) Storage
 - (i) A screened storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, etc., at a location and in a manner satisfactory to the Development Authority.
- (f) Future Subdivision
 - (i) The Development Authority shall give consideration to the sizing of lots and internal streets in order that the future subdivision of the manufactured home park to provide titled lots is a viable option.

(3) “C” - COMMERCIAL DISTRICT

The purpose and intent of this district is to provide for commercial development.

(A) Permitted Uses

Accessory buildings and uses
 Artists Studio
 Eating Establishment
 Financial institution
 Funeral Home
 Permitted sign
 Personal Service
 Post Office
 Professional or Administrative Office
 Retail Store

(B) Discretionary Uses

Automobile Vehicles sales, service and repairs
 Building Materials Storage and Sales
 Car wash
 Clinic
 Communication Tower
 Community recreation facility
 Drinking Establishment
 Hotels and Motels
 Public and quasi-public buildings and uses
 Dwelling accessory to the principal commercial use
 Service Station
 Storage Structure
 Veterinary Clinic
 Tradesman's' Shop (cabinet maker, carpenter, decorator, electrician, gas fitter, laundry, metal worker, painter, plumber, printing, pipe fitting, upholsterer)
 Worship Facility

(C) Minimum Site Area

As required by the Development Officer.

(D) Front Yard

As required by the Development Officer, and consistent with the front yards provided by neighbouring buildings.

(E) Side Yard

- (i) 5 feet (1.52m) when adjacent to a residential district.
- (ii) Nil where a rated fire wall is provided.
- (iii) 4 feet (1.22m) abutting the flanking street on corner lots.

(F) Rear Yard

- (i) 10 feet (3.05m) when adjacent to a residential district.
- (ii) All other cases, as required by the Development Officer.

(G) Off-Street Parking

On-site parking shall be provided according to the following:

- (i) Motels and Hotels One (1) stall per guest suite.
- (ii) Restaurants One (1) stall per ten (10) guest seats.

(iii) All other uses at the discretion of the Development Officer.

(H) Garbage and Waste Material

Garbage and waste material shall be stored in animal and weather proof containers, and be screened from adjacent sites and public thoroughfares.

(I) Street Level Development

Street level frontage development in this district is reserved for commercial uses. Any accessory residential units shall be located at either the rear of the parcel, or be located above street level, above the primary commercial use.

(J) Screening

The Development Officer may prescribe the screening and landscaping for uses which involve the outdoor storage of goods, machinery, vehicles, building and waste materials, and other similar items.

(4) "I" - INDUSTRIAL DISTRICT

The purpose and intent of this district is to provide for a variety of industrial and business uses which are compatible with each other and do not adversely affect non-industrial land uses.

(A) Permitted Uses

Accessory buildings and uses
 Heavy Equipment Sales and Service
 Light Industrial
 Permitted sign
 Veterinary Clinic
 Warehousing
 Tradesman's Shop (cabinet maker, carpenter, decorator, electrician, gas fitter, laundry, metal worker, painter, plumber, printing, pipe fitting, upholsterer)

(B) Discretionary Uses

Building materials storage and sales
 Bulk Fertilizer Sales
 Bulk Fuel Storage, Distribution and Sales
 Communication Tower
 Drinking Establishment
 Dwelling Unit as a secondary use to the principal use of the building/ site
 Fabric Covered Building
 Feed mills, grain milling cleaning and drying
 Grain Elevator
 Heavy Industrial
 Kennel
 Manufacturing, assembly repair, and maintenance of electrical and mechanical equipment
 Manufacturing, packaging or assembly of articles from previously prepared materials
 Manufacturing, assembly, repair and maintenance of oilfield equipment
 Propane gas distribution and storage
 Public and quasi-public buildings and uses
 Recycling facilities
 Service station
 Small Wind Energy System
 Storage Structure
 Storage yard
 Truck and freight terminal
 Other similar uses

(C) Minimum Site Area

5000 ft². (464.5m²)

(D) Front Yard

As required by the Development Officer.

(E) Side Yard

- (i) 10 feet (3.05m) when adjacent to a residential district.
- (ii) In all other cases, at the discretion of the Development Officer.

(F) Rear Yard

- (i) 20 feet (6.10m) when adjacent to a residential district.
- (ii) In all other cases, at the discretion of the Development Officer.

(G) Parking

Parking requirements shall be determined at the discretion of the Development Officer, and shall be based on the evaluation of each individual application.

(H) Special Requirements

- (i) Industrial uses which emit airborne pollutants or noxious odors or that have fire or explosive risks will be required to meet minimum separation distances from residential areas and also from other industrial and/ or commercial developments in accordance with the requirements of Provincial Legislation or industry standards and best practices.
- (ii) Performance standards: the operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government and/ or industry standards and best practices. If the Development Authority determines that a proposed use may conflict with those standards, additional information may be required and the application shall be circulated to the appropriate Provincial Department for clarification prior to issuing a Development Permit;
- (iii) The applicant shall submit information describing any noxious, dangerous or offensive feature of the proposed use and mitigation of those factors in relation to:
 - (1) airborne pollutants or odors;
 - (2) release of any toxic, radioactive or environmentally hazardous materials; and
 - (3) flammable or explosive materials.

This information shall be certified by a professional environmental or chemical engineer and indicate the intensity and area of impact from any noxious, dangerous or offensive features. The Development Officer may consult with the appropriate Provincial authorities as necessary and attach such conditions to a Development Permit considered necessary to protect the safety and amenity of surrounding developments.

- (iv) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.

(5) “G” - GENERAL VILLAGE DISTRICT

The purpose and intent of this district is to provide for a variety of community services, residential and general uses that do not create conflict within the district.

(A) Permitted Uses

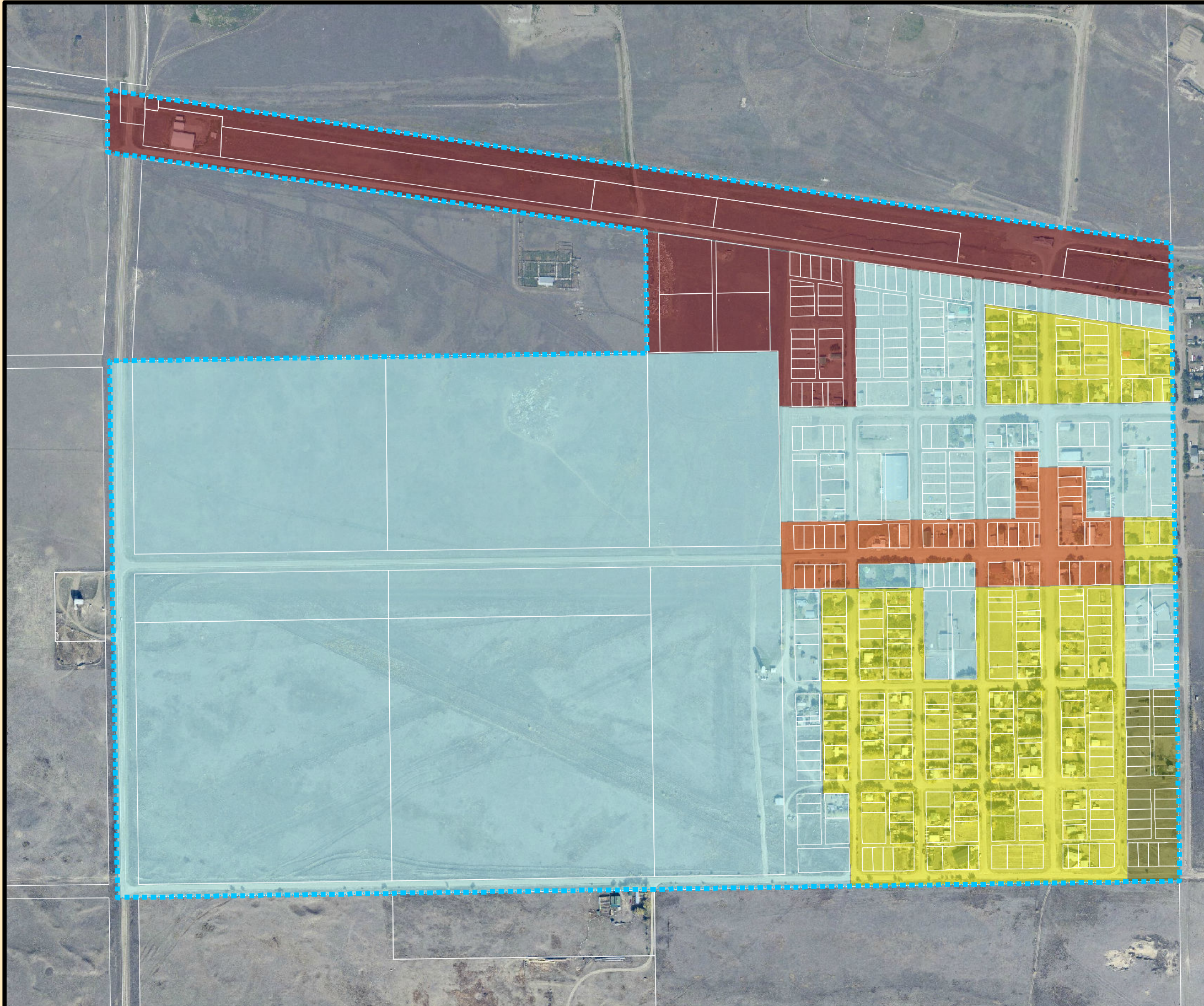
Accessory buildings and uses
 Community recreation facility
 Single-detached Dwelling
 Parks and playgrounds
 Permitted Sign
 School
 Worship Facility

(B) Discretionary Uses

Campground
 Clinic
 Commercial uses listed as Permitted or Discretionary Uses in the “C” - Commercial District
 Communication Tower
 Extensive Agriculture
 Fabric Covered Building
 Greenhouse
 Home occupation
 Hospital
 Manufactured Home
 Market garden
 Multiple Unit Dwelling
 Public and quasi-public building
 Senior Citizens Housing
 Small Wind Energy System
 Storage structure

(C) Development Standards and Regulations

- (i) The Development Authority may require an Area Structure Plan or similar planning scheme before making a decision regarding any proposed subdivision or development.
- (ii) Where a proposed use is listed elsewhere in the Land Use Districts in this Bylaw, the standards governing yards, setbacks, height, etc., applied to that use in that district shall be applied to the proposed use in this district.
- (iii) In all other cases, the design, siting, site coverage, yards, height of buildings etc. shall be to the satisfaction of the Development Authority, who in determining a development permit shall take into account:
 - (a) The existing and prospective uses of land in the vicinity; and
 - (b) The impact the proposed development may have on the future orderly development of the Village, including the future establishment of residential, commercial, industrial, recreational and service uses and buildings.



Village of Empress








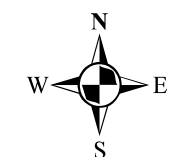
Appendix 'A' Land Use District Map

Legend

••• Village Boundary

Land Use Districts

	General
	Industrial
	Residential
	Commercial
	Manufactured Home



Areas are approximate and subject to change
Not Responsible for Errors or Omissions

Aerial Dated 2007
Dated: August 2013

FORMS

FORM A	APPLICATION FOR A DEVELOPMENT PERMIT
FORM C	STOP ORDER / ORDER OF COMPLIANCE
FORM D	LAND USE BYLAW/ STATUTORY PLAN AMENDMENT APPLICATION FORM
FORM E	APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL
FORM F	NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
FORM G	NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT
FORM H	NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FORM I	TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT
FORM J	APPLICATION FOR A DEMOLITION PERMIT

Application # _____
 Tax Roll # _____
 Date Received _____
 Application Fee _____

Village of Empress

APPLICATION FOR A DEVELOPMENT PERMIT

FORM A

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____
 ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____ PHONE NO: _____
 ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF DEVELOPMENT:

PROPOSED USE: _____

PROPERTY LINE SETBACKS: Front: _____ Rear: _____ Side: _____ Side: _____

HEIGHT: _____ FLOOR AREA: _____ SITE COVERAGE: _____ %

OFF-STREET PARKING PROVIDED: _____

ESTIMATED COMMENCEMENT: _____ COMPLETION: _____

ESTIMATED COST OF PROJECT _____

INTEREST OF APPLICANT IF NOT OWNER OF PROPERTY: _____

OTHER SUPPORTING MATERIAL ATTACHED: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER: _____ DATE: _____

NOTE: THIS IS NOT A BUILDING PERMIT (such permit must be obtained separately).

The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

IMPORTANT: SEE REVERSE SIDE

IMPORTANT NOTES:

1. A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements.
2. A Development Permit issued pursuant to the Land Use Bylaw is not a Building Permit and work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to all applicable bylaws and regulations.
3. If the development authorized by a Development permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of the date of its issue, the permit is deemed to be void unless an extension to this period shall first have been granted by the Development Authority.
4. When an appeal is made pursuant to the Land Use Bylaw a Development Permit which has been granted shall not be valid. The decision of the Subdivision and Development Appeal Board shall replace the previous decision.
5. Every application for a Development Permit shall be made by submitting to the Development Officer the prescribed form completed in duplicate, signed by the owner or his agent, and accompanied by the following:
 - a) if required by the Development Officer, building plans in duplicate, showing:
 - i) floor plans;
 - ii) elevations;
 - iii) exterior finishing materials.
 - b) site plans, in duplicate, showing:
 - i) the legal description and municipal address;
 - ii) dimensions of the site;
 - iii) if required by the Development Officer, utilities, site drainage, finished lot grades, the grades of the street and the location of proposed sewer and water lines of all proposed and existing buildings and structures including retaining walls, trees, landscaping and other features;
 - iv) a surveyor's certificate if required by the Development Officer.
 - c) an application for multiple family, commercial, industrial, recreational and institutional uses shall show:
 - i) loading and parking provisions;
 - ii) access locations to and from the site;
 - iii) garbage and storage areas and the fencing and screening proposed for same;
 - iv) location and approximate dimensions of existing and proposed culverts and crossings.
 - d) such other information as the Development Officer may require or as required in the Land Use Bylaw requirements.
 - e) Development Permit Fee as determined by Council.

APPEAL PROCEDURE:

6. An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Empress within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements (as per Section 1 above).

Application # _____

Tax Roll # _____

Date Received _____

Application Fee _____

Village of Empress**FORM B****APPLICATION FOR A DEVELOPMENT PERMIT
(HOME OCCUPATION)**

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

APPLICANT INFORMATION:

NAME: _____

PHONE NO: _____

ADDRESS: _____

REGISTERED OWNER OF LAND (if different from applicant):

NAME: _____

PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED HOME OCCUPATION:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

EXISTING USE OF PROPERTY: _____ LAND USE DISTRICT: _____

DETAILS OF HOME OCCUPATION:

DETAILS OF BUSINESS: _____

DETAILS OF EQUIPMENT AND MATERIALS USED IN BUSINESS: _____

DETAILS REGARDING STORAGE OF EQUIPMENT/ MATERIALS: _____

NUMBER OF EMPLOYEES: _____

SIGNAGE: _____

The business is performed: ☐ On-site ☐ Off-siteIs the property used for office and administrative work only? Yes ☐ No ☐

What part of the dwelling/ property is to be used for the business? _____ sq. ft. _____ %

☐ Office ☐ Accessory Building ☐ Rear Yard

Vehicle used in the Business: _____

ADDITIONAL INFORMATION: _____

SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF REGISTERED OWNER:_____DATE:_____

Village of Empress

FORM C

STOP ORDER/ ORDER OF COMPLIANCE

ORDER NO. _____

YOU ARE HEREBY NOTIFIED IN RESPECT OF THE DEVELOPMENT INVOLVING:

LOCATION OF DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

THAT THIS DEVELOPMENT IS NOT IN ACCORDANCE WITH:

The ***Municipal Government Act***, in respect to

The ***Land Use Bylaw***, in respect to

Development Permit No. _____, in respect to

THEREFORE, pursuant to the Land Use Bylaw and the ***Municipal Government Act***, you are hereby ordered to:

- ☐ Stop the Development
- ☐ Demolish/ remove/ replace the development
- ☐ Take the following measures

THIS ORDER SHALL BE COMPLIED WITH BY _____

Failure or refusal to comply with this Order may result in the Council of the Village of Empress or a person or persons appointed by it, entering upon the land or building and taking such action as is necessary to carry out the Order. In such circumstances, the Council shall cause the costs incurred to be placed on the tax roll, as an additional tax against the property concerned.

You may appeal this Order to the Subdivision and Development Appeal Board in accordance with the provisions of the Land Use Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to

reach the secretary of the Subdivision and Development Appeal Board at the Village Office within 14 days following the date of issue of this notice.

DATE OF ISSUE OF ORDER:_____

SIGNATURE OF THE DEVELOPMENT OFFICER:_____



FORM D
Land Use Bylaw/ Statutory Plan Amendment
Application Form

FOR OFFICE USE ONLY					
Date received:		File Number		Fee Paid:	
Date accepted as complete:		Receipt Number:			

OWNER AND APPLICANT INFORMATION

Name of Registered Owner : _____	
Phone: Home /Cell: _____	Address: _____
Work / Fax: _____	City: _____ Province _____
Email Address: _____	Postal Code _____
Name of Agent Authorized to Act On Behalf of Registered Owner : _____	
Phone: Home /Cell: _____	Address: _____
Work / Fax: _____	City: _____ Province _____
Email Address: _____	Postal Code _____

LEGAL LAND DESCRIPTION

Qtr / LSD	Sec.	Twp.	Rge.	Meridian	Lot:			
				W 4 th M	Block:		Plan:	
MUNICIPALITY								

LAND USE

Existing Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational
Proposed Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational

TO THE COUNCIL AND PALLISER REGIONAL MUNICIPAL SERVICES, PLEASE ACCEPT THIS APPLICATION TO:

Amend from _____ to _____

SIZE OF THE EXISTING PARCEL (S) _____

PROPOSAL: _____

I / WE SUBMIT THE FOLLOWING IN SUPPORT OF MY/OUR APPLICATION: _____

(Attach any additional information.)

I / We certify that the information given on this form and attachments hereto are full and complete and are to the best of my/our knowledge a true statement of the facts concerning this application, and I / we are the registered owner(s).

REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF

I _____ hereby certify that ☐ I am the registered owner, or
 (Print Full Name) ☐ I am the agent authorized to act on behalf of the registered owner
 and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address _____ (Signed) _____

Phone No. _____ Date _____

RIGHT OF ENTRY

I hereby authorize representatives of Palliser Regional Municipal Services and referral agencies to enter my land for the purpose of conducting a site inspection with respect to my subdivision application.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Registered Owner's Signature

Further information may be provided by the Applicant on the reverse of this form.

PURPOSE OF THE PROPOSED AMENDMENT (Attach a detailed sketch if related to a specific parcel of land)

In the space below please provide a detailed summary of the purpose of your amendment application. Then attach a detailed sketch that **must show the location, dimensions, and boundaries of the proposed amendment** in relation to the existing title. The sketch should also **show all buildings, structures and other improvements on the land**, and indicate if they are to remain or to be demolished; the location of any existing sewage disposal systems on the land, the location of any wells, and the location of other features such as shelter belts, railways, creeks or other water bodies, low land, other significant natural features, and any rights of way.

THE FOLLOWING SHOULD ACCOMPANY THIS APPLICATION

1. A photocopy of the title for the property.
 2. A non-refundable **application fee** made **payable to Palliser Regional Municipal Services**
-

THIS SECTION FOR OFFICIAL USE:

DECISION: Circulated (date) _____

Public Hearing (date)_____

1st Reading of Bylaw No._____**(date)** _____

2nd Reading of Bylaw No._____**(date)**_____

The reasons for this decision are stated in the attached memorandum

Signed: _____ **Date:** _____

(Authorized Officer of
Approving Authority)

Application #

Tax

Roll #

Date Received

FORM E

Village of Empress

APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

**I/We hereby appeal the decision, order or permit issued by the Subdivision/
Development Authority with regard to:**

APPLICATION NO. _____

Proposed Subdivision/ Development: _____

Reasons for Appeal: _____

Fee Submitted: _____

Signature _____

Date _____

FORM F

Village of Empress**NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING**

DEVELOPMENT PERMIT/ SUBDIVISION APPLICATION NO. _____

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD against a decision in respect of Development Permit/ Subdivision Application No. _____ which involves a development/ subdivision described as follows:

The decision of the Development Officer/Subdivision Authority was to:

APPROVE☐**APPROVE (with conditions)**☐**REFUSE**☐

the development permit/subdivision application, with the following conditions/for the following reasons:

A Public Hearing of the Subdivision and Development Appeal Board has been scheduled, at which point the Board will hear arguments both for and against the above noted appeal.

PLACE OF HEARING: _____**TIME OF HEARING:** _____**DATE OF HEARING:** _____

Any person affected by the proposed development/subdivision has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons submitting the written briefs to the Secretary of the Subdivision and Development Appeal Board shall do so not later than _____.

FORM G

Village of Empress
For Office Use
NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT

APPLICATION NO.: _____

APPLICANT INFORMATION:

NAME: _____ PHONE NO: _____

ADDRESS: _____

LOCATION OF PROPOSED DEVELOPMENT:

CIVIC ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Reg. Plan No. _____

All / Part of the _____ 1/4 Section _____ Twp. _____ Range _____ West of 4th Meridian.

The Development as specified in Application No. _____ has been:

☐

APPROVED

☐

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Applicant to obtain Building Permit & Inspections from Palliser Regional Municipal Services

☐

Municipal setback to be maintained as follows:

_____ Feet from the boundary of the municipal road

_____ Feet from the front boundaries

_____ Feet from the side lot boundaries

_____ Feet from the rear boundaries

☐

Application to obtain Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services

☐

Application to obtain Approved Electrical Permit & Inspection from Palliser Regional Municipal Services.

☐

Application to obtain Approved Gas or Propane hook-up Permit & Inspection from Palliser Regional Municipal Services.

☐

Other: _____

☐

REFUSED FOR THE FOLLOWING REASON(S):

Date of Decision

Development Officer

Notice of Decision issued on the _____ **day of** _____, _____.

NOTE: A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements. If an appeal is lodged pursuant to the Municipal Government Act, a permit does not take effect until the Subdivision and Development Appeal Board has determined the appeal.

APPEAL PROCEDURE:

An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Empress Subdivision and Development Appeal Board within fourteen (14) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements.

FORM H**Village of Empress****NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

APPLICATION/SUBDIVISION NO.: _____

This is to notify you that an appeal against the

APPROVAL☐**APPROVAL WITH CONDITIONS**☐**REFUSAL**☐

of a development permit/subdivision application with regard to the following:

was considered by the Subdivision and Development Appeal Board on _____, and the decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

FINDINGS OF FACT:**DECISION:****REASONS:**

 Date

 Signature of Secretary of Subdivision
and Development Appeal Board
NOTE:

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons and is subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a Judge of the Court of Appeal, and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

FORM I

Village of Empress

TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT

Memorandum of AGREEMENT made in duplicate this _____ day of _____, 20____.

BETWEEN:

The Village of Empress

(hereinafter referred to as "the Village")

OF THE FIRST PART

-- and --

(hereinafter referred to as "the Developer")

OF THE SECOND PART

WHEREAS, the Developer wishes to develop those lands shown on the Application for a Development Permit Form A, Number _____, and dated _____ day of _____, 20____.

AND WHEREAS, the developer wishes to extend the time period for processing the development application beyond the normal 40 day period.

AND WHEREAS, the Village has received Form A and agrees to extend the time period for processing the development application as stipulated in the Municipal Government Act.

NOW THEREFORE THIS AGREEMENT WITNESSES AND THE PARTIES AGREE AS FOLLOWS:

The time period to process the development permit application is extended up to and including the _____ day of _____, 20____.

IN WITNESS WHEREOF, the Developer and the Village have caused to be hereto affixed their respective Corporate Seals or signatures, the day and year first written above.

Village of Empress

Development Officer

Applicant for Development Permit

Village of Empress APPLICATION FOR DEMOLITION PERMIT

FORM J

1. REGISTERED LANDOWNER INFORMATION

Name(s): _____ (Please Print)

Address: _____ Postal Code: _____

Telephone: (Res.): _____ Work: _____ Cell: _____

APPLICANT OR PERSON AUTHORIZED TO ACT ON BEHALF OF THE REGISTERED OWNER

(If different than Registered Owner):

Name: _____ (Please Print)

Address: _____ Postal Code: _____

Telephone: (Res.) _____ Work: _____ Cell: _____

I hereby certify that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for development approval.

Signature of Registered Owner(s) (Required)

Signature of Person acting on Behalf of
Registered Owner(s)

Date of Application

2. LEGAL LAND DESCRIPTION

Plan: _____ Block _____ Lot _____

Civic Address of Proposed Demolition: _____

Existing Use: _____ Land Use District (Zoning): _____

Parcel Type (Check one) ☐ Interior Lot ☐ Corner Lot Parcel Area: _____**3. GENERAL DETAILS**

a) Description of structure(s) to be demolished _____

b) Demolition materials removed to: ☐ Transfer Station ☐ Other (Please specify) _____

c) Estimated Cost of Project or Contract Price _____

d) Estimated Commencement Date: _____ Completion on or before: _____

f) Contractor Address: _____ Postal Code: _____

4. ALBERTA BUILDING CODE GENERAL REQUIREMENTS FOR DEMOLITION:

1. Article 8.2.2.9: Services shall be shut off and gas and fuel lines shall be capped in a building being demolished.

2. Article 8.2.3.4: Portable fire extinguishers shall be installed and maintained in conformance with the requirements of NFPA

10 'Standard for Portable Fire Extinguishers'. The minimum rating for this site is a 2A: 10-B:C on the truck.

3. Article 8.2.72: Waste material shall be removed as quickly as possible from the site by means of an appropriate container.

4. Article 8.1.2.2: Where a building is undergoing demolition, precautions shall be taken to ensure that no person is exposed to undue risk. If basement is not in -filled excavation must be protected with a six foot chain link enclosure

I agree to carry out this demolition work in conformance to all Village of Empress By-Laws and the Alberta Building Code. Permission to do this work shall not relieve owners or agents from full responsibility for carrying out the work in strict accordance with the Village of Empress By-Laws, the Alberta Building Code and other conditions of this permit.

Authorized Signature: _____

- Please see reverse -

PLEASE NOTE: It is the responsibility of the APPLICANT/CONTRACTOR to ensure that all meters and services connected have been removed before demolition begins. Failure to do so could result in penalties being levied as per the Village of Empress Land Use Bylaw.

A final inspection must be completed upon completion of the demolition. Please contact Palliser Regional Municipal Services to arrange for an inspection.